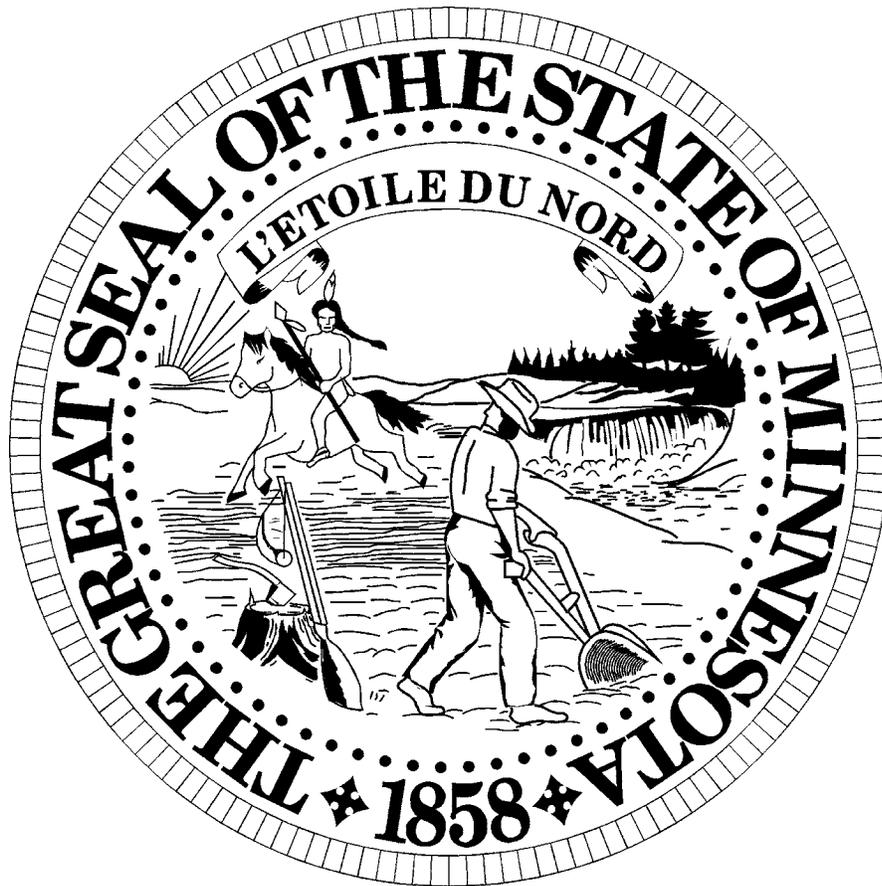


Minnesota State Register

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**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;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 30 December 2019
Volume 44, Number 27
Pages 721 - 780**

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- Withdrawn Rules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. 44 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)
# 28	Monday 6 January	Noon Tuesday 31 December	Noon Thursday 26 December
# 29	Monday 13 January	Noon Tuesday 7 January	Noon Thursday 2 January
# 30	Tuesday 21 January	Noon Tuesday 14 January	Noon Thursday 9 January
# 31	Monday 27 January	Noon Tuesday 21 January	Noon Thursday 16 January

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Federal Register

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U.S. Government Printing Office – Fax: (202) 512-1262
<https://www.federalregister.gov/>

Minnesota Rules: Amendments and Additions724	Minnesota Pollution Control Agency (MPCA)
	Watershed Division
	Notice of Availability of the Draft Upper Iowa and Mississippi River-Reno (07060002: Upper Iowa River and 07060001: Mississippi River – Reno) Watershed Restoration and Protection Strategy (WRAPS) and Total Maximum Daily Load (TMDL) Reports and Request for Comment 775
	Minnesota Department of Transportation (MnDOT)
	Notice of Public Meeting for the Disposition of Railbank Property in Stearns County.. 775
	State Grants & Loans
	Department of Human Services
	Disability Services Division
	Notice of Request for Proposals to Expand Supports that are Alternatives to Corporate Foster Care for Persons with Disabilities..... 776
	State Contracts
	Department of Administration
	MMCAP Infuse
	Notice of Request for Proposals for Pharmacy Supplies and Automation 777
	Minnesota State Colleges and Universities (Minnesota State)
	Non-Construction Related Bid and Contracting Opportunities 777
	Bemidji State University
	Notice of Request for Proposal (RFP) for Printing and Mailing Preparation for Commemorative Edition of Bemidji State Magazine 778
	Notice of Request for Proposal (RFP) for Printing and Mailing Preparation of Bemidji State Magazine..... 778
	St. Cloud State University
	Notice of Request for Proposals (RFP) for Predesign Services for Education Building Replacement..... 779
	Winona State University
	Request for Proposals for Faculty-led Paris Travel Study Program 779
	Minnesota Department of Transportation (MnDOT)
	Engineering Services Division
	Notices Regarding Professional/Technical (P/T) Contracting..... 780
Proposed Rules	
Minnesota Racing Commission	
Proposed Permanent Rules Relating to Horse Racing; Medical Services; Licensure;	
Notice of Intent to Adopt Rules Without a Public Hearing 725	
Proposed Permanent Rules Relating to Horse Racing; Medication; Notice of Intent to Adopt Rules without a Public Hearing 741	
Exempt Rules	
Department of Revenue	
Adopted Exempt Permanent Rules Relating to Determination of Fee for Mixed Municipal Solid Waste Facilities; Order Adopting Amendment of Rules..... 760	
Adopted Rules	
Board of Accountancy	
Adopted Permanent Rules Relating to Accountants Examinations and Repealing Obsolete Rules 763	
Department of Labor and Industry	
Adopted Permanent Rules Adopting Changes to the Commercial Energy Code 763	
Adopted Permanent Rules Adopting Changes to the International Residential Code 764	
Commissioner’s Orders	
Department of Natural Resources	
Commissioner’s Order 19-02: Designation of Wildlife Management Areas (WMAs) ... 767	
Official Notices	
Minnesota Department of Agriculture	
Division of Pesticide and Fertilizer Management	
Request for Comments on Revising Pesticide Management Plan 773	
Department of Human Services (DHS)	
Health Care Administration	
Public Notice Regarding Changes to Payment Rates and Methodologies, and Services under the Medical Assistance Program..... 774	

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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 #1-26 inclusive (issue #26 cumulative for issues #1-26); issues #27-52 inclusive (issue #52, cumulative for issues #27-52 or #53 in some years). A subject matter index is updated weekly and is available upon request from the editor. 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 44 - Minnesota Rules

(Rules Appearing in Vol. 44 Issues #1-26 are
in Vol. 44, #26 - Monday 23 December 2019)

Volume 44, #27

Monday 30 December -

Board of Accountancy	
1105.1100; .1800; .2000; .3700; .4000 (adopted).....	763
Department of Labor and Industry	
1323.0402 (adopted).....	763
1309.0303; .0310; .0602 (adopted).....	764
Racing Commission	
7870; 7877; 7879; 7897 (proposed).....	725
7869; 7876; 7877; 7883; 7884; 7890; 7891; 7892; 7897 (proposed).....	741
Department of Revenue	
8121.0300; .0400; .0500 (adopted exempt).....	760

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; Medical Services; Licensure; Notice of Intent to Adopt Rules Without a Public Hearing

Proposed Repeal of Rules Governing Horse Racing:

Minnesota Rules part 7877.0120 Fees, subpart 2, Fingerprinting and licensing reciprocity; and part 7877.0160 Duration and Extent of Class C Licenses, subpart 2 Extent, subpart 3, Change of employees and subpart 4, Renewal.

Proposed Amendments to Rules Governing Horse Racing:

Minnesota Rules, Part 7870.0480 Medical Services; 7877.0110 Procedure for Obtaining Class C License; 7877.0120 Fees; 7877.0125 Criteria for Determining Eligibility; 7877.0130 Standards Required of Applicants for Specific Licenses; 7877.0135 Dual Licensing; 7877.0140 Temporary License; 7877.0145 Emergency License; 7877.0150 Replacement License; 7877.0155 Conditions Precedent to Licensing; 7877.0160 Duration and Extent of Class C Licenses; 7877.0170 Duties and Responsibilities of Class C Licensees; 7877.0175 Duties and Responsibilities of Racing Officials; 7879.0100 Qualifications and Appointment of Stewards; 7879.0200 Authority and Duties of Stewards; 7897.0190 Contested Case Hearings

Proposed Rules

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. January 31, 2020**.

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:

Stephanie Jenson
Minnesota Racing Commission
15201 Zurich Street, Suite 212
Columbus, MN 55025

Phone 651-925-3955
FAX 651-925-3953
E-mail stephanie.jenson@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 some obsolete, unnecessary and duplicative rules as 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. There are several purely technical amendments.

New rule language will require racetracks to adopt and enforce protocols for managing concussions. The occupational licensing process will be updated. Racehorse owners will have new licensing options. Additional amendments will identify specific types of racing or gaming-related vendors and will establish license fees for these vendors of up to \$2500 annually.

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.

Following is a detailed summary of the proposed rules:

7870.0480 MEDICAL SERVICES.

The commission is proposing to adopt a new industry model rule requiring racetracks to implement a concussion protocol for jockeys and drivers.

7877.0110 PROCEDURE FOR OBTAINING A CLASS C LICENSE

The license application process is updated. Separate requirements are now tailored to apply to individuals versus corporate or other non-individual applicants. We are also joining 24 other racing states in recognizing multi-jurisdictional licensing for horse owners.

7877.0120 FEES

Certain license classes are listed as having no annual license fee. Annual license fees of up to \$2500 are established for racing or gaming-related vendors as required by law. Obsolete language is deleted.

7877.0125 CRITERIA FOR DETERMINING ELIGIBILITY

Non-substantive amendments clarify that racing applicants and licensees must comply with other state and federal laws.

7877.0130 STANDARDS REQUIRED OF APPLICANTS FOR SPECIFIC LICENSES

Some requirements are clarified and simplified. Vendor licensing is updated. Several classes of vendors will be specifically exempt from licensing. Specific types of racing or gaming-related vendors are identified, and separate categories are created for large and small racing or gaming-related vendors.

7877.0135 DUAL LICENSING

A slight clarification is made to the rule language.

7877.0140 TEMPORARY LICENSE

Temporary licensing requirements are simplified. New language specifies when a temporary license expires and when the corresponding identification badge must be surrendered to the commission.

7877.0145 EMERGENCY LICENSE

Requirements for racing officials are updated. Obsolete language is repealed and some non-substantive clarifications are made. New language provides that purse money may be redistributed if an owner racing on an emergency license does not submit a complete license application within 21 days.

7877.0150 REPLACEMENT LICENSE

This rule part is updated to substitute the word “badge” for license.

7877.0155 CONDITIONS PRECEDENT TO LICENSING

Non-substantive edits are made for clarification and to specify that, in the course of conducting an authorized search, the commission may seize any items reasonably suspected to be prohibited.

7877.0160 DURATION AND EXTENT OF CLASS C LICENSES

Obsolete language is repealed. New amendments will allow three-year licenses for horse owners.

7877.0170 DUTIES AND RESPONSIBILITIES OF CLASS C LICENSEES

Several non-substantive edits are made to correct spelling and grammar. Obsolete language is repealed. New language is added requiring jockeys and drivers to comply with racetrack concussion protocols.

7877.0175 DUTIES AND RESPONSIBILITIES OF RACING OFFICIALS

Several non-substantive technical updates are made. New language will specify how long the starter must keep records. A minor amendment will permit harness horses to be identified by microchips or digital tattoos.

7879.0100 QUALIFICATIONS AND APPOINTMENT OF STEWARDS

The qualifications to be a racing steward are greatly simplified.

Proposed Rules

7879.0200 AUTHORITY AND DUTIES OF STEWARDS

The stewards' duties are slightly updated to reflect current practice. The stewards' duties will now specifically include notifying the mutuels manager of horses that are scratched.

7897.0190 CONTESTED CASE HEARINGS

Rule language is updated to conform to Minnesota Statutes, sections 240.08 and 240.22 as amended in 2019.

Statutory Authority. The statutory authority to adopt these rules is found in *Minnesota Statutes*, sections 240.10, 240.23 and 240.24.

Comments. You have **until 4:30 p.m. on January 31, 2020**, 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 January 31, 2020**. 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 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

Proposed Rules

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 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: December 23, 2019

Thomas DiPasquale
Executive Director

7870.0480 MEDICAL SERVICES.

Subpart 1. Medical facilities, equipment, and personnel. A licensed racetrack facility must provide at least, the following medical facilities, equipment, and personnel:

- A. a fully equipped first aid room with at least two beds;
- B. a licensed physician or paramedic, who has been trained in assessing concussions, on the grounds during live racing hours; and
- C. an emergency response team of not less than two emergency medical technicians must be on the grounds and equipped with essential emergency equipment during qualifying and live racing, training, or horse exercising hours.

Subp. 2. Concussion protocol. Beginning April 1, 2021, a licensed racetrack shall adopt, publicly post, and implement a written protocol for the management of concussions in jockeys and drivers. The protocol and any subsequent amendments must be approved by the commission. Before a jockey or driver races at a licensed racetrack, the licensed racetrack shall obtain a written acknowledgment from the jockey or driver that the jockey or driver has been made aware of the requirements of the concussion protocol. At a minimum, the concussion protocol shall contain the following elements:

- A. each jockey or driver must provide the licensed racetrack with documentation of having completed a valid Sport Concussion Assessment Tool prior to racing at the licensed racetrack;
- B. the licensed racetrack shall establish and enforce guidelines requiring a jockey or driver who has suffered a concussion, or suspected concussion, to be cleared by a qualified medical professional before returning to racing; and
- C. the licensed racetrack shall ensure that the stewards are notified in writing when a jockey or driver is not permitted to ride and when a jockey or driver has been cleared to resume riding.

For purposes of this subpart, the term “jockey” includes a jockey and an apprentice jockey.

7877.0110 PROCEDURE FOR OBTAINING CLASS C LICENSE.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. Individual application content. An application from an individual for a Class C license must include the following information with respect to the applicant:

- A. date of birth;
- B. Social Security number, Social Insurance Number, or other foreign equivalent;
- C. home address where the commission may send official notices related to the application and license;

Proposed Rules

D. ~~home~~ telephone number where the commission may contact the applicant regarding the application or license;

E. ~~names~~ name and ~~addresses~~ address of ~~previous employers~~ current or most recent employer;

F. a signed statement authorizing the release of information to the commission and the Alcohol and Gambling Enforcement Division; ~~and~~

G. if the applicant is 18 through 70 years of age ~~and has not provided the commission with fingerprints in the last five years, a completed FBI fingerprint card; or written authorization to obtain classifiable fingerprints taken by another licensing or law enforcement agency; and~~

H. ~~any other information the commission reasonably deems necessary to evaluate the licensing criteria listed in part 7877.0100, subpart 2.~~

Subp. 2a. **Nonindividual application content.** An application for a Class C license from a corporation, partnership, or other nonindividual entity must include:

A. ~~the name and address of the applicant, including a physical address and website or e-mail address;~~

B. ~~the name, title, and contact information of an individual authorized to communicate with the commission on matters relating to the application and license;~~

C. ~~details of the applicant's corporate structure and organization, if applicable;~~

D. ~~the tax identification number of the applicant;~~

E. ~~the names, addresses, dates of birth, and Social Security numbers of all key employees and beneficial owners;~~

F. ~~a completed FBI fingerprint card or written authorization to obtain classifiable fingerprints taken by another licensing or law enforcement agency from each key employee and beneficial owner who is age 18 through 70 and has not provided the commission with fingerprints in the last five years;~~

G. ~~a list of licenses held by the applicant with other racing or gaming jurisdictions;~~

H. ~~a list of all criminal, civil, and regulatory actions involving the applicant and any key employee or beneficial owner of the applicant;~~

I. ~~details of licenses that have been denied, suspended, or revoked in any racing or gaming jurisdiction, including all licenses where any key employee or beneficial owner of the applicant was a key employee or beneficial owner of the entity whose license was denied, suspended, or revoked;~~

J. ~~copies of all contracts with Class A or B license holders;~~

K. ~~consent to submit to the jurisdiction of Minnesota state courts and agencies in any action relating to the subject matter of the license, application, or business with a Class A or B license holder; and~~

L. ~~any other information the commission reasonably deems necessary to evaluate the licensing criteria listed in part 7877.0100, subpart 2.~~

Subp. 3. **Application submission.** An application shall not be considered filed until the application form has been filled out completely, ~~and all information requested by the commission has been supplied, and the license fee as been paid.~~ Knowingly providing the commission with false or misleading information shall be grounds for denial of the application.

Proposed Rules

Subp. 3a. **Racing Commissioners International Multi-Jurisdictional Licensing Program Application accepted.** In lieu of submitting an application on forms provided by the commission, an individual applicant for a Class C owner's license may submit a signed and dated copy of the Racing Commissioners International Multi-Jurisdictional Licensing Program application, the application fee listed in part 7877.0120, and a supplemental affidavit on a form prescribed by the commission. All requirements listed in subpart 2 apply to such applicants.

