

# MINNESOTA STATE REGISTER

MONDAY, DECEMBER 30, 2024

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PAGES 693 - 746



# 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- **Withdrawn Rules**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. 49 Issue Number	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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State Capitol, Room 231, St. Paul, MN 55155  
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Court Information Office (651) 296-6043  
MN Judicial Center, Rm. 135,  
25 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155  
<http://www.mncourts.gov>

### House Public Information Services

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Office of the Federal Register (202) 512-1530; or (888) 293-6498  
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