Subp. 3b. **National Racing Compact license accepted for single owners.** An individual applicant for a Class C owner's license may apply through the National Racing Compact, pay the fee listed in part 7877.0120, and submit a supplemental affidavit on a form prescribed by the commission. An individual licensed by the National Racing Compact whose license is in good standing in each jurisdiction where the individual has held a racing license will be granted a single owner's license upon submission of the required license fee and supplemental affidavit.

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 Minnesota Rules]

V. any other official as designated by the commission. The list of racing officials' names shall be submitted to the 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, including a personal resume, 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 begin working in that capacity unless the person has provided the commission with documentation of having satisfactorily passed an optical examination within 90 days prior to approval evidencing beginning work. The documentation must show that the person has at least 20-20 vision (corrected) and the ability to distinguish colors.

7877.0120 FEES.

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

A. bloodstock agent, \$100;

B. concessionaire/vendor, \$100;

[For text of items C to M, see Minnesota Rules]

N. owner, ~~individual~~ single, one-year, \$50; three-year, \$150;

O. owner, multiple, corporate, partnership, or stable, one-year, \$50; three-year, \$150;

[For text of items P to AA, see Minnesota Rules]

BB. owner/trainer/driver, \$100; ~~and~~

Proposed Rules

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

DD. advisory committee member, no charge;

EE. large racing or gaming-related vendor, \$2,500;

FF. small racing or gaming-related vendor, \$1,000;

GG. tip sheet provider, \$100; and

HH. commission staff or contractor, no charge.

Subp. 2. [See repealer.]

[For text of subparts 3 and 4, see Minnesota Rules]

7877.0125 CRITERIA FOR DETERMINING ELIGIBILITY.

[For text of subparts 1 and 2, see Minnesota Rules]

Subp. 3. **Compliance with laws.** An applicant for a Class C license shall certify that ~~he or she~~ the applicant is and shall remain in compliance with all applicable federal and state laws and rules including; but not limited to laws and rules relating to immigration, discrimination, racing, tax, affirmative action, the ADA, and workers' compensation.

7877.0130 STANDARDS REQUIRED OF APPLICANTS FOR SPECIFIC LICENSES.

Subpart 1. **Individual Single owners.** An applicant for ~~an individual~~ a single owner's license must own, lease, or be a lessor of a horse eligible to race in Minnesota which is registered with the racing secretary and under the care of a trainer licensed by the commission.

If younger than 18 years of age, an applicant for ~~an individual~~ a single owner's license must submit a notarized affidavit from his or her parent or legal guardian stating that the parent or legal guardian assumes responsibility for the applicant's financial, contractual, and other obligations relating to the applicant's participation in racing. A parent or legal guardian submitting such an affidavit also shall submit information required in part 7877.0110, subpart 2, and must meet the criteria for licensure set forth in part 7877.0100, subpart 2, and Minnesota Statutes, section 240.08. If the commission has reason to doubt the financial responsibility of an applicant for ~~an individual~~ a single owner's license, the applicant shall complete a verified financial statement.

Subp. 2. **Multiple owners.** Applicants for a multiple owner's license must comply with subpart 1 and the following requirements.

A. ~~A legally formed corporation, general partnership, limited partnership, or trust, or any combination of two or more individuals; except spouses, which owns or leases a horse eligible to race in Minnesota (hereinafter referred to as "multiple owner")~~ must obtain a Class C multiple owner license issued by the commission.

[For text of items B to D, see Minnesota Rules]

E. ~~A corporation~~ multiple owner must file with the commission, at the time of application for a Class C license, ~~a copy of its articles of incorporation and a notarized statement signed by its chief executive officer~~ one or more individuals agreeing to represent the entire ownership and be responsible for the ~~corporation's~~ multiple owner's horses and all racing matters.

F. ~~A general partnership shall file with the commission, at the time of its application for a Class C license, a copy of the partnership agreement and a notarized agreement signed by all the partners designating a partner to represent the entire ownership and be responsible for the partnership's horses and all racing matters.~~

Proposed Rules

G. A limited partnership shall file with the commission, at the time of its application for a Class C license, a copy of the partnership agreement and a notarized designation of a general partner to represent the entire ownership and be responsible for the partnership's horses and all racing matters.

H. F. A stable is defined as any ownership operating under a name other than their own name and must be registered with the commission by filing an application on a form prescribed by the commission. No person may use the real name of another owner of race horses as a stable name. A stable name which has already been registered may not be registered by another owner. The granting of a stable name registration by the commission shall not relieve any person from the obligation to file or register a fictitious name as provided by the laws of Minnesota. The registration of a stable name must reflect all actual ownership interests. The stable name and the name of the owner shall be published in the program. If the stable name consists of more than one person, the program shall list the name of the managing owner along with the phrase "et al."

Subp. 3. **Trainers and assistant trainers.** Applicants for a trainer's or assistant trainer's license must comply with the following requirements.

[For text of item A, see Minnesota Rules]

B. Any person applying for the first time in Minnesota for a trainer's or assistant trainer's license shall submit to the examination required of prospective trainers and assistant trainers under subpart 4, items B and C, unless the applicant has been licensed as a trainer or assistant trainer in another racing jurisdiction for at least the two preceding years, and meets the criteria in part 7877.0100, subpart 2.

[For text of item C, see Minnesota Rules]

D. An applicant for a trainer's license shall ~~provide proof of having complied~~ comply with the workers' compensation laws and maintain all applicable policies and requirements with under Minnesota Statutes, chapter 176, and all pertinent rules adopted thereunder. The Minnesota Racing Commission shall be named as a certificate holder with the insurance company providing the workers' compensation coverage. The commission, as a certificate holder, must be notified of any changes in the policy within a reasonable time, not to exceed 30 days from the date of the policy change at the same time as the policy holder or by the earliest date permitted under the policy and applicable law.

[For text of subparts 4 to 6, see Minnesota Rules]

Subp. 7. **Exercise rider.** An applicant for an exercise rider's license must have been licensed as an exercise rider by the commission or by another racing jurisdiction. If unable to meet this requirement, an applicant shall demonstrate to the stewards, or their designee, the ability to ride a galloping race horse. A person licensed as an exercise rider is eligible to be licensed as a pony rider.

[For text of subparts 8 to 15, see Minnesota Rules]

Subp. 16. **Concessionaire or vendor.** Notwithstanding part 7877.0100, subpart 1, ~~any person or entity that sells or distributes products or provides services at a Class A or D facility outside of the time of a live race meeting for fewer than four consecutive days, or less than a total of 11 days in a calendar year, and which products or services are sold or distributed in a restricted area or are necessary for the running of a horse race, does not need to be licensed.~~ The director of pari-mutuel racing shall request the director of the Division of Alcohol and Gambling Enforcement to investigate the background, financial responsibility, security, and integrity of any person or entity providing such products or services to a licensed racetrack. the following vendors, and their employees or representatives, do not need a license from the commission:

A. providers of professional services that are currently licensed in good standing by the state, including but not limited to accountants, attorneys, insurance companies, construction companies, private investigators, medical professionals, and caterers;

B. state or local government agencies;

C. the Minnesota Lottery;

Proposed Rules

D. entertainers and entertainment promoters;

E. nonprofit organizations and their volunteers; and

F. any vendor, other than a racing or gaming-related vendor as defined in subpart 17:

(1) that sells or distributes products or provides services at a Class A or D licensed facility outside of the time of a live race meeting for fewer than four consecutive days or less than a total of 11 days in a calendar year; and

(2) whose products or services are not sold or distributed in a restricted area of a licensed racetrack.

Subp. 17. Racing or gaming-related vendors.

A. Any person meeting the definition of Minnesota Statutes, section 240.01, subdivision 18a, must be licensed as a racing or gaming-related vendor. This includes all vendors who sell, provide, distribute, repair, or maintain the following:

(1) totalizator equipment and services;

(2) satellite equipment and services;

(3) security and surveillance equipment and services;

(4) teletimer equipment and services;

(5) tip sheets;

(6) electronic game tables and game systems;

(7) card tables and their components;

(8) licensed card games;

(9) chips, cards, shufflers, and related services and supplies;

(10) photo and video equipment, services, and supplies;

(11) pari-mutuel wagering machines, systems, and tickets;

(12) chart caller services; and

(13) any other goods or services that the commission reasonably determines are directly related to the running of a horse race, simulcasting, pari-mutuel betting, or card playing. In making any such determination, the commission shall consider whether the goods or services:

(a) are designed for use in the conduct of horse racing or card playing;

(b) will be used to conduct racing, gaming, or related functions;

(c) have the capacity to affect the outcome of a horse race or card game;

(d) have the capacity to affect the calculation, storage, collection, or control of gross receipts or payouts; or

(e) may materially impact the operation, security, surveillance, regulation, or management of horse racing or card playing.

Proposed Rules

B. “Small racing or gaming-related vendor” means a racing or gaming-related vendor, other than a tip sheet provider, that does not collect more than \$50,000 in gross receipts from all business transacted with, or on the premises of, all Class A or B license holders combined during a calendar year in which it is licensed.

C. “Large racing or gaming-related vendor” means a racing or gaming-related vendor that collects more than \$50,000 in gross receipts from all business transacted with, or on the premises of, all Class A or B license holders combined during a calendar year in which it is licensed.

D. In addition to the information required by part 7877.0110, at the time of application for a Class C license, and at any other time upon request of the commission, a racing or gaming-related vendor shall provide the commission with a report detailing its monthly gross receipts from all business transacted with, or on the premises of, all Class A and B license holders during the most recent calendar year.

7877.0135 DUAL LICENSING.

In determining whether to issue more than one Class C license to an applicant, the commission shall consider the nature of the licenses sought ~~or~~ and already held, and whether holding multiple licenses would be a conflict of interest.

[For text of items A to E, see Minnesota Rules]

7877.0140 TEMPORARY LICENSE.

Subpart 1. **Issuance.** Pending completion of an investigation of qualifications and fitness, and a decision by the commission to issue or deny a Class C license, the commission may grant a temporary license and badge to a person who has filed a complete and sufficient application for a Class C license and paid all applicable fees, which are nonrefundable. A temporary license must be granted if:

A. the applicant desires to act in a capacity for which a Class C license is required prior to the time the commission will make a decision on his or her application; and

~~B. the applicant, in the exercise of reasonable care and diligence, could not have made application in time for the commission to make its decision before the applicant desires to commence the activity; and~~

~~C. B.~~ the commission does not have reason to believe that the applicant is ineligible for the Class C license he or she seeks.

Subp. 2. **Termination.** A temporary license shall carry no presumption of qualifications or fitness and may be terminated summarily by the commission for cause.

A temporary license shall terminate upon a decision of the commission to issue or deny a Class C license, upon voluntary withdrawal of the application for a Class C license, or 120 60 days after the grant of the temporary license, whichever occurs first. An individual whose license is denied or who withdraws their application for a Class C license shall immediately surrender their badge to the commission.

7877.0145 EMERGENCY LICENSE.

Subpart 1. **Racing officials.** If a racing official approved by the commission becomes incapacitated or is unable to perform his or her duties, the stewards may approve an emergency license. The approval shall be based on the standards in part 7877.0175, and must be reported to the commission for consideration at the next commission meeting. If the emergency licensee has not previously been considered by the commission, the association shall be responsible for immediately submitting a completed license application and personal resume to the commission.

Subp. 2. **Owners.** If an owner is unable to complete an application for an owner’s license because of absence or illness, the licensed trainer desiring to enter a horse in a race shall be permitted to apply for an emergency owner’s license

Proposed Rules

on behalf of the absent owner.

The trainer applying for an emergency owner's license on behalf of an absent owner must submit a notarized affidavit with the license application specifying the reasons the owner is unable to complete the application:

The trainer must, at the time of submission for an emergency owner's license, provide at least the following information: the owner's full name, home or business address, telephone number, and Social Security number, Social Insurance Number, tax identification number, or foreign equivalent. At the time of application, the appropriate licensing fee must be paid to the commission. Failure to provide all of the foregoing information is grounds for denial of an emergency owner's license. An emergency owner's license shall expire 21 days from the date it is issued.

~~Within 21 days of the issuance~~ Prior to the expiration of the emergency owner's license, the owner must submit a properly completed owner's application, ~~fingerprint card, and fingerprint fee as required by parts 7877.0110 and 7877.0130~~. Failure to ~~provide the foregoing information do so~~ is grounds for ~~suspension of the emergency owner's license~~ forfeiture of any purse money won by the owner when racing under the emergency license. In addition, if the required information is not submitted due to an act or omission on the part of the trainer, the trainer may also be subject to disciplinary action.

7877.0150 ~~REPLACEMENT LICENSE~~ BADGE.

A person whose ~~license (ID badge)~~ is lost, destroyed, or mutilated must request issuance of a replacement ~~license badge~~ and pay a fee of \$25.

7877.0155 ~~CONDITIONS PRECEDENT TO LICENSING~~.

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

- A. The licensee ~~will abide~~ is responsible for knowing and abiding by applicable laws and commission rules.

[For text of items B and C, see Minnesota Rules]

D. The licensee will notify the stewards or the commission immediately about any bribe, attempted bribe, cheating, or any violation of a statute or rule relating to horse racing or gambling of which he or she has knowledge.

E. The licensee will submit to inspections and searches, and to the seizure of any items reasonably suspected to be prohibited by law or the commission's rules, as hereinafter provided:

(1) When investigating for violations of law or rules upon the grounds of an association, the commission or the stewards may designate the Minnesota Department of Public Safety, Alcohol and Gambling Enforcement Division or another appropriate law enforcement agency as having authority to conduct searches of any Class C licensee, or any employee or agent of a Class A, B, or D licensee under the commission's jurisdiction. This authority shall extend to searches, seizures, and inspections of persons and personal effects in and about grounds.

(2) Each applicant for a Class C license and each employee or agent of a Class A, B, or D licensee consents to such searches, seizures, and inspections, and waives all claims or possible actions for damages that he or she believes he or she may have suffered in connection with any such search, seizure, or inspection.

[For text of items F to H, see Minnesota Rules]

7877.0160 ~~DURATION AND EXTENT OF CLASS C LICENSES~~.

Subpart 1. **Duration.** Except as otherwise provided in this subpart, a Class C license other than a temporary or emergency license shall expire at midnight on December 31 of the calendar year after its issuance for which it was issued. A license to conduct advance deposit wagering issued after October 15 of any calendar year shall expire on December 31 of the following calendar year. A three-year owner license shall expire at midnight on December 31 of the second calendar year after the calendar year for which it was issued.

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

Subp. 4. [See repealer.]

7877.0170 DUTIES AND RESPONSIBILITIES OF CLASS C LICENSEES.

Subpart 1. **Owners.** Horse owners shall have the responsibilities in items A to E.

[For text of items A and B, see Minnesota Rules]

C. Owners shall comply with rules of claiming as specified in chapter 7883 and 7884.

D. An owner of a thoroughbred, quarter horse, Arabian, or other breed is responsible for the registration of colors and for their availability to, and use by, the jockey engaged to ride the owner's horse.

E. Upon receipt of a positive lab report, an owner is subject to part penalties provided in parts 7869.0200 and 7892.0150.

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

A. A trainer shall keep in the trainer's charge or under the trainer's supervision at the licensed racetrack horses owned or leased only by owners or lessees who are licensed by the commission.

[For text of items B to M, see Minnesota Rules]

N. A trainer is responsible for notifying the racing secretary of any circumstances that would necessitate changing a horse's registration or eligibility papers. This includes notifying the racing secretary when a horse is pregnant or is "nerved" pursuant to part 7897.0100, subpart 11, and immediately reporting the alteration of the sex of a horse to the horse identifier, racing secretary, and commission veterinarian.

[For text of items O to Q, see Minnesota Rules]

R. If a trainer must be absent because of illness or any other cause, the trainer shall appoint another licensed trainer or assistant trainer to fulfill the absent trainer's duties, and promptly report the appointment to the stewards. The absent trainer and substitute trainer will have joint responsibility for the condition of the horses normally trained by the absent trainer.

[For text of items S to V, see Minnesota Rules]

[For text of subpart 2a, see Minnesota Rules]

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

[For text of items A to K, see Minnesota Rules]

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.

(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 Jockeys' Guild;

[For text of units (b) to (d), see Minnesota Rules]

[For text of subitem (2), see Minnesota Rules]

[For text of items M to U, see Minnesota Rules]

Proposed Rules

~~V.~~ Whenever a jockey from a foreign country, excluding Mexico or Canada, rides in Minnesota, the jockey must present a declaration sheet stating that the jockey is a holder of a valid license and not under suspension, and that the jockey agrees to be bound by the commission's rules. This sheet shall be retained by the clerk of scales and, at the conclusion of the jockey's participation in racing, shall be returned to the jockey properly endorsed by the clerk of scales stating whether or not the jockey incurred any penalty or had a fall.

~~W.~~ V. No jockey shall willfully or purposely touch, strike, or jostle another jockey or horse, either with hands or riding crop, from the time they leave the paddock until after dismounting from a race.

~~X.~~ W. 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.

X. Beginning April 1, 2021, jockeys and apprentice jockeys shall comply with the concussion protocol in place at the licensed racetrack.

Subp. 4. **Drivers.** In every race a driver shall drive so as to win or to finish as near as possible to first. The driver shall not ease a horse without adequate cause, even if the horse has no apparent chance to earn a portion of the purse.

Each driver shall make a best effort to control and guide the horse in such a way so as not to endanger other drivers or horses, and so as not to cause a foul.

A driver shall fulfill a commitment to drive, unless excused by the stewards. A driver unable to fulfill a commitment because of illness or injury must pass a physical examination before resuming race driving.

Each driver shall wear the traditional driver's costume in any pre-race warm-up, post parade, race, or time trial. The costume shall consist of racing colors, white pants, and a fully padded fiberglass helmet buckled whenever the driver is in a sulky.

A driver reporting to the driver's room must remain there until the driver has fulfilled all of that day's driving engagements. While in the performance of the driver's duties, the driver must have no contact or communication with any person outside the driver's room, without the permission of the stewards, other than with an owner or trainer for whom the driver is driving that day, or other commission officials.

Beginning April 1, 2021, a driver shall comply with the concussion protocol in place at the licensed racetrack.

[For text of subparts 5 to 9a, see Minnesota Rules]

Subp. 10. **Pony riders.** The following applies to pony riders licensed by the commission:

[For text of items A and B, see Minnesota Rules]

C. Anyone bringing any pony horse onto the grounds of the association must provide to stable gate personnel the accurate name of the animal. Each pony horse must be accompanied by an original certificate of veterinary inspection completed by an accredited veterinarian and issued not more than ten days prior to arrival. It must contain complete equine ~~infections~~ infectious anemia test results, including the date, laboratory, and accession number of the most recent negative EIA test. The certificate of veterinary inspection must be surrendered to stable gate personnel for immediate transmittal to the commission veterinarian. The certificate of veterinary inspection for horses leaving and returning on an ongoing basis throughout the meet must be renewed within the first five days of each month.

[For text of items D and E, see Minnesota Rules]

[For text of subpart 11, see Minnesota Rules]

7877.0175 DUTIES AND RESPONSIBILITIES OF RACING OFFICIALS.

[For text of subpart 1, see Minnesota Rules]

Proposed Rules

Subp. 2. **Clerk of scales.** The clerk of scales shall have the responsibilities in items A to ~~F~~H.

[For text of items A to G, see Minnesota Rules]

~~H.~~ The clerk of scales shall notify the ~~mutuels manager~~ of every horse scratched pursuant to part 7883.0120.

H. The clerk of scales shall be responsible for maintaining and keeping up-to-date apprentice jockey's certificates and ~~foreign jockey's declaration sheets~~.

Subp. 3. **Starter.** The starter shall have primary supervision over horses entered in any race from the moment they leave the paddock until the time that the start is effected.

[For text of items A to C, see Minnesota Rules]

D. The following starter's duties and responsibilities are applicable only to thoroughbred or quarter horse racing:

(1) The starter, with the consent of the stewards, shall determine the procedures for loading horses into the starting gate.

[For text of subitems (2) to (4), see Minnesota Rules]

(5) The starter shall maintain a daily written record showing the names of all horses starting, the assistant starter who handled each horse, and any equipment other than a lead strap used for each horse. The record shall be kept for at least 90 days after the last day of the race meet and shall be made available to the stewards or the commission upon request.

[For text of subitem (6), see Minnesota Rules]

[For text of subpart 4, see Minnesota Rules]

Subp. 4a. **Paddock judge responsibilities for harness races.** Under the direction and supervision of the stewards, the paddock judge will have complete charge of the paddock activities. The paddock judge is responsible for:

A. Getting the field on the track for post parades in accordance with the schedule given by the stewards.

B. Inspection of horses for changes in equipment, nonrecognized racing equipment, broken or faulty equipment, head numbers, or saddle pads.

C. Supervision of paddock gate persons.

D. Proper check-in and check-out of horses and drivers and checking the identification of all horses coming into the paddock including the tattoo or, freeze brand, digital tattoo, or microchip number.

[For text of items E and F, see Minnesota Rules]

G. ~~Insuring~~ Ensuring that only authorized persons are permitted in the paddock; and ~~shall notify~~ notifying the stewards of any apparent rule violation occurring in the paddock.

H. Immediately reporting to the commission veterinarian or the association veterinarian the suspected infirmity or unsoundness of any horse.

[For text of subparts 5 to 11, see Minnesota Rules]

Subp. 12. **Clocker (thoroughbred, quarter horse, Arabian, or other breeds).** A clocker shall accurately record all workouts on any race course at which a race meeting is being conducted.

Upon order of the stewards, a clocker shall be able to demonstrate knowledge and proficiency in accurately recording times of horses working out.

A clocker shall present daily records to the racing secretary and the stewards, post for the benefit of the public daily records of all timed workouts ~~clocked~~, and make a record of daily workout times available to the news media.

Proposed Rules

[For text of subparts 13 to 15, see Minnesota Rules]

7879.0100 QUALIFICATIONS AND APPOINTMENT OF STEWARDS.

Subpart 1. **Qualifications for stewards.** No person may qualify for commission appointment or approval as a steward unless:

A. ~~he or she has served as a steward, director of racing, racing secretary, assistant racing secretary, starter, placing judge, patrol judge, paddock judge, identifier, clerk of scales, or other racing officials' position at one or more recognized race meetings for a period of not less than 60 days per year during at least three of the five preceding calendar years or has had at least five years experience as a trainer or a jockey. In the case of racing at a Class B facility, other than in an emergency situation, all candidates must be formally~~ the person is fully accredited by a recognized accrediting organization;

B. ~~he or she~~ the person has satisfactorily passed an optical examination within 90 days prior to approval as a steward evidencing 20-20 vision (corrected) and the ability to distinguish colors; and

[For text of item C, see Minnesota Rules]

[For text of subpart 2, see Minnesota Rules]

7879.0200 AUTHORITY AND DUTIES OF STEWARDS.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. **Specific duties and responsibilities of stewards.** In addition to the duties and responsibilities necessary and pertinent to general supervision, control, and regulation of race meetings, and without limiting the authority of the stewards to perform those and all other duties listed in this part, the stewards shall have the following specific duties and responsibilities:

[For text of items A to F, see Minnesota Rules]

G. To supervise the taking of entries and receive all declarations and scratches and determine all questions arising and pertaining to same; the stewards may refuse the entry of any horse by any person, or refuse to permit a declaration or scratch, or may limit entries when necessary to protect the safety or integrity of racing. The stewards shall promptly notify the mutuels manager of any horse scratched from a race.

[For text of items H to P, see Minnesota Rules]

[For text of subpart 3, see Minnesota Rules]

7897.0190 CONTESTED CASE HEARINGS.

Subpart 1. **Right to a contested case hearing.** In lieu of an appeal under part 7877.0155, if the commission orders any of the following disciplinary 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. revocation of a license;
- B. suspension of a Class A, B, or D license;
- C. suspension of a Class C license for more than ~~180 days~~ one year; or
- D. a fine of more than \$5,000 \$10,000.

Subp. 2. **Contested case procedure.** The commission shall notify a licensee in writing of the 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

Proposed Rules

request is delivered by personal service, it must be received by the commission's 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~~ commission 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.

[For text of subparts 3 to 5, see Minnesota Rules]

REPEALER. Minnesota Rules, parts 7877.0120, subpart 2; and 7877.0160, subparts 2, 3, and 4, are repealed.

Minnesota Racing Commission Proposed Permanent Rules Relating to Horse Racing; Medication; Notice of Intent to Adopt Rules without a Public Hearing

Proposed Repeal of Rules Governing Horse Racing:

Minnesota Rules part 7890.0120 subp. 2 Administration of Nonsteroidal Anti-Inflammatory Drugs to be Reported.

Proposed Amendments to Rules Governing Horse Racing:

Minnesota Rules, 7869.0100 Definitions; 7869.0200 Incorporation by Reference; 7876.0100 On-Track Stabling; 7876.0110 Off-Track Stabling; 7877.0120 Fees; 7877.0130 Standards Required of Applicants for Specific Licenses; 7877.0170 Duties and Responsibilities of Class C Licensees; 7877.0175 Duties and Responsibilities of Racing Officials; 7877.0180 Conflicts; 7883.0100 Entries and Subscriptions; 7883.0140 Claiming Races; 7883.0160 Post to Finish; 7884.0120 Eligibility and Entering; 7884.0210 Claiming Races; 7890.0100 Definitions; 7890.0110 Medications and Practices Prohibited; 7890.0140 Bleeders; 7890.0150 Disclosure of Approved Medications to Public; 7891.0100 Racing Soundness Examination; 7891.0120 Mortality Review Committee; 7892.0120 Taking of Samples; and 7897.0100 Prohibited Acts.

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. January 31, 2020**.

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:

E. Joseph Newton
Minnesota Racing Commission
15201 Zurich Street, Suite 212
Columbus, MN 55025

Phone 651-925-3956
FAX 651-925-3953
E-mail joseph.newton@state.mn.us

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

Proposed Rules

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 proposed rule amendments seek to update, simplify and clarify existing rules to promote the integrity of horse racing by ensuring the health and safety of racehorses before it races and during the race. The proposed amendments also provide for the safety of industry participants. Amendments will also make the Commission's rules more consistent with those in other racing jurisdictions and national model rules. They will promote the integrity of horse racing by ensuring the health and condition of a horse before it races. They also provide for the safety of industry participants. One obsolete rule is being repealed. 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.

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.

Following is a summary of the specific proposed amendments:

7869.0100, Subpart 20.5. **Definitions.**

This rule part is being added to define a digital tattoo.

7869.0200, Subp. 2. **Association of Racing Commissioners International.**

This rule is being amended to incorporate by reference the Association of Racing Commissioners International Multiple Medications Violation Model Rule.

7876.0100, Subp. 12. **Bisphosphonates.**

This subpart would require a horse's trainer to report any administration of bisphosphonates in the horse within the last six months when the horse enters the grounds of a racetrack.

7876.0110, Subp. 3. **Horses must be at the racetrack for race day inspection.**

This subpart would require a horse's trainer to report any administration of bisphosphonates in the horse within the last six months when the horse enters the grounds of a racetrack.

7877.0120, Subp. 1. **Licensing fees.**

The rule would require a licensing fee for an equine masseuse, an occupation that would otherwise be licensed as a veterinary assistant.

7877.0130, Subp. 1-2. **Individual/multiple owners.**

This amendment would require horse owners to give consent to the MRC to share pre-race and injury related data to the Jockey Club, a national repository of such information.

7877.0130 Subp. 9a. **Equine Masseuses.**

This new rule would require certain demonstrated knowledge of equine masseuse in order to obtain a license from the MRC.

7877.0170, Subp. 2 U. **Trainers**

Proposed Rules

This rule requires horse trainers to keep records of all treatments in which medication is administered by the trainer to a horse and to make that record available to the MRC. The rule also requires exchange of training records between a trainer transferring a horse and the trainer receiving the horse.

7877.0170, Subp. 2 V. **Trainers.**

This rule would require a trainer of a claimed horse to provide the trainer treatment records to the commission veterinarian.

7877.0170 Subp. 9b. **Veterinarian Assistants.**

The proposed rule would limit the duties of an equine masseuse and require they maintain certain records.

7877.0175, Subp. 1. **Racing secretary, paddock judge responsibilities for harness racing.**

This amendment would require racing officials to ensure that all foals from 2018 or thereafter have the required digital tattoo.

7877.0180, Subp. 2. **Veterinarians.**

This addition would prohibit an equine masseuse from betting on horse races while licensed by the MRC.

7883.0100, Subp. 2. **Horses must be registered and eligible.**

This rule change allows for use of electronic foal certificates.

7883.0100, subp 2a. **Prohibited starters.**

The proposed rule would prohibit a horse from running in a race if the horse is on a stewards' list, veterinarian's list, starter's list or a paddock judges list.

7883.0100 subp. 6. **Prohibited entries.**

The proposed rule would prohibit a horse from being entered to race if it has been treated with a bisphosphonate within the preceding six months.

7883.0100, Subp. 16. **Workout requirements.**

This amendment would expand the workout requirements rule to cover first-time starters four years old and up.

7883.0140, Subp. 8. **Voided claims.**

This amendment allows a claim to be voided in a thoroughbred or quarter horse race if the claimed horse exhibits certain signs of ill health.

7883.0140, Subp. 12. **Ineligibility of bred mare.**

Current rule allows for a bred mare that is in foal to enter and race if it meets certain reporting and financial requirements. The commission is proposing that such a mare not be eligible to race in a claiming race.

7883.0160, Subp. 1. **Horse must be tattooed.**

Horses must be properly identified prior to a race. This is done under current rule by examining the horse's tattoo. However, in the future, horses will be microchipped and this change would recognize microchipping as an accepted

Proposed Rules

means of identification.

7884.0120, Subp. 7. **Conditions precedent to entering a race.**

This rule, which applies to standardbreds, is being amended to allow for physical or electronic filing of the certificate and registration papers, issued by the breed registry with the racing secretary.

7884.0120, Subp. 13. **Horses denied entry.**

This rule change would prohibit entry to a race for any horse that has been treated with bisphosphonates within the last six months. Current rule also prohibits entry if a horse is on the qualifying list, starter's schooling list, stewards' list or a bleeder list. The amendment would clarify the current practice by which the commission recognizes such lists from other racing states and now includes the paddock judge's list.

7884.0210, Subpart 1. **Claiming races.**

This amendment allows a claim to be voided in a standardbred race if the claimed horse exhibits certain signs of ill health.

7890.0100, Subp. 3d. **Bisphosphonates.**

The proposed change would define the term bisphosphonates.

7890.0100, Subp. 13. **Medications.**

- A. The proposal would place limits on the use of non-steroidal anti-inflammatory medicines (NSAIDs), eliminate the "stacking rule" which allowed the use of more than one NSAID in certain circumstances and restricts NSAID use to 48 hours prior to a race rather than 24 hours. It also adds alkalinizing agents as a substance that cannot be administered to the horse prior to a race. It would also prohibit the use of any intraarticular corticosteroid within seven days of a race.
- C. This proposal would extend the prohibition of benzocaine and lidocaine to other topical anesthetics in order to protect the horse from running on numb extremities.
- D. This proposal clarifies that horses may be administered vitamins but that those vitamins may not contain sodium bicarbonate or alkalinizing agents.

7890.0110, Subp. 1. **Administration.**

This rule would allow for testing of horse hair in detecting prohibited medications in the horse.

7890.0110, Subp 2. **Nasogastric Tube.**

This change adds objectivity to the definition of nasogastric tube.

7890.0110, Subp. 3. **Extracorporeal shock wave therapy or radial pulse wave therapy.**

This rule change prohibits a horse that has received shockwave or radial pulse therapy from running a timed workout within 10 days of such treatment.

7890.0110, subp. 5. **Discontinuance of treatment; presence.**

This rule change governs the use and time of administration of nonsteroidal anti-inflammatory drugs. (NSAIDs). It also changes the time limits and administration of intra-articular medications. Finally, the proposed rule permits only one intra-articular corticosteroid in a post-race sample.

7890.0110, subp. 7. **Use.**

This rule change allows for the testing of whole blood drawn from a horse for levels of TCO₂.

7890.0120 Subp. 2. **Administration of NSAIDs.**

Because of the new rule limiting administration of NSAIDs in a horse prior to a race, the need to report NSAID administration is no longer required. This rule would eliminate that requirement.

7890.0140 Subp. 1. **Examination of bleeders.**

Under the change, if a horse bleeds through one or both of his nostrils it must be examined by the commission veterinarian. Thus, a report from a private licensed veterinarian is no longer required.

7890.0140 Subp. 5. **Restrictions on confirmed bleeders.**

This proposed rule makes a minor technical change and provides that a chronic bleeder is ineligible to race in Minnesota after a fourth bleeding incident.

7890.0140 Subp.7a. **Conditions required for furosemide administration.**

This change limits the amount of furosemide that can be administered to a horse.

7890.0150. **Disclosure of approved medications to public.**

Because race day NSAID use is prohibited there is no reason to require reporting. Therefore, the duty to report is stricken from the rule.

7891.0100, subp. 1. **Horse subject to examination.**

This change eliminates reference to the association veterinarian because there has never been an association veterinarian. Rules regarding “association veterinarians” were stricken previously but this reference was overlooked.

7891.0100, subp. 2. **Record of examination.**

This rule change clarifies that an MRC veterinarian racing soundness report is not a record of the Minnesota Board of Veterinarian Health.

7891.0120 Subp. 1-3. **Mortality Review Committee.**

This is a new subpart that establishes a mortality review committee to examine the circumstances of any horse death at a licensed race track. It establishes who is on the committee and requires certain treatment records be provided for the review. The rule reflects existing practice.

7892.0120 Subp. 1. **Horses tested.**

This change clarifies that a positive drug test will result in the horse being placed on the veterinarian’s list and adds the term “prohibited substances” to the list of items that can be tested out-of-competition. The rule also eliminates the condition precedent to out-of-competition testing that the owner agree to such testing in a stakes nomination form. The proposed rule also establishes that a hair test taken after a horse is entered to race (usually 4 or 5 days before the race) can be considered a post-race-test.

7892.0100 Subp. 2. **Samples taken.**

Proposed Rules

The change in this subpart specifically lists what can be taken for a testing sample and prescribes certain protocols for TCO2 analysis.

7892.0120 Subp. 5, **Split sample.**

This change allows a trainer to make advance arrangements for payment of the split sample with the split sample testing laboratory. It also requires arrangements be made in advance for certain split sample testing.

7892.0120, subp. 5a. **Split sample testing for TCO2.**

This proposal clarifies that horse hair is a bodily substance of the horse for drug testing samples.

7897.0100 Subp. 20. **Prohibited acts.**

This new subpart would prohibit the possession or administration of any bisphosphonate drug on the grounds of a licensed racetrack.

Statutory Authority. The statutory authority to adopt these rules is found in *Minnesota Statutes*, sections 240.03, 240.23 and 240.24.

Comments. You have **until 4:30 p.m. on January 31, 2020**, 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 January 31, 2020**. 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 affect 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 contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an esti-

Proposed Rules

mate 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 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: December 23, 2019

Thomas DiPasquale
Executive Director

7869.0100 DEFINITIONS.

[For text of subparts 1 to 20, see Minnesota Rules]

Subp. 20a. **Digital tattoo.** “Digital tattoo” or “tattooed digitally” means authentication of horse identity by a Thoroughbred Racing Protective Bureau (TRPB) technician through an in-person inspection that includes scanning the thoroughbred’s microchip, comparing markings and photos from The Jockey Club database, and uploading updated digital photographs to the breed registry.

[For text of subparts 21 to 69, see Minnesota Rules]

7869.0200 INCORPORATION BY REFERENCE.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. Association of Racing Commissioners International.

A. For the purposes of chapters 7869 to 7899, the Association of Racing Commissioners International (ARCI) Endogenous, Dietary, or Environmental Substances Schedule is incorporated by reference. The ARCI Endogenous, Dietary, or Environmental Substances Schedule is subject to frequent change and is available to the public free of charge at the State Law Library; and on the Minnesota Racing Commission website; ~~and through ARCI.~~

B. For the purposes of chapters 7869 to 7899, and except as otherwise specifically provided therein, the Association of Racing Commissioners International (ARCI) Controlled Therapeutic Medication Schedule for Horses is incorporated by reference. The ARCI Controlled Therapeutic Medication Schedule for Horses is subject to frequent change and is available to the public free of charge at the State Law Library; and on the Minnesota Racing Commission website; ~~and through ARCI.~~

C. For the purposes of chapters 7869 to 7899, and except as limited by part 7897.0130, subpart 5 otherwise specifically provided therein, the Association of Racing Commissioners International (ARCI) Uniform Classification Guidelines for Foreign Substances and Recommended Penalties are Model Rule is incorporated by reference. ~~These guidelines and recommended penalties are~~ This model rule is subject to frequent change and are is available to the public free of charge at the State Law Library; and on the Minnesota Racing Commission website; ~~and through ARCI.~~

D. For the purposes of chapters 7869 to 7899, and except as otherwise specifically provided therein, the Association of Racing Commissioners International (ARCI) Multiple Medication Violation Model Rule is incorporated by reference. This model rule is subject to change and is available to the public free of charge at the State Law Library and on the Minnesota Racing Commission website.

Proposed Rules

[For text of subpart 3, see Minnesota Rules]

7876.0100 ON-TRACK STABLING.

[For text of subparts 1 to 11, see Minnesota Rules]

Subp. 12. **Bisphosphonates.** When a horse enters the grounds of a licensed racetrack, the horse's trainer of record must immediately notify the commission veterinarian on a form prescribed by the commission of any known administration of a bisphosphonate drug to that horse within the last six months. The horse will be placed on the veterinarian's list for a minimum of six months following the most recent administration of any bisphosphonate drug.

7876.0110 OFF-TRACK STABLING.

[For text of subparts 1 and 2, see Minnesota Rules]

Subp. 3. **Horses must be at racetrack for race day inspection.** All horses shipped from another racetrack or off-track stabling facility to a racetrack for a race must be at the racetrack no later than 8:00 a.m. or later if approved by the stewards on the day on which the horse is scheduled to race. When any horse enters the grounds of a licensed racetrack, the horse's trainer of record must ensure that the commission veterinarian is immediately informed on a form prescribed by the commission of any known administration of a bisphosphonate drug to that horse within the last six months. The horse will be placed on the veterinarian's list for a minimum of six months following the most recent reported administration of any bisphosphonate drug.

[For text of subparts 4 to 6, see Minnesota Rules]

7877.0120 FEES.

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

[For text of items A to V, see Minnesota Rules]

W. veterinary assistant or equine masseuse, \$50;

[For text of items X to CC, see Minnesota Rules]

[For text of subparts 2 to 4, see Minnesota Rules]

7877.0130 STANDARDS REQUIRED OF APPLICANTS FOR SPECIFIC LICENSES.

Subpart 1. **Individual owners.** An applicant for an individual owner's license must own, lease, or be a lessor of a horse eligible to race in Minnesota which is registered with the racing secretary and under the care of a trainer licensed by the commission. The applicant must give consent for the commission to share the following data on each such horse registered with The Jockey Club:

A. all pre-race examination data collected or created by the commission veterinarian and the veterinarian's designees pursuant to part 7891.0100; and

B. all injury data collected or created by the commission, the commission veterinarian, or their designees.

If younger than 18 years of age, an applicant for an individual owner's license must submit a notarized affidavit from his or her parent or legal guardian stating that the parent or legal guardian assumes responsibility for the applicant's financial, contractual, and other obligations relating to the applicant's participation in racing. A parent or legal guardian submitting such an affidavit also shall submit information required in part 7877.0110, subpart 2. If the commission has reason to doubt the financial responsibility of an applicant for an individual owner's license, the applicant shall complete a verified financial statement.

Subp. 2. **Multiple owners.** Applicants for a multiple owner's license must comply with subpart 1 and the following requirements.

[For text of item A, see Minnesota Rules]

Proposed Rules

B. Directors, officers, general partners, policymakers, and all holders of direct or indirect record or beneficial ownership or other voting interests or control, whether absolute or contingent, of five percent or more in a multiple owner also must obtain Class C licenses issued by the commission. The applicant must give consent for the commission to share the following data on each such horse registered with The Jockey Club:

(1) all prerace examination data collected or created by the commission veterinarian and the veterinarian's designees pursuant to part 7891.0100; and

(2) all injury data collected or created by the commission, the commission veterinarian, or their designees.

[For text of items C to H, see Minnesota Rules]

[For text of subparts 3 to 9, see Minnesota Rules]

Subp. 9a. **Equine masseuse.** An applicant for an equine masseuse license must:

A. provide documentation of completion of formal training as an equine masseuse; and

B. demonstrate to the commission veterinarian that the applicant is familiar with equine anatomy, equine behavior, devices used by an equine masseuse, and with current equine masseuse practices.

[For text of subparts 10 to 16, see Minnesota Rules]

7877.0170 DUTIES AND RESPONSIBILITIES OF CLASS C LICENSEES.

[For text of subpart 1, see Minnesota Rules]

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

[For text of items A to T, see Minnesota Rules]

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.~~

U. A trainer shall ensure that complete written records are kept of all treatments provided to each horse that is registered with the racing secretary under item E or entered to race at a licensed racetrack. Each treatment shall be recorded within 48 hours of treatment.

(1) For purposes of this subpart, "treatment" means any medication administered or procedure containing a medication given to a horse by a licensed trainer or a designee. Treatment also includes any medication or treatment prescribed by a veterinarian licensed by the commission but administered or given by a trainer or a designee and those administered or provided by a veterinarian not licensed by the commission. Treatment does not include medications given by a veterinarian licensed by the commission or the veterinarian's designee.

(2) The written record must include the following information on a form prescribed by the commission:

Proposed Rules

- (a) the name of the horse or, if unnamed, the registered name of the dam and year of foaling;
- (b) the generic or brand name of the drug or biological;
- (c) the name of the prescribing veterinarian;
- (d) the date of administration;
- (e) the method of administration;
- (f) the dosage administered;
- (g) the approximate time of administration;
- (h) the first and last name of the individual that administered the treatment, medication, or injection;
- (i) the anatomical location of the injection, if any; and
- (j) the signature of the prescribing veterinarian.

(3) The record shall be maintained electronically or on paper until the end of the calendar year in which the trainer is licensed by the commission.

(4) The record must be made available for inspection upon request of the commission, stewards, or commission veterinarian.

(5) For any horse that has not been in a trainer's control for at least 14 days, the trainer must obtain and make available a record going back at least 14 days that complies with this subpart.

(6) A licensed trainer whose horse is transferred to a new trainer shall provide the new trainer with the complete written or electronic records required by this subpart.

V. The trainer of a claimed horse shall, within 72 hours after the race is made official, provide to the commission veterinarian a the complete written record, as specified in item U, of all corticosteroid and intra-articular joint treatments, medications, and interarticular injections that were administered to the horse within the 30 days preceding the race. In the case of a horse that has been in the trainer's control for less than 30 days, the trainer shall provide a record going back as long as the horse has been in the trainer's control. The trainer of the claimed horse shall authorize the commission veterinarian to provide the record to the new trainer.

[For text of subparts 2a to 9a, see Minnesota Rules]

Subp. 9b. **Equine masseuse.** The following shall apply to an equine masseuse licensed by the commission.

A. An individual licensed as an equine masseuse shall not:

- (1) diagnose disease, lameness, or illness;
- (2) provide a prognosis;
- (3) prescribe any treatments, drugs, medications, or appliances or administer medications;
- (4) dispense, compound, or mix drugs or medications;
- (5) perform surgery;

Proposed Rules

- (6) draw blood;
- (7) place catheters, needles, swabs, or tubes of any kind in any body part of the horse;
- (8) apply splints, slings, or tourniquets; or
- (9) administer injectable medications.

B. An equine masseuse must keep a daily log either in writing or electronically on a form prescribed by the commission of horses treated at a licensed racetrack and must show the log to the commission veterinarian upon request. The log must be kept until the end of the calendar year in which the equine masseuse is licensed by the commission. The log must contain the following:

- (1) date and time of treatment;
 - (2) name of the horse treated;
 - (3) trainer of the horse;
 - (4) anatomical location of treatment; and
 - (5) device name used during the treatment session.
- [For text of subparts 10 and 11, see Minnesota Rules]*

7877.0175 DUTIES AND RESPONSIBILITIES OF RACING OFFICIALS.

Subpart 1. **Racing secretary.** The racing secretary shall have the responsibilities in items A to H I.
[For text of items A to H, see Minnesota Rules]

I. Effective January 1, 2020, the racing secretary shall ensure that the foal certificates for all thoroughbred horses entered to race at a licensed racetrack that were foaled in 2018 or thereafter have a digital tattoo as defined in part 7869.0100, subpart 20a.

[For text of subparts 2 to 4, see Minnesota Rules]

Subp. 4a. **Paddock judge responsibilities for harness races.** Under the direction and supervision of the stewards, the paddock judge will have complete charge of the paddock activities. The paddock judge is responsible for:
[For text of items A to C, see Minnesota Rules]

D. Proper check-in and check-out of horses and drivers and checking the identification of all horses coming into the paddock including the tattoo, microchip, or freeze brand number.

[For text of items E to H, see Minnesota Rules]
[For text of subparts 5 to 15, see Minnesota Rules]

7877.0180 CONFLICTS.

[For text of subparts 1 and 1a, see Minnesota Rules]

Subp. 2. **Veterinarians.** No veterinarian, equine masseuse, or veterinary assistant may participate in pari-mutuel wagering while licensed by the commission. No veterinarian designated as an official at a race meeting shall treat or prescribe treatment for a horse racing at that meeting, except in emergencies or if no other veterinarian licensed by the commission is on the grounds of the association. In that case, the official veterinarian shall notify the commission of any compensation received.

[For text of subpart 3, see Minnesota Rules]

7883.0100 ENTRIES AND SUBSCRIPTIONS.

Proposed Rules

[For text of subpart 1, see Minnesota Rules]

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

[For text of item A, see Minnesota Rules]

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 physically or electronically 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;

[For text of items C to G, see Minnesota Rules]

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~~ stewards' list, or veterinarian's list: in any racing jurisdiction and not removed from that list; or

C. it is on the starter's list or paddock judge's list in any racing jurisdiction and not removed from that list by the other jurisdiction or racing official in Minnesota.

[For text of subparts 3 to 5, see Minnesota Rules]

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

[For text of items A to G, see Minnesota Rules]

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; or

J. enter a horse that has been treated with any bisphosphonate drug within the past six months.

[For text of subparts 7 to 15a, see Minnesota Rules]

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

[For text of items A and B, see Minnesota Rules]

C. A first-time starter less than four years of age must have gate approval and a minimum of two timed workouts, one of which must be out of the gate, no more than 60 days prior to the race in which it is entered.

D. A first-time starter four years of age or older must have gate approval and a minimum of three timed workouts, at least one of which must be out of the gate and one of which must be an official timed workout observed and approved by a commission veterinarian, no more than 30 days prior to the race for which the horse is entered.

~~D~~E. A horse, other than a first-time starter, which has not started for a period of more than one year shall not be eligible to start until it has completed three timed workouts, at least one of which must be an official timed workout observed and approved by a commission veterinarian no more than 30 days ~~and no less than 48 hours~~ prior to the race for which the horse is entered.

E.F. Official timed workouts shall be conducted under the same medication and testing rules applicable to racing. A horse is not eligible to be entered in a race until negative results of post-workout medication testing have been returned to the commission veterinarian.

Proposed Rules

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

For the ~~purposes of items D and F~~ purpose of items E and G, and removing a horse from the stewards' list, all workouts must be conducted under the same medication requirements as those for race days.

[For text of subparts 17 to 19, see Minnesota Rules]

7883.0140 CLAIMING RACES.

[For text of subparts 1 to 7, see Minnesota Rules]

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.

The stewards shall void a claim if:

[For text of item A, see Minnesota Rules]

B. the horse is placed on the veterinarian's list for exhibiting clinical signs of any of the following within one hour of racing: a musculoskeletal injury within one hour of racing, lameness, or unsoundness of heart or lung. 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. For purposes of this subpart, "unsoundness of heart" means atrial fibrillation or cardiac arrhythmias, and "unsoundness of lung" means recurrent airway obstructive pulmonary disease or bleeding from one or both nostrils.

[For text of subparts 9 to 11, see Minnesota Rules]

Subp. 12. **Disclosure Ineligibility of bred mare.** If a filly or mare has been bred and is in foal, she is ineligible to be entered into a claiming race ~~unless:~~

A. ~~full written disclosure of that fact, on a form prescribed by the commission, is on file with the racing secretary and posted in a conspicuous and accessible place outside the office of the commission veterinarian. The written disclosure must include, at a minimum, the date of last cover and the name of the stallion;~~

B. ~~all payments due for the service in question and for any live progeny resulting from that service are paid in full; and~~

C. ~~the release of the breeding slip to the successful claimant at the time of the claim is guaranteed.~~

[For text of subparts 13 to 32, see Minnesota Rules]

7883.0160 POST TO FINISH.

Subpart 1. **Horse must be tattooed digitally or physically or microchipped.** No horse shall be permitted to start unless it has been tattooed digitally or physically or microchipped and fully identified.

[For text of subparts 2 to 14, see Minnesota Rules]

7884.0120 ELIGIBILITY AND ENTERING.

[For text of subparts 1 to 6, see Minnesota Rules]

Subp. 7. **Conditions precedent to entering.** No horse shall be permitted to enter to race unless:

A. a valid eligibility certificate has been granted or validated for that horse by the USTA, and the eligibility certificate has been physically or electronically filed with the racing secretary;

Proposed Rules

B. the current ownership of the horse has been registered with the USTA, and the registration papers have been physically or electronically filed with the racing secretary. For purposes of this subpart, a photocopy of the current registration papers will be accepted to the same extent as the original unless:

[For text of subitems (1) and (2), see Minnesota Rules]

[For text of items C and D, see Minnesota Rules]

E. the horse has been lip tattooed, microchipped, or freeze branded;

[For text of items F and G, see Minnesota Rules]

[For text of subparts 8 to 12, see Minnesota Rules]

Subp. 13. **Horses denied entry.** A horse that is on the qualifying list, starter's schooling list, paddock judge's list, stewards' list, or bleeder list; in any racing jurisdiction and not removed from that list; shall not be entered. A horse that has been treated with any bisphosphonate drug within the past six months shall not be entered.

[For text of subparts 14 to 17, see Minnesota Rules]

7884.0210 CLAIMING RACES.

[For text of items A to C, see Minnesota Rules]

D. The stewards shall void a claim if:

[For text of subitem (1), see Minnesota Rules]

(2) the horse is placed on the veterinarian's list for exhibiting clinical signs of any of the following within one hour of racing: a musculoskeletal injury within one hour of racing, lameness, or unsoundness of heart or lung. 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. For purposes of this subpart, "unsoundness of heart" means atrial fibrillation or cardiac arrhythmias, and "unsoundness of lung" means recurrent airway obstructive pulmonary disease or bleeding from one or both nostrils.

[For text of items E and F, see Minnesota Rules]

7890.0100 DEFINITIONS.

[For text of subparts 1 to 3c, see Minnesota Rules]

Subp. 3d. **Bisphosphonates.** "Bisphosphonates" means any of a class of drugs that slows the breakdown of bone by osteoclasts.

[For text of subparts 4 to 7a, see Minnesota Rules]

Subp. 7b. ~~Darbepoietin~~ **Darbepoetin alfa.** "~~Darbepoietin~~ **Darbepoetin alfa**" is a synthetic analog of erythropoietin that stimulates the bone marrow to produce red blood cells. Chemically, it is a 165 amino acid protein containing five N-linked oligosaccharide chains.

[For text of subparts 8 to 12b, see Minnesota Rules]

Subp. 13. **Medication.** "Medication" is a substance, compound, or element, or combination thereof, which is or can be administered to a horse for the purpose of preventing, curing, or alleviating the effects of any disease, condition, ailment, or infirmity, or symptom thereof, or for altering in any way the behavior, attitude, temperament, or performance of a horse, including athletic performance. Medication includes all alkalinizing agents, analgesics, anesthetics, depressants, narcotics, stimulants, tranquilizers, and other classifications of medications. Nothing herein shall be deemed to include:

A. Nonsteroidal anti-inflammatory drugs (NSAIDs):

(1) The use of one of the following three approved NSAIDs shall be permitted under the following conditions; ~~with the exception of two-year-old race horses where no concentration of any NSAIDs, other than phenylbutazone, are allowed in the plasma or serum sample taken after racing or official timed workouts:~~

Proposed Rules

(a) phenylbutazone, provided that the test sample does not contain more than ~~two~~ 0.3 micrograms of the substance thereof per milliliter of blood plasma or serum; or

(b) flunixin, provided that the test sample does not contain more than ~~20~~ five nanograms of the substance thereof per milliliter of blood plasma or serum; and or

(c) ketoprofen, provided that the test sample does not contain more than two nanograms of the substance thereof per milliliter of blood plasma or serum.

(2) No NSAIDs can be administered within the ~~24~~ 48 hours before post time for the race in which the horse is entered. The use of all but one of the approved NSAIDs shall be discontinued at least 48 hours before the post time for the race in which the horse is entered.

(3) The presence of more than one NSAID in the post-race serum or plasma sample, or sample taken after an official timed workout, is not permitted and shall constitute ~~an NSAID stacking violation as follows: a Class B violation under the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances and Recommended Penalties.~~

(a) ~~a Class 1 NSAID Stacking Violation (Penalty Class B) occurs when:~~

i. ~~two nonsteroidal anti-inflammatory drugs are found at individual levels exceeding the following restrictions:~~

Diclofenac	5 nanograms per milliliter of plasma or serum;
Firocoxib	20 nanograms per milliliter of plasma or serum;
Flunixin	20 nanograms per milliliter of plasma or serum;
Ketoprofen	2 nanograms per milliliter of plasma or serum;
Phenylbutazone	2 micrograms per milliliter of plasma or serum; or
all other nonsteroidal anti-inflammatory drugs	laboratory concentration of detection;

ii. ~~three or more nonsteroidal anti-inflammatory drugs are found at individual levels exceeding the following restrictions:~~

Diclofenac	5 nanograms per milliliter of plasma or serum;
Firocoxib	20 nanograms per milliliter of plasma or serum;
Flunixin	3 nanograms per milliliter of plasma or serum;
Ketoprofen	1 nanogram per milliliter of plasma or serum;
Phenylbutazone	0.3 micrograms per milliliter of plasma or serum; or
all other nonsteroidal anti-inflammatory drugs	laboratory concentration of detection;

(b) ~~a Class 2 NSAID Stacking Violation (Penalty Class C) occurs when any one substance noted in unit (a), subunit (i), is found in excess of the restrictions contained therein in combination with any one of the following substances at levels below the restrictions so noted but in excess of the following levels:~~

Flunixin	3 nanograms per milliliter of plasma or serum;
Ketoprofen	1 nanogram per milliliter of plasma or serum; or
Phenylbutazone	0.3 micrograms per milliliter of plasma or serum; or

(c) ~~a Class 3 NSAID Stacking Violation (Penalty Class C, fines only) occurs when any combination of two of the following nonsteroidal anti-inflammatory drugs are found at or below the restrictions in unit (a), but in excess of the noted restrictions:~~

Proposed Rules

Flunixin	3 nanograms per milliliter of plasma or serum;
Ketoprofen	1 nanogram per milliliter of plasma or serum; or
Phenylbutazone	0.3 micrograms per milliliter of plasma or serum.

[For text of subitem (4), see Minnesota Rules]

[For text of item B, see Minnesota Rules]

C. Topical applications, such as antiseptics, ointments, salves, leg rubs, and leg paints which may contain antibiotics (excluding procaine; penicillin; and chloramphenicol) but which shall not contain ethanol, benzocaine, DMSO, lidocaine, steroids corticosteroids, topical anesthetics including benzocaine and lidocaine, or other medications.

D. Vitamins and electrolytes, provided the vitamins and electrolytes are administered orally and do not contain any medications, sodium bicarbonate, or other alkalinizing agents.

E. Electrolytes except those containing sodium bicarbonate or other alkalinizing agents.

[For text of subparts 13a to 21, see Minnesota Rules]

7890.0110 MEDICATIONS AND PRACTICES PROHIBITED.

Subpart 1. **Administration.** No person shall administer or cause to be administered to a horse within 48 hours of a race in which it is scheduled to run any medication (except as permitted by part 7890.0100, subpart 13, items A to D) by injection, oral or topical administration, rectal infusion or suppository, or by inhalation and no horse participating in a race shall carry in its body any substance foreign to the natural horse, except as permitted by subparts 7, item C, 7a, 9, and 10 and part 7890.0100, subpart 13, items A to D. Post-race samples of plasma, serum, hair or urine must not contain any substances, drugs, medications, or metabolites of substances, drugs, or medications not specifically permitted by commission rule or law.

Subp. 2. **Nasogastric tube.** The use of a nasogastric tube (~~a tube longer than six inches, inserted in a horse's nostril~~) for the administration of any substance to an entered horse within the 48-hour period prior to post time shall not be permitted without prior permission of the commission veterinarian. No licensee other than a veterinarian shall possess a nasogastric tube ~~as described in this subpart~~ on the grounds of an association under the jurisdiction of the commission. For purposes of this subpart, "nasogastric tube" means any hose or tube more than 12 inches in length and more than one-quarter inch in diameter.

Subp. 3. **Extracorporeal shock wave therapy or radial pulse wave therapy.** The use of extracorporeal shock wave therapy or radial pulse wave therapy shall not be permitted unless the following conditions are met:

A. any treated horse shall not be permitted to have a timed workout or race for a minimum of ten days following treatment with day one being the first day of treatment;

[For text of items B to D, see Minnesota Rules]

Subp. 4. **Blood doping agents.** The possession or use of blood doping agents by any person, including but not limited to the following blood doping agents, on the premises of a facility under the jurisdiction of the commission is forbidden:

A. Erythropoietin;

B. ~~Darbepoietin~~ Darbepoetin;

C. Oxyglobin®; and

D. Hemopure®.

Subp. 5. **Presence Discontinuance of treatments.** ~~The presence of more than one of the three approved NSAIDs,~~

Proposed Rules

with the exception of phenylbutazone in a concentration below 0.5 micrograms per milliliter of serum or plasma or any unapproved NSAID in the post-race serum, plasma, or urine sample is not permitted. The use of all but one of the approved NSAIDs shall be discontinued at least 48 hours before the post time for the race in which the horse is entered. The use of any intra-articular corticosteroid shall be discontinued at least seven days before post time for the race in which the horse is entered. The presence of only one intra-articular corticosteroid is permitted in a post-race sample.

[For text of subpart 6, see Minnesota Rules]

Subp. 7. **Use.** The use of agents that elevate the horse's bicarbonate level, TCO₂, or pH level above those existing naturally in the untreated horse at normal physiological concentrations is prohibited. The following also apply to TCO₂:

A. A commission veterinarian may draw whole blood, serum, or plasma samples from a horse for the purpose of obtaining a TCO₂ level.

[For text of items B to E, see Minnesota Rules]

[For text of subparts 7a to 13, see Minnesota Rules]

7890.0140 BLEEDERS.

Subpart 1. **Examination of bleeders.** A horse ~~which that~~ is alleged to have bled externally from one or both nostrils in Minnesota must be physically examined by a ~~veterinarian currently licensed by the commission veterinarian~~ veterinarian in order to confirm its inclusion on the bleeder list; ~~and~~ and veterinarian's list; ~~or both.~~ The examination must be performed within 1-1/2 hours following the finish of a race or exercise in which the horse has participated ~~and the examination report must be provided to the commission's veterinary office by 10:00 a.m. on the day following the examination.~~

[For text of subparts 2 to 4, see Minnesota Rules]

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

[For text of item A, see Minnesota Rules]

B. When a horse has been observed bleeding for the second time ~~in the previous 12 months~~ within a 365-day period, the horse shall be placed on the veterinarian's list and shall not be removed from the list without the approval of the commission veterinarian. Such a horse shall be ineligible to race for at least 30 days following the observed bleeding.

C. When a horse has been observed bleeding for the third time ~~in the previous 12 months~~ within a 365-day period, the horse shall be placed on the veterinarian's list and shall not be removed from the list for at least 180 days, and not until the commission veterinarian has approved its removal.

D. When a horse ~~is~~ has been observed bleeding for a fourth time ~~in the previous 12 months~~ within a 365-day period, the horse shall be ~~barred from further pari-mutuel horse racing~~ placed on the veterinarian's list and will be permanently ineligible to race in Minnesota.

[For text of items E to G, see Minnesota Rules]

[For text of subparts 6 and 7, see Minnesota Rules]

Subp. 7a. **Conditions required for furosemide administration.** Furosemide shall be administered intravenously by a licensed veterinarian employed by the owner or trainer of the horse, or by the commission veterinarian. The furosemide must be administered a minimum of four hours before scheduled post time for any bleeder entered to race and the dose level of furosemide must be no less than 150 milligrams and must not exceed 250 milligrams (no less than three nor more than five milliliters of a 50 milligram/milliliter or five percent solution) per administration; ~~except in cases where the horse has been determined by the commission veterinarian and the treating veterinarian to be a severe bleeder. In these cases, doses of up to 500 milligrams (no more than ten milliliters of a 50 milligram/milliliter or five percent solution) may be permitted. Any such horse that is claimed or transferred to a different licensed trainer shall revert to a dose of 150 mg to 250 mg unless the new trainer and a licensed veterinarian request a different dose and that dose is approved by the commission veterinarian.~~

The practicing veterinarian must deposit with the commission veterinarian an unopened supply of furosemide and sterile hypodermic needles and syringes to be used for the administration. The furosemide must be administered under

Proposed Rules

the supervision of a person employed by the commission.

A horse on the official furosemide list must show a detectable concentration of the drug in the post-race serum or plasma sample.

[For text of subparts 8 to 10, see Minnesota Rules]

7890.0150 DISCLOSURE OF APPROVED MEDICATIONS TO PUBLIC.

The names of all horses that have been approved for race day use of NSAIDs or furosemide must be identified in the daily racing program. Horses that are racing for the first time using furosemide; must be so identified in the daily racing program.

7891.0100 RACING SOUNDNESS EXAMINATION.

Subpart 1. **Horses subject to examination.** Every horse entered to race at a licensed racetrack under the jurisdiction of the commission shall be subjected to a veterinary examination for racing soundness and health on race day. The examination shall be conducted by the commission veterinarian ~~or the association veterinarian~~ in or near the stall to which the horse is assigned. The trainer of each horse or a representative of the trainer must present the horse for examination and move the horse as required by the examining veterinarian. Every horse to be examined must have had its legs cleaned of any poultice or other topical applications, must be free of leg bandages or be wearing bandages which are easily removed, and must not have been subjected within one hour of examination to freezing, icing, prolonged hosing with cold water, or any other means of reducing the temperature of the legs.

[For text of subparts 1a to 1c, see Minnesota Rules]

Subp. 2. **Record of examination.** The commission veterinarian shall maintain a continuing health and racing soundness record of each horse examined. The record shall not constitute a veterinary medical record for purposes of part 9100.0800.

7891.0120 MORTALITY REVIEW COMMITTEE.

Subpart 1. **Committee.** The chief steward or designee shall convene and chair a mortality review committee for the purpose of gathering data surrounding the death of each racehorse occurring during racing or training at a licensed racetrack. The committee shall consist of the following:

- A. the chief steward or a designee;
- B. the commission veterinarian or a designee;
- C. the trainer or assistant trainer of the deceased horse;
- D. the jockey, exercise rider, or driver of the deceased horse;
- E. the attending veterinarian;
- F. the racetrack's director of racing or a designee;
- G. the track superintendent; and
- H. any other person the chief steward or designee determines is necessary to adequately examine the death.

Subp. 2. **Participation.** Participation at a mortality review committee meeting is mandatory unless a member is excused by the chief steward.

Subp. 3. **Treatment records.** Treatment records required of the trainer by part 7877.0170, subpart 2, item U, shall be

Proposed Rules

available to the committee upon request of the chief steward or commission veterinarian.

7892.0120 TAKING OF SAMPLES.

Subpart 1. Horses tested.

[For text of item A, see Minnesota Rules]

B. Test samples may be taken from other horses on the grounds of a licensed racetrack as designated by the stewards or the commission veterinarian at any time. Horses to be tested may be selected at random or as otherwise reasonably determined by the stewards or commission veterinarian. Test results shall note whether the tested horse was racing in a competition at the time of the test. A positive test shall result in the horse being placed on the commission veterinarian's list under part 7877.0175, subpart 8.

C. Out-of-competition testing for prohibited substances, blood doping agents, gene doping agents, growth hormone, exogenous anabolic steroids, and clenbuterol may be performed at the request and under the direction of the stewards or the commission veterinarian on any horse nominated for stakes or specific racing series or events as agreed to on the nomination form by the owner of the horse. Horses to be tested may be selected at random or as otherwise reasonably determined by the stewards or commission veterinarian. Split samples shall be collected in accordance with subpart 5. A positive test shall result in the horse being placed on the commission veterinarian's list under part 7877.0175, subpart 8.

[For text of item D, see Minnesota Rules]

E. A hair sample collected any time after a horse is entered to race at a licensed racetrack shall be deemed a post-race sample for purposes of parts 7869.0200 and 7890.0110.

E.F. Any owner, trainer, or other person having care, custody, or control of a horse required to be tested must submit the horse immediately.

Subp. 2. **Samples taken.** All samples shall be taken in the detention barn unless the commission veterinarian determines it necessary to take a sample elsewhere. All serum, plasma, urine, hair, and saliva samples shall be taken, sealed, identified, and delivered to the testing laboratory under the direction of the commission veterinarian or his or her designee. Samples taken for TCO₂ analysis may be taken, sealed, identified, and submitted to the testing laboratory or securely analyzed by a reliable on-site analyzer, or both.

[For text of subparts 3 and 4, see Minnesota Rules]

Subp. 5. Split samples.

[For text of items A to C, see Minnesota Rules]

D. The trainer is responsible for the cost of split sample testing and fees for shipping and handling of the sample. Payment for split sample testing must accompany the sample or be made in advance directly to the split sample laboratory. Shipping and handling fees are payable to the Minnesota Racing Commission within seven days of shipment.

[For text of item E, see Minnesota Rules]

Subp. 5a. **Split sample testing for TCO₂ and any hair test (subpart 5 does not apply).**

A. For any TCO₂ test or any hair test, provisions for split sample testing shall be made prior to or at the time of the taking of the original sample.

[For text of items B and C, see Minnesota Rules]

D. No further provisions for split sample testing for TCO₂ or hair testing shall be available.

[For text of subpart 6, see Minnesota Rules]

7897.0100 PROHIBITED ACTS.

[For text of subparts 1 to 19, see Minnesota Rules]

Proposed Rules

Subp. 20. Possession, administration to, or presence in a horse of a prohibited drug, substance, medication or metabolites, biological product, growth hormone, hormone releasing factor, venom, or synthetic analog of venom.

[For text of items A to F, see Minnesota Rules]

G. No person shall possess any bisphosphonate drug on the grounds of a licensed racetrack.

[For text of subparts 21 to 23, see Minnesota Rules]

REPEALER. Minnesota Rules, part 7890.0120, subpart 2, is repealed.

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 Revenue

Adopted Exempt Permanent Rules Relating to Determination of Fee for Mixed Municipal Solid Waste Facilities; Order Adopting Amendment of Rules

Adoption of Permanent Exempt Rules Governing the Metropolitan Solid Waste Landfill Fee: Amending Minnesota Rules, parts 8121.0300, 8121.0400, and 8121.0500; Revisor's ID Number R-04539.

WHEREAS:

1. The rulemaking provisions of Minnesota Statutes, Chapter 14, are unnecessary and impracticable when, as in this case, amendments are made to a rule that: a) incorporates specific changes set forth in applicable statutes when no interpretation of law is required; or b) make changes that do not alter the sense, meaning or effect of a rule. Minnesota Statutes, section 14.388.

2. The attached Findings & Statement of Supporting Reasons justifies the good cause exemption from rulemaking provided by Minnesota Statutes, section 14.388, and is hereby incorporated by reference.
3. This rulemaking complies with all applicable law, including: a) the procedural requirements in Minnesota Statutes, section 14.388, and Minnesota Rules, part 1400.2400; and b) the notice requirements in Minnesota Statutes, sections 14.22, subdivision 1 and 14.388, subdivision 2. The Department provided notice in various ways, including: providing notice on the Department website and in the State Register; sending notice to persons who registered their name with the Department under Minnesota Statutes, section 14.14, subdivision 1a; and sending notice to all nine metro-area landfills that are subject to the rules at issue.
4. The Office of Administrative Hearings (“OAH”) received no written comments and OAH Administrative Law Judge Kimberly Middendorf approved the rules on November 21, 2019.
5. The attached certified copy of the rule demonstrates that the Office of the Revisor has approved its form, as required by Minnesota Statutes, section 14.386, paragraph (a)(1), and Minnesota Rules, part 1400.2400.

IT IS ORDERED that the above-captioned rule, in the form certified as approved by the Office of the Revisor, is adopted pursuant to authority vested in me by Minnesota Statutes, SECTION 270C.06, WHICH PROVIDES THAT THE Commissioner of Revenue shall “make, publish, and distribute rules for the administration and enforcement of...state tax laws.” Under this statute, the Commissioner of Revenue has the necessary statutory authority to amend this rule.

Signed by Commissioner Cynthia Bauerly, Commissioner of the Department of Revenue, on December 13, 2019.

8121.0300 DETERMINATION OF FEE.

Subpart 1. **Amount.** The fee due from an operator of a mixed municipal solid waste disposal facility in the metropolitan area on solid waste accepted for disposal is ~~50 cents per cubic yard of solid waste accepted for disposal. If the waste accepted is weighed, the fee due is 50 cents per 600 pounds.~~ determined under Minnesota Statutes, section 473.843, subdivision 1.

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

8121.0400 REPORTING REQUIREMENTS.

Subpart 1. **Returns; payment of fee.** A return, on a form designed by the commissioner, must be submitted by all operators to the commissioner no later than the 20th day of the following month. Payment of the fee due must accompany the return. A mixed municipal solid waste facility may use an accounting period other than a calendar month but only after receiving approval from the commissioner.

~~Failure to file the return or pay the fee due is subject to the penalties in Minnesota Statutes, sections 290.46, 290.47, and 290.53.~~ The operator shall maintain original or electronic records sufficient to document and verify the information required on the returns. All records must be maintained for four years.

Records required to be maintained include bills, receipts, invoices, cash register tapes, other documents or original entry supporting the entries in the books of account, and all schedules and working papers used in preparation of the tax report.

~~Original records are required unless prior approval has been obtained from the commissioner to use microfilm. Approval will be given after all aspects of the microfilming process have been inspected by the commissioner. Electronic data processing records must provide a method of producing visible and legible records from the machine. Machine sensible records are to be maintained in the same manner as printed records and are to verify the taxpayers' liabilities. In addition, all electronic data processing accounting systems must provide:~~

Exempt Rules

A. a general ledger with source references;

B. an identifiable audit trail;

C. the capability of tracing any transaction back to the original source or forward to a final total;

D. adequate record retention facilities for the storage of all supporting documents;

E. a general description of the electronic data processing system to include programming technique, codes, glossary, abbreviations used, standard operating procedures, control procedures, change log, and operator instructions.

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

8121.0500 EXEMPTIONS.

Subpart 1. **Energy and resource recovery and recycling facilities.** Facilities seeking exemption under Minnesota Statutes, section 473.843, subdivision 1, paragraph (c), must apply to the commissioner before solid waste is taken to a mixed municipal solid waste disposal facility.

In order for an energy and resource recovery facility or recycling facility to qualify for this exemption, the ~~energy and resource recovery~~ facility shall make application to the commissioner, providing the commissioner with records showing volume of waste received, amount of recycled product, and the amount of disposal solid waste residue.

When the commissioner has approved the exemption of ~~an energy and resource recovery a~~ facility in consultation with the Pollution Control Agency, the ~~energy and resource recovery~~ facility ~~shall~~ **must** present to the operator of a mixed municipal solid waste disposal facility a statement of exemption ~~requesting the 50 percent reduction~~. The statement must be on a form designed by the commissioner.

The statement of exemption must be signed and dated by the operator and attached to the report upon which the exemption is taken. The exemption must be claimed on the report for the month that it is allowed to the ~~energy and resource recovery~~ facility.

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

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.

Board of Accountancy

Adopted Permanent Rules Relating to Accountants Examinations and Repealing Obsolete Rules

The rules proposed and published at State Register, Volume 44, Number 1, pages 5-8, July 1, 2019 (44 SR 5), are adopted as proposed.

Department of Labor and Industry

Adopted Permanent Rules Adopting Changes to the Commercial Energy Code

The rules proposed and published at State Register, Volume 44, Number 12, pages 385-388, September 16, 2019 (44 SR 385), are adopted with the following modifications:

1323.0402 SECTION C402, BUILDING ENVELOPE REQUIREMENTS.

Subpart 1. **IECC section C402.2.1.2 Insulation requirements for roof replacement.** IECC section C402.2.1 is amended by adding a new subsection C402.2.1.2 to read as follows:

C402.2.1.2 Insulation requirements for roof replacement. For roof replacement on an existing building where the insulation is entirely above the deck and where the roof slope is less than two units vertical in 12 units horizontal, the insulation shall conform to the energy conservation requirements specified in ~~Table C402.2, Opaque Thermal Envelope Requirements~~ Tables C402.1.3 and C402.1.4.

Exception: Where the required R-value cannot be provided because of the thickness limitations that occur with the existing rooftop conditions, including heating, ventilation and air-conditioning equipment, low door or glazing heights, parapet heights, or proper roof flashing heights, the maximum thickness of insulation compatible with the available space and existing rooftop conditions shall be installed; as approved by the building official. In no case shall the R-value of the roof insulation be reduced or the U-factor of the roof assembly be increased as part of the roof replacement.

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

Subp. 4. [See repealer.]

Adopted Rules

Department of Labor and Industry

Adopted Permanent Rules Adopting Changes to the International Residential Code

The rules proposed and published at State Register, Volume 44, Number 12, pages 388-390, September 16, 2019 (44 SR 388), are adopted with the following modifications:

1309.0303 SECTION R303, LIGHT, VENTILATION, AND HEATING.

Section R303.4 is amended to read as follows:

R303.4 Mechanical ventilation. Mechanical ventilation of a dwelling unit shall comply with either Minnesota Rules, chapter 1322; or ASHRAE 62.2, as incorporated by reference in Minnesota Rules, chapter 1346.

1309.0310 SECTION R310, EMERGENCY ESCAPE AND RESCUE OPENINGS.

Subp. 2. **IRC section R310.2, Emergency escape rescue openings.** Section R310.2 is amended by adding a subsection to read as follows:

R310.2.5.1 Licensed facilities. Windows in rooms used for foster care or day care licensed or registered by the state of Minnesota shall comply with the provisions of Section ~~R310.1.5~~ R310.2.5, or all of the following conditions, whichever is more restrictive:

1. Minimum of 20 inches in clear opening width;
2. Minimum of 20 inches in clear opening height;
3. Minimum of 648 square inches (4.5 square feet) clear opening; and
4. Maximum of 48 inches from the floor to the sill height.

1309.0602 SECTION R602, WOOD WALL FRAMING.

Subpart 1. **IRC Table R602.3.1.** Table R602.3.1 is amended to read as follows:

TABLE R602.3.1

MAXIMUM ALLOWABLE LENGTH OF WOOD WALL STUDS EXPOSED TO

WIND SPEEDS OF 115 MPH OR LESS^{b,c,d,e,f,g,h,i,j}

Where conditions are not within the parameters

of footnotes b, c, d, e, f, g, h, i, and j,

design is required.

ROOF SPANS UP TO 22' SUPPORTING A ROOF ONLY					
Maximum Wall Height (feet)	Exposure Category ^{h,i}	On-Center Spacing (inches)			
		24	16	12	8
10	B	2x6	2x4	2x4	2x4
	C	2x6	2x6	2x4	2x4
12	B	2x6	2x6	2x4	2x4
	C	2x6	2x6	2x6	2x4

Adopted Rules

ROOF SPANS UP TO 22' SUPPORTING A ROOF ONLY						
Maximum Wall Height (feet)	Exposure Category ^{hi}	On-Center Spacing (inches)				
		24	16	12	8	
14	B	2x6	2x6	2x6	2x4	
	C	2x6	2x6	2x6	2x6	
16	B	2x8	2x6	2x6	2x6	
	C	2x8	2x6	2x6	2x6	
18	B	2x8	2x8	2x6	2x6	
	C	2x8	2x8	2x6	2x6	
20	B	2x8	2x8	2x8	2x6	
	C	NA ^a	2x8	2x8	2x6	
24	B	NA ^a	2x8	2x8	2x8	
	C	NA ^a	NA ^a	2x8	2x8	

ROOF SPANS GREATER THAN 22' AND UP TO 26' SUPPORTING A ROOF ONLY						
Maximum Wall Height (feet)	Exposure Category ^{hi}	On-Center Spacing (inches)				
		24	16	12	8	
10	B	2x6	2x6	2x4	2x4	
	C	2x6	2x6	2x6	2x4	
12	B	2x6	2x6	2x6	2x4	
	C	2x8	2x6	2x6	2x6	
14	B	2x6	2x6	2x6	2x6	
	C	2x8	2x8	2x6	2x6	
16	B	2x8	2x6	2x6	2x6	
	C	2x8	2x8	2x6	2x6	
18	B	2x8	2x8	2x6	2x6	
	C	NA ^a	2x8	2x8	2x6	
20	B	NA ^a	2x8	2x8	2x6	
	C	NA ^a	NA ^a	2x8	2x8	
24	B	NA ^a	NA ^a	2x8	2x8	
	C	NA ^a	NA ^a	NA ^a	2x8	

ROOF SPANS GREATER THAN 26' AND UP TO 30' SUPPORTING A ROOF ONLY						
Maximum Wall Height (feet)	Exposure Category ^{hi}	On-Center Spacing (inches)				
		24	16	12	8	
10	B	2x6	2x6	2x4	2x4	
	C	2x6	2x6	2x6	2x4	
12	B	2x6	2x6	2x6	2x4	
	C	2x8	2x6	2x6	2x6	
14	B	2x8	2x6	2x6	2x6	
	C	2x8	2x8	2x6	2x6	

Adopted Rules

ROOF SPANS GREATER THAN 26' AND UP TO 30' SUPPORTING A ROOF ONLY						
Maximum Wall Height (feet)	Exposure Category ^{hi}	On-Center Spacing (inches)				
		24	16	12	8	
16	B	2x8	2x6	2x6	2x6	
	C	2x8	2x8	2x8	2x6	
18	B	2x8	2x8	2x6	2x6	
	C	NA ^a	2x8	2x8	2x8	
20	B	NA ^a	2x8	2x8	2x6	
	C	NA ^a	NA ^a	2x8	2x8	
24	B	NA ^a	NA ^a	2x8	2x8	
	C	NA ^a	NA ^a	NA ^a	2x8	

ROOF SPANS GREATER THAN 30' AND UP TO 34' SUPPORTING A ROOF ONLY						
Maximum Wall Height (feet)	Exposure Category ^{hi}	On-Center Spacing (inches)				
		24	16	12	8	
10	B	2x6	2x6	2x4	2x4	
	C	2x6	2x6	2x6	2x4	
12	B	2x6	2x6	2x6	2x4	
	C	2x8	2x6	2x6	2x6	
14	B	2x8	2x6	2x6	2x6	
	C	2x8	2x8	2x6	2x6	
16	B	2x8	2x8	2x6	2x6	
	C	NA ^a	2x8	2x8	2x6	
18	B	2x8	2x8	2x6	2x6	
	C	NA ^a	NA ^a	2x8	2x8	
20	B	NA ^a	2x8	2x8	2x6	
	C	NA ^a	NA ^a	2x8	2x8	
24	B	NA ^a	NA ^a	2x8	2x8	
	C	NA ^a	NA ^a	NA ^a	2x8	

^a Design required.

^b Applicability of these tables assumes the following: SPF#2 or better, Ground snow = 60 psf, Roof snow = 42 psf, Component and Cladding Zone 4 - 50 square feet (Exposure B = 14.3 psf, Exposure C = 18.4 psf), eaves not greater than 2.0 feet in dimension.

^c The exterior of the wall shall be continuously sheathed in accordance with one of the materials listed in items 30 to 36 in Table R602.3(1), including the prescribed fastening. All wall bracing requirements shall be in accordance with Section R602.10.

^d Studs shall be continuous full height. Where studs do not extend full height due to a wall opening, full height studs shall be provided on each side of the opening, equal in number to the spacing of the required full height studs multiplied by half the width of the opening, plus one stud. Where multiple openings occur adjacent to one another, framing between openings shall include the total of all full height studs required for both openings combined.

^e Full depth blocking is required at 10-foot spacing maximum.

^f Utility, standard, stud, and No. 3 grade lumber of any species are not permitted.

^g This table is based on a maximum allowable deflection limit of L/120.

^h Where the sill plate of the frame wall bears on the supporting foundation and the frame wall is less than 12 feet in height, anchor the sill plate to the supporting foundation wall with 1/2-inch diameter anchor bolts spaced a maximum of 6 feet on center. For frame walls more than 12 feet but not exceeding 24 feet in height, anchor the sill plate to the supporting foundation wall with 1/2-inch diameter anchor bolts spaced a maximum of 3 feet on center.

ⁱ Where the sill plate of the frame wall bears on the supporting floor framing, it shall be fastened to the rim board through the subfloor using 8d common (3-1/2 by 0.131) nails or equivalent fastening spaced at 6 inches on center.

^j For frame walls up to 20 feet in height, fasten the studs to the top and sole plates in accordance with Table R602.3(1). For frame walls that are more than 20 feet in height, fasten the studs to the top plate and sole plate using fastening or an approved fastener that is capable of supporting at least 450 pounds.

Commissioner's Orders

Various agency commissioners are authorized to issue "commissioner's orders" on specified activities governed by their agency's enabling laws. See the *Minnesota Statutes* governing each agency to determine the specific applicable statutes. Commissioners' orders are approved by assistant attorneys general as to form and execution and published in the *State Register*. These commissioner's orders are compiled in the year-end subject matter index for each volume of the *State Register*.

Department of Natural Resources

Commissioner's Order 19-02: Designation of Wildlife Management Areas (WMAs)

Date: 12/3/2019

Statutory authority: *Minnesota Statutes*, section 97A.135, subdivision 1, *Minnesota Statutes*, section 97A.145, subdivision 1, *Minnesota Statutes*, section 86A.05, subdivision 8, and *Minnesota Statutes*, section 86A.07, subdivision 3.

BACKGROUND

WHEREAS, certain lands in Minnesota are described as:

Dalbo WMA, Tract 18, Isanti County, 85.02 Acres, Acquisition 160719

The West ½ of the Northwest ¼ of Section 3, Township 37, Range 25, according to the United States Government Survey thereof and situate in Isanti County, Minnesota.

Dora Lake WMA, Tract 2, Le Sueur County, 83.86 Acres, Acquisition 160279

The East ½ of the N ¼ of Section 11, Township 110 North, Range 23 West, Le Sueur County, Minnesota.

Dr. L. Daniel Frenzel Jr., and Virginia Frenzel WMA, Tract 1, Stearns County, 240.1 Acres, Acquisition 160768

The Southeast ¼ of the Northwest ¼; the Southwest ¼ of the Southeast ¼, less and except the South 380.00 feet of the East 344.00 feet of the Southwest ¼ of the Southeast ¼; and the Southwest ¼; all in Section 16, Township 121, Range 29, Stearns County, Minnesota.

Commissioner's Orders

Gray Fox WMA, Tract 16, Rice County, 79.3 Acres, Acquisition 160769

The Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 32, Township 111 North, Range 22 West, Rice County, Minnesota EXCEPT the following described parcel:

Commencing at the southwest corner of said Section 32; thence North $89^{\circ} 39' 33''$ East, assumed bearing, along the south line of said Southwest $\frac{1}{4}$ a distance of 592.09 feet to the point of beginning; thence North $00^{\circ} 20' 27''$ West a distance of 317.86 feet; thence North $60^{\circ} 40' 23''$ East a distance of 551.88 feet; thence South $00^{\circ} 20' 27''$ East a distance of 585.30 feet to said south line of the Southwest $\frac{1}{4}$; thence South $89^{\circ} 39' 33''$ West, along said south line, a distance of 482.75 feet to the point of beginning.

AND

The West $\frac{1}{2}$ of the East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 32, Township 111 North, Range 22 West, Rice County, Minnesota.

AND

The East 15 rods of the South 32 rods of the Northwest $\frac{1}{4}$ of Southwest $\frac{1}{4}$ of Section 32, Township 111 North, Range 22 West, Rice County, Minnesota.

Grayling Marsh WMA, Tract 14, Aitkin County, 325.99 Acres, Acquisition 160753

The N $\frac{1}{2}$ of the SW $\frac{1}{4}$, the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$, and the E $\frac{1}{3}$ of the SE $\frac{1}{4}$ of Section 13, Township 48, Range 23, Aitkin County, Minnesota.

Head Lake WMA, Tract 2, Otter Tail County, 10.7 Acres, Acquisition 160541

All that part of Government Lot 2 in Section 20, Township 135 North, Range 39 West, Otter Tail County, Minnesota, which lies southerly of the centerline of said Section 20; if the centerline of Section 20 approaches nearer than 400 feet to the shoreline of Head Lake at the ordinary water level of said lake, then the northerly line of property here conveyed shall be extended Northerly a sufficient distance so that it does not approach nearer than 400 feet Northerly of the shoreline of Head Lake at the ordinary water level; the easterly 200 feet of Lot 2 is excepted from this conveyance.

Herlein Boote WMA, Tract 83, Nobles County, 155.39 Acres, Acquisition 160702

The SW $\frac{1}{4}$ of Section 12, Township 102 North, Range 41 West of the 5th Principal Meridian, Nobles County, Minnesota, Except:

A tract of land in the SW $\frac{1}{4}$ of Section 12, Township 102, Range 41, describes as follows:

Commencing at the Southeast corner of the SW $\frac{1}{4}$ of Section 12, thence running west along the south line of said section a distance of 276 feet to the point of beginning; thence running West along the south line of said section a distance of 620 feet; thence running North and parallel to the West line of said section a distance of 418 feet; thence running east and parallel to the South line of said section a distance of 620 feet; thence running South and parallel to the West Line of said section a distance of 418 feet to the point of beginning, said tract containing 5.95 acres more or less.

EXCEPT

That part of the SW $\frac{1}{4}$ of Section 12, Township 102 North, Range 41 West of the 5th Principal Meridian, Nobles County, Minnesota. Described as follows:

Commencing at the W $\frac{1}{4}$ corner of Section 12; thence north $89^{\circ} 40' 52''$ East along the North line of the SW $\frac{1}{4}$ of said section a distance of 50.00 feet to an iron stake; thence continuing North $89^{\circ} 40' 52''$ East along said north line a distance of 265.27 feet to the point of beginning; thence continuing North $89^{\circ} 40' 52''$ East along said North line a distance of 1,301.48 feet; thence South $00^{\circ} 38' 21''$ East a distance of 2.49 feet to the fence line; thence South $89^{\circ} 21' 39''$ West along said fence line a distance of 101.46 feet; thence south $89^{\circ} 51' 12''$ West along said fence line a distance of 400.45 feet; thence South $89^{\circ} 40' 43''$ West along said fence line a dis-

Commissioner's Orders

tance of 406.36 feet; thence south 89° 15' 02" West along said fence line a distance of 393.24 feet; thence North 00° 19' 08" West a distance of 4.82 feet to said point of beginning.

Indian Lake WMA, Tract 2A, Sibley County, 8.11 Acres, Acquisition 160708

Part of Government Lot 4, Section 21, Township 113, Range 29, Sibley County, Minnesota, described as follows:
Beginning at the west ¼ corner of said Section 21; thence on an assumed bearing of South 89° 59' 56" East along the North line of said Government Lot 4 a distance of 973.57 feet; thence South 00° 01' 41" East 363.02 feet; thence North 89° 59' 56" West 973.57 feet to the West line of said Government Lot 4; thence North 00° 01' 41" West along said West line 363.02 feet to the point of beginning.

Indian Lake WMA, Tract 8A, Sibley County, 61.98 Acres, Acquisition 160675

Part of the South ½ of the NW ¼ and part of Governments Lots Numbered 2 and 3, all being part of Section 28, Township 113, Range 29, Sibley County, Minnesota, described as follows:

Commencing at the southwest corner of said Northwest ¼ of Section 28; thence on an assumed bearing (based upon the Sibley County Coordinate System NAD 83) of North 89° 56' 21" East along the South line of said Northwest ¼ 2,197.09 feet to the point of beginning of the tract to be described; thence continuing North 89° 56' 21" East along said South line of the Northwest ¼ and the South line of said Government Lot Number 2 a distance of 1,387.02 feet; thence North 00° 20' 01" West 2,108 feet, more or less, to the southerly water's edge of Indian Lake; thence westerly along said southerly water's edge to the intersection with a line that bears North 00° 26' 31" West from the point of beginning; thence South 00° 26' 31" East along said line 1,993 feet, more or less, to the point of beginning. This tract contains 61.98 acres of land, more or less, and is subject to any and all easements of record, and is further subject to the proprietary and sovereign rights of the State of Minnesota in all that portion of the land lying below the natural high watermark of Indian Lake; not intending, however to deprive the fee owners of the usual riparian rights that attach to the land riparian to a navigable public body of water incident to ownership thereof.

Janet Johnson Memorial WMA, Tract 9, Chisago County, 118.61 Acres, Acquisition 160774

Lot 1, Block 1 DEPALMA ADDITION, according to the plat thereof, Chisago County.

Lac qui Parle WMA, Tract B-16, Big Stone County, 232.95 Acres, Acquisition 160712

The Southeast ¼ of Section 10, Township 120, Range 44, Big Stone County, Minnesota.

EXCEPT

That part of the Northwest ¼ of the Southeast ¼ of Section 10, Township 120, Range 44, Big Stone County, Minnesota, lying below the 945 foot contour line as shown on the Right of Way map of the Lac qui Parle Reservoir Project, dated October 22nd, 1935.

AND

That part of the South ½ of the Southwest ¼ of Section 11, Township 120, Range 44, Big Stone County, Minnesota, lying Westerly of the following described line: Commencing at the Southeast corner of said S ½ of the SW ¼; thence on an assumed bearing of South 89° 52' 28" West along the South line of said South ½ of the SW ¼, a distance of 221.63 feet to the point of beginning of the line herein described; thence on a bearing of North 00° 48' 30" West, 1,325.49 feet to the North line of said S ½ of the SW ¼ and said line there terminating.

Lake Bella WMA, Tract 3, Nobles County, 35.63 Acres, Acquisition 160742

Description (Tract "A")

Part of the NW ¼ of the SW ¼ of Section 26, Township 101 North, Range 40 West in Bigelow Township, Nobles County, Minnesota, described as follows:

Commissioner's Orders

Commencing at an existing Iron Monument at the NW corner of the SW ¼ of Section 26; Thence North 89° 50' 31" East, Bearing based on Nobles County Coordinate System along the North Line of the SW ¼ of said Section 26, a distance of 475.00 feet, to the NE corner of the 3rd exception tract of land conveyed by Document Number 343297 as filed and recorded in the Nobles County Recorder's office, this being the point of beginning; thence south 00° 00' 17" West, parallel with the west line of said SW ¼ and along the East line of said conveyed tract, a distance of 459.00 feet to the Southeast corner of said conveyed tract; thence South 89° 50' 31" West, parallel with the North line of said Southwest ¼ and along the south line of said conveyed tract, a distance of 475.00 feet, to the Southwest corner of said conveyed tract on the West Line of said Southwest ¼; thence South 00° 00' 17" West, along the west line of said Southwest ¼ and along the centerline of County Road Number 57, as Exists, a distance of 477.01 feet, to the Northwest corner of the second exception tract of land conveyed by document number 343297 as filed and recorded in the Nobles County Recorder's office; thence south 67° 59' 43" East, along said conveyed tract, a distance of 424.20 feet; thence South 79° 53' 43" East, along said conveyed tract, a distance of 433.29; thence North 26° 32' 47" East, along said conveyed tract, a distance of 274.73 feet; thence North 20° 01' 47" East, along said conveyed tract, a distance of 500.48 feet; thence North 49° 47' 17" East, along said conveyed tract, a distance of 297.98 feet, (record distance of 297.35 feet), to the Northeast corner of said conveyed tract and to the East line of the Northwest ¼ of the Southwest ¼ of said Section 26; thence North 00° 05' 55" East, along the east line of said Northeast corner said NW ¼ of the SW ¼; thence South 89° 50' 31" West, along the North line of said SW ¼, a distance of 867.02 feet, to the point of beginning.

The tract contains 22.86 acres and is subject to existing County Road easement and other easements of Record, if any.

Description (Tract "B")

Part of the SW ¼ of the SW ¼ and part of the NW ¼ of the SW ¼ of Section 26, Township 101 North, Range 40 West in Bigelow Township, Nobles County, Minnesota, described as follows:

Commencing at the Northwest corner of the SW ¼ of the SW ¼ of Section 26; thence North 89° 46' 25" East, bearing based on Nobles County Coordinate System, along the North line of the SW ¼ of said SW ¼, and along the North line of the second exception tract of land conveyed by document number 343297 as filed and recorded in the Nobles County Recorder's office, a distance of 1,210.48 feet, to the NE corner of said conveyed tract, this being the point of beginning; thence South 23° 22' 10" West, along the Easterly Line of said conveyed tract, a distance of 1,444.29 feet, (record distance 1,443.82 feet), to the SE corner of said conveyed tract on the South line of said SW ¼; thence North 89° 42' 18" East, along the South line of said SW ¼ and along the centerline of the Township Road, as exists, a distance of 699.99 feet, to the Southeast corner of the SW ¼ of said SW ¼; thence North 00° 05' 55" East, along the East line of the SW ¼ of the SW ¼, a distance of 1,322.71 feet, to the NE corner of the SW ¼ of said SW ¼; thence continuing North 00° 05' 55" East, along the east line of the NW ¼ of the SW ¼, a distance of 66.90 feet, to the corner of the first exception tract of land conveyed by Document 343297 as filed and recorded in the Nobles County Recorder's Office; thence North 89° 54' 05" West, along said conveyed tract, a distance of 100.28 feet, (Record Distance 100.00 feet); thence south 23° 22' 10" West, along said conveyed tract, a distance of 73.62 feet, to the point of beginning. The tract contains 12.77 acres and is subject to existing Township Road easement and other easements of record, if any.

Pelican Lake WMA, Tract 3, Wright County, 110.94 Acres, Acquisition 160533

The North 33.00 feet of the South 99.00 feet and the East 33.00 feet of the NW ¼ of the NW ¼ of the SE ¼ of Section 18, Township 120, Range 24, Wright County, Minnesota.

AND

The North 33.00 feet of the South 66.00 feet of the East 691.76 feet of Government Lot 1, Section 18, Township 120, Range 24, Wright County, Minnesota.

AND

The South 33.00 feet of the West 33.00 feet of the East 691.76 feet of Government Lot 1, Section 18, Township 120, Range

Commissioner's Orders

24, Wright County, Minnesota.

AND

Government Lot 5, Section 17, Township 120, Range 24, Wright County, Minnesota.

AND

That part of Government Lot 2, Section 18, Township 120, Range 24, Wright County, Minnesota, that lies North of the South 33.00 feet thereof; except the West 357.00 feet of the North 1251.05 feet of the South 1,317.05 feet thereof.

Sioux Valley WMA, Tract 7A and 7B, Jackson County, Acres 246.70 Acres, Acquisition 160211

All of Section 28, Township 101 North, Range 37 West of the 5th Principal Meridian, Jackson County, Minnesota:

EXCEPT the N ½ of the NE ¼ and the SE ¼ of the SE ¼; and

EXCEPT a parcel of land described as: Beginning at the Northwest corner of said Section 28; thence South 00° 31' East, 4,152.6 feet along the West line of said Section 28; thence North 54° 58' East, 488.1 feet; thence North 71° 32' East, 585.8 feet; thence North 08° 05' East, 694.0 feet; thence North 79° 32' East 731.7 feet; thence North 66° 12' East, 253.4 feet; thence North 01° 13' West, 833.2 feet; North 42° 38' East, 182.2 feet; thence North 71° 44' East, 270.6 feet; thence South 88° 42' East, 652.7 feet; thence North 03° 20' East, 406.3 feet to the North 1/16th line of said Section 28; thence North 90° 00' West, 427.9 feet, more or less along the North 1/16th line of said Section 28 to the North quarter line thereof; thence North 00° 24' West, 1,320.7 feet, more or less, along the North quarter line of said Section 28 to the North quarter corner thereof; thence North 90° 00' West 2,643.0 feet along the North line of said Section 28 to the Northwest corner thereof and the point of beginning; and EXCEPT all that part of the S ½ of the SW ¼ of said Section 28, bounded by the following described lines: Beginning at the southwest corner of said Section 28; thence North 00° 31' West, 1,128.65 feet on and along the West line of said Section 28; thence North 54° 58' East, 213.00 feet; thence South 25° 31' East, 536.00 feet; thence South 70° 24' 30" East, 694.00 feet; thence South 89° 44' 30" East, 176.00 feet; thence South 79° 00' East, 230.00 feet; thence North 89° 03' 30" East, 504.00 feet; thence South 01° 48' East, 498.45 feet to a point on the South line of said Section 28; thence North 89° 59' West, 1,969.90 feet on and along said South line to the point of beginning; and EXCEPT all that part of the SE ¼ of said Section 28, bounded by the following described lines: Beginning at the Southeast corner of said Section 28; thence North 89° 59' West, 2,166.62 feet on and along the South line of said Section 28; thence North 01° 32' 30" West, 639.32 feet; thence North 39° 47' East, 689.20 feet; thence North 54° 59' 30" East, 347.39 feet; thence North 76° 50' East, 490.10 feet; thence North 23° 03' East, 199.40 feet; thence North 48° 00' East, 549.60 feet; thence North 86° 18' East 487.13 feet to a point on the East line of said Section 28; thence South 00° 16' East, 2,063.50 feet on and along said East line to the point of beginning; and EXCEPTING Parts of the SW ¼ and the SE ¼ of Section 28, Township 101 North, Range 37 West of the 5th Principal Meridian, in Sioux Valley Township, Jackson County, Minnesota, described as follows:

Commencing at the southeast corner of the Southeast Quarter of said Section 28; thence West, assumed bearing, along the South line of said Section 28, a distance of 2,661.7 feet, to the point of beginning; thence North 01° 38' 00" West, a distance of 1,338.95 feet; thence North 86° 52' 00" East, a distance of 963.88 feet; thence North 01° 38' 00" West, a distance of 880.03 feet; thence South 86° 52' 00" West, a distance of 993.88 feet; thence South 01° 38' 00" East, a distance of 2,217.34 feet, to the south line of said Section 28; thence East 30.00 feet along said south line, to the point of beginning. The tract contains 21.0 acres and is subject to easements of record, if any.

Together with an easement for ingress and egress to that parcel described above in Section 28-101-37, which easement shall be perpetual and run with the land; the property subject to this easement is that strip of land 30' in width and 1,338.95 feet in length constituting the southerly 1,338.95 feet of the immediately preceding exception and currently being the driveway to the retained building site described in said exception.

Commissioner's Orders

Twin Valley WMA, Tract 6, Norman County, 395.74 Acres, Acquisition 160436

The SW 1/4 of Section 28; and the NW 1/4 of Section 28, Township 143 North of Range 44 West, Norman County, Minnesota, LESS the following parcel of land deeded to the State of Minnesota, described as follows, to-wit: All that part of the NW 1/4 of said Section 28, bounded by the following described lines; beginning at a point on the North line of said Section 28, 200 feet East of the Northwest corner thereof and from which the Northwest corner of said Section 28, bears South 90°00' West from the point of beginning; thence North 90°00' East 2407.0 feet along the North line of said Section; thence South 00°06' West 1200.0 feet; thence South 77°30' West 2468.0 feet; thence North 00°06' East 1735.0 feet to the North line of said Section 28 and to the point of beginning.

AND

The E 1/2 of the E 1/2, Section 29, Township 143 North, Range 44 West of the 5th Principal Meridian, Norman County, Minnesota.

W.R. Taylor Memorial WMA, Tract 3, Watonwan County, 60.42 Acres, Acquisition Number 160501

The S 1/2 of the NE 1/4 of Section 24, Township 106 North, Range 31 West, Watonwan County, Minnesota, EXCEPT the NORTH 1070.00 feet of the West 780.00 feet thereof, and EXCEPT the East 50.00 feet thereof.

Wacheter WMA, Tract 3, Nobles County, 120.65 Acres, Acquisition 160784

The South 1/2 of the Southeast 1/4 of the Northwest 1/4; the East 1/2 of the Southwest 1/4; and that part of the Southeast 1/4 described as follows:

Beginning at a point on the south line of Section 23, Township 101, Range 40, Nobles County, Minnesota, 833.20 feet East of the South 1/4 corner thereof; thence North 05° 50' West 324.40 feet; thence North 82° 41' West 289.40 feet; thence North 01° 12' East 860.00 feet; thence North 71° 37' West 296.20 feet; thence North 4° 15' East 246.30 feet; thence South 75° 18' West 270.30 feet to a point on the South 1/4 line; thence South on the South 1/4 line 1,489.33 feet, more or less, to the South 1/4 corner of said Section 23; thence North 89° 55' 32" West 833.20 feet, more or less, to the point of beginning and there terminating. All in Section 23, Township 101, Range 40, Nobles County, Minnesota.

Westport WMA, Tract 2, Pope County, 159.12 Acres, Acquisition 160806

The Northwest 1/4 of Section 2, Township 125, Range 36, Pope County, Minnesota.

Whitefield WMA, Tract 2, Kandiyohi County, 64 Acres, Acquisition 160808

The South 1,055.00 feet of the South 1/2 of the Southeast 1/4 of Section 10, Township 118, Range 35, Kandiyohi County, Minnesota, as measured perpendicular to the South line thereof.

Willowsippi WMA, Tract 9, Aitkin County, 300 Acres, Acquisition 160741

The Southeast 1/4 of the Northwest 1/4, the Northeast 1/4 of the Northwest 1/4, the Southwest 1/4 of the Northwest 1/4, the East 1/2 of the Northwest 1/4 of the Southwest 1/4, the Northwest 1/4 of the Northeast 1/4, the Northwest 1/4 of the Southeast 1/4, the Northeast 1/4 of the Southwest 1/4, and the Southeast 1/4 of the Southwest 1/4, all in Section 12, Township 50, Range 25, Aitkin County, Minnesota.

WHEREAS, the above-described lands contain high potential for wildlife production, as well as public hunting, fishing, trapping, and other compatible outdoor recreational uses. The above described lands include: (1) appropriate wildlife lands and habitat that permit the propagation and management of a substantial population of desired wildlife species and (2) areas large enough to ensure adequate wildlife management and regulation of permitted recreational uses;

WHEREAS, the above-described lands include lands acquired or improved for public hunting, game refuges, and food and cover planting;

WHEREAS, the above-described lands include wetlands and bordering areas, including marshes, ponds, small lakes, and stream bottoms, acquired for water conservation relating to wildlife development; and

Commissioner's Orders

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to authority vested in me by law, including *Minnesota Statutes*, section 97A.135, subdivision 1, *Minnesota Statutes*, section 97A.145, subdivision 1, *Minnesota Statutes*, section 86A.05, subdivision 8, and *Minnesota Statutes*, section 86A.07, subdivision 3, that the described lands under the jurisdiction of the Minnesota Department of Natural Resources are designated as Wildlife Management Areas.

This order takes effect upon publication in the State Register.

Date: 11/26/2019
Sarah Strommen, Commissioner

For additional information or to receive this document in an alternative format please contact:

Adam Murkowski
Department of Natural Resources
Division of Fish and Wildlife
500 Lafayette Rd, St. Paul, MN 55155
Phone: (651) 259-5209
Email: adam.murkowski@state.mn.us

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 Department of Agriculture Division of Pesticide and Fertilizer Management Request for Comments on Revising Pesticide Management Plan

The Minnesota Department of Agriculture (MDA) is the lead state agency carrying out all aspects of pesticide environmental and regulatory functions as described in the Pesticide Control Law (Minn. Stat. Chapter 18B) and the Groundwater Protection Act (Minn. Stat. Chapter 103H). Pesticides are important tools for pest management; however, once applied, pesticides have the potential to move into waters. To address water quality concerns, the Commissioner of the MDA was directed in 1989 to develop a Pesticide Management Plan (PMP) for the prevention, evaluation, and mitigation of pesticides or pesticide breakdown products in groundwaters and surface waters of the state (Minn. Stat. 18B.045).

The MDA first published the PMP in 1996, then revised the plan in 1998 and 2007. The PMP is designed to guide the MDA in its efforts to coordinate activities necessary to protect Minnesota's groundwater and surface water resources from pesticide contamination. Many of the steps outlined in the PMP are directly linked to the statutory requirements and guidance in Minn. Stat. Chapters 18B and 103H. In addition, under Minn. Stat. Chapter 18B, the Commissioner of Agriculture has broad authority to take any actions necessary to prevent unreasonable risk to humans or the environment.

Official Notices

This announcement is to inform the public that the MDA intends to revise the PMP. The revision will, at a minimum, address the following objectives:

1. Revise the text to reflect changes in MDA program resources;
2. Update information regarding the MDA's Agricultural Chemical Monitoring Program;
3. Replace outdated technical references;
4. Outline the process to remove "common detection" for groundwater and "surface water pesticide of concern" designations for pesticides; and
5. Respond to recommendations that may come from the Minnesota's Legislative Audit Commission review of pesticide programs which is anticipated in early 2020.

In addition to the specific objectives listed above, the entire PMP will be reviewed and revised to correct outdated information and edited to improve clarity.

By this notice, the MDA is soliciting public comments on updates to the PMP with regard to the scope of the revisions and specific sections of the PMP that may require special attention. Copies of the 2007 PMP are available at <https://www.mda.state.mn.us/protecting/waterprotection/pmp>. Comments will be received for 75 days, ending on March 13, 2020. Directions for submitting comments are given at the end of this notice.

Following the 75-day comment period, the MDA will consider the scope of revisions to the PMP based on comments received.

Agency Contact Person. Written comments, questions, and requests for more information on the PMP revisions can be submitted on or before March 13, 2020. Comments should be submitted by letter or e-mail to Kathleen Hall, Pesticide and Fertilizer Management Unit. Rajinder Mann can also be contacted with inquiries or comments regarding this notice.

Kathleen Hall
Pesticide and Fertilizer Management Division
Minnesota Department of Agriculture
625 Robert Street North, Saint Paul, MN, 55155
kathleen.hall@state.mn.us

Rajinder Mann
Pesticide and Fertilizer Management Division
Minnesota Department of Agriculture
625 Robert Street North, Saint Paul, MN, 55155
rajinder.mann@state.mn.us

Department of Human Services (DHS)

Health Care Administration

Public Notice Regarding Changes to Payment Rates and Methodologies, and Services under the Medical Assistance Program

This notice is published pursuant to *Code of Federal Regulations*, title 42, part 447, section 205 (42 CFR § 447.205), which requires publication of a notice when there is any significant proposed change in the methods and standards for setting payment rates for Medicaid services.

Effective January 1, 2020, the Department will revise the payment rates for physicians' services to implement the Medicare resource based relative value scale calculated values for calendar year 2020. The Department will also adjust the conversion factor for mental health services to \$31.53. The Department will also adjust the conversion factor for "evaluation and management and obstetrics" to \$27.87. The Department will also adjust the conversion factor for "all other physician services" to \$25.66.

Because many of the 2020 relative values published by Medicare have been increased for mental health, evaluation and management, and obstetrics, the Department is decreasing these conversion factors in order to offset a portion of the payment rate increase that will otherwise occur. Because many of the 2020 relative values published by Medicare have been decreased for all other health services, the Department is increasing this conversion factor in order to offset a portion of the payment rate decrease that will otherwise occur. These changes have no fiscal impact. These adjustments are required by Minnesota Statutes, section 256B.76, subd. 6. For more information, please contact Patricia Fowler at 651/431-2482 or e-mail: Patty.Fowler@state.mn.us.

Minnesota Pollution Control Agency (MPCA)

Watershed Division

Notice of Availability of the Draft Upper Iowa and Mississippi River-Reno (07060002: Upper Iowa River and 07060001: Mississippi River – Reno) Watershed Restoration and Protection Strategy (WRAPS) and Total Maximum Daily Load (TMDL) Reports and Request for Comment

The MPCA produced these reports to set pollution reduction goals and strategies for these watersheds, and is requesting written comments during the public comment period:

- **Public comment period begins: December 30, 2019**
- **Public comment period ends: 4:30 on January 29, 2020**

Agency contact person: Written comments and requests for more information should be directed to:

Emily Zanon
Watershed Division
Phone: 507-206-2613; 800-657-3864
Email: emily.zanon@state.mn.us

The draft reports are available for review at: <https://www.pca.state.mn.us/water/watersheds/upper-iowa-river>

The official public notice for the reports and information on public notice procedures is available for review at the MPCA public notices webpage: <https://www.pca.state.mn.us/public-notices> – find it located under public notices issued on December 30, 2019.

Minnesota Department of Transportation (MnDOT)

Notice of Public Meeting for the Disposition of Railbank Property in Stearns County

The Minnesota Department of Transportation has ownership of the railbank corridor, and is proposing the sale of a 34 foot strip of railbank property to the City of Albany. This notice is published pursuant to State Statute 222.63, and Minnesota rules 8830.5820 and 8830.5840

A public meeting will be held at the Albany City Hall, 400 Railroad Avenue, Albany, MN, 56307 on Tuesday, January 28, 2020 from 5 to 6 pm to afford the public an opportunity to view the proposed sale.

The rail line is 39,607 square feet, or 0.1 miles long. It is located in Albany, Stearns County. The line with tracks removed was acquired from the Burlington Northern and Santa Fe Railroad in 1994. The sale property would create an opportunity for economic development to the purchaser, the City of Albany.

If any person objects to the above action, written notification must be received by February 28, 2020 by the Department's contact for the above matter:

Official Notices

Rebecca Swenson, Real Estate Representative, Office of Land Management, 395 John Ireland Blvd, St Paul MN 55155-1800. You may also call at 651-366-3462.

To request an ASL or foreign language interpreter, or other reasonable accommodation, call Janet Miller at 651-366-4720 or 1-800-657-3774 (Greater Minnesota); 711 or 1-800-627-3529 (Minnesota Relay). Alternatively, send an email to janet.rae.miller@state.mn.us. Please request at least one week in advance.

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 Human Services

Disability Services Division

Notice of Request for Proposals to Expand Supports that are Alternatives to Corporate Foster Care for Persons with Disabilities

The Minnesota Department of Human Services (DHS) is requesting proposals to enhance the capacity of counties and tribal nations to connect individuals to a suite of supports that support a community-based life. These grant funds may be used to develop and expand practices that encourage increased access to service options that are not tied to a corporate foster care setting.

DHS is seeking proposals for the grant period March 1, 2020 through December 31, 2020.

For more information, or to obtain a copy of the Request for Proposals, contact:

Sharla Scullen
Department of Human Services
Disability Services Division
444 Lafayette Road North, St. Paul, MN 55155
Phone: (651) 431-6353
Sharla.C.Scullen@state.mn.us

This is the only person designated to answer questions by potential responders regarding this request.

To obtain this information in a different format, please call 651-431-3612.

Proposals submitted in response to this Request for Proposals must be received at the address above no later than **4:00 p.m., Central Time, January 31, 2020. Late proposals will not be considered.** Faxed or e-mailed proposals will not be considered.

The RFP can be viewed by visiting the Minnesota Department of Human Services Grants, Requests for Proposals (RFP) and Requests for Information (RFI) web site: <https://mn.gov/dhs/partners-and-providers/grants-rfps/open-rfps/>.

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.

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

MMCAP Infuse

Notice of Request for Proposals for Pharmacy Supplies and Automation

The Minnesota Department of Administration, on behalf of MMCAP Infuse, is requesting proposals for Pharmacy Supplies and Automation. This RFP is seeking products, equipment and maintenance services related to the safe, lawful and efficient operation of a pharmacy.

For more information and a link to the RFP, go to www.infuse-mn.gov or <http://www.mmd.admin.state.mn.us/process/admin/postings.asp> - Reference Number 28725.

Questions and proposals, within the specified timeframes, may be sent via email to MMCAP_Infuse.RFP@state.mn.us

Or write to:

MN Dept of ADM / MMCAP Infuse
Attn: Pharmacy Supplies & Automation RFP
50 Sherburne Ave, Suite 112
St. Paul, MN 55155

Proposals submitted in response to the Request for Proposals in this notice must be received according to the specifications in the Request for Proposals, which is no later than **February 14, 2020 at 2:00p.m. Central Time. Late proposals will not be considered.**

The State of Minnesota reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the Responder.

Minnesota State Colleges and Universities (Minnesota State) Non-Construction Related Bid and Contracting Opportunities

Minnesota State is now placing additional public notices for P/T contract opportunities, goods/commodities, and non-construction related services on its Vendor and Supplier Opportunities website (<http://minnstate.edu/vendors/index.html>). 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

If you have any questions regarding this notice, or are having problems viewing the information on the Vendor and Supplier Opportunities website, please call the Minnesota State Procurement Unit at 651-201-1444, Monday-Friday, 9:00 am – 4:00 pm.

Minnesota State Colleges and Universities (Minnesota State) Bemidji State University Notice of Request for Proposal (RFP) for Printing and Mailing Preparation for Commemorative Edition of Bemidji State Magazine

Bemidji State University is soliciting proposals for Printing and Mailing Preparation of Commemorative Edition of Bemidji State Magazine. The full Request for Bid/Bid Form can be downloaded at:
<https://www.bemidjistate.edu/rfps-and-bids/>

Questions regarding this RFP need to be submitted in writing through the university's website <https://www.bemidjistate.edu/rfps-and-bids/> under *Submit Questions* by the end of the day on Monday, January 6, 2020. Responses to the questions will be posted to the BSU RFP website on Wednesday, January 8, 2020.

Please submit your **original, signed, sealed proposal** to:

**Bemidji State University and Northwest Technical College
Andy Bartlett
Executive Director of Communications and Marketing
1500 Birchmont Drive, #2
Bemidji, MN 56601**

Sealed proposals must be received NO later than **2:00 PM, Monday, January 13, 2020**; late responses will not be considered. Faxed and e-mails proposals will be rejected.

Bemidji State University reserves the right to reject any or all bids, to waive any irregularities or informalities, and to cancel the solicitation if it is considered to be in its own best interest. This Request for Bid does not obligate Bemidji State University to award a purchase order or contract.

Minnesota State Colleges and Universities (Minnesota State) Bemidji State University Notice of Request for Proposal (RFP) for Printing and Mailing Preparation of Bemidji State Magazine

Bemidji State University is soliciting proposals for Printing and Mailing Preparation of Bemidji State Magazine. The full Request for Bid/Bid Form can be downloaded at: <https://www.bemidjistate.edu/rfps-and-bids/>

Questions regarding this RFP need to be submitted in writing through the university's website <https://www.bemidjistate.edu/rfps-and-bids/> under *Submit Questions* by the end of the day on Monday, January 6, 2020. Responses to the questions will be posted to the BSU RFP website on Wednesday, January 8, 2020.

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Executive Director of Communications and Marketing
1500 Birchmont Drive, #2
Bemidji, MN 56601

Sealed proposals must be received NO later than **2:00 PM, Monday, January 13, 2020**; late responses will not be considered. Faxed and e-mails proposals will be rejected.

Bemidji State University reserves the right to reject any or all bids, to waive any irregularities or informalities, and to cancel the solicitation if it is considered to be in its own best interest. This Request for Bid does not obligate Bemidji State University to award a purchase order or contract.

Minnesota State Colleges and Universities (Minnesota State)

St. Cloud State University

Notice of Request for Proposals (RFP) for Predesign Services for Education Building Replacement

The State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities (“Minnesota State”), on behalf of St. Cloud State University is soliciting qualifications from interested A/E teams for the above referenced project. A full Request for Proposals is available at the Minnesota State Colleges website:
<http://www.minnstate.edu/vendors/index.html>

Proposals are due back by **Thursday, January 23, 2019 3:00 P.M. CT** and are to be addressed to St. Cloud State University, Attn: Kelly Bartlow, Facilities Management Building, 720 4th Avenue South, St. Cloud, Minnesota 56301-4498

Please see the RFP for instructions on how to submit questions.

Minnesota State Colleges and Universities is not obligated to complete the proposed project and reserves the right to cancel this solicitation.

Minnesota State Colleges and Universities (Minnesota State)

Winona State University

Request for Proposals for Faculty-led Paris Travel Study Program

Notice is hereby given that Winona State University is seeking proposals for **Faculty-led Paris Travel Study Program** entitled “The Business of Healthcare: A comparison of healthcare systems in Paris (May 2021)”. Proposal specifications are available by contacting Laura Mann, Purchasing Director, PO Box 5838, 106 Somsen Hall, Winona, MN 55987 or via email to lmann@winona.edu. Sealed proposals must be received by Laura Mann, Purchasing Director, at Winona State University, PO Box 5838 or 175 West Mark Street, Business Office, Somsen Hall 106, Winona, MN 55987, by **Thursday, Feb. 27, 2020 at 3:00 pm CST**. Winona State University reserves the right to reject any or all proposals and to waive any irregularities or informalities in proposals received.

State Contracts

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.

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.



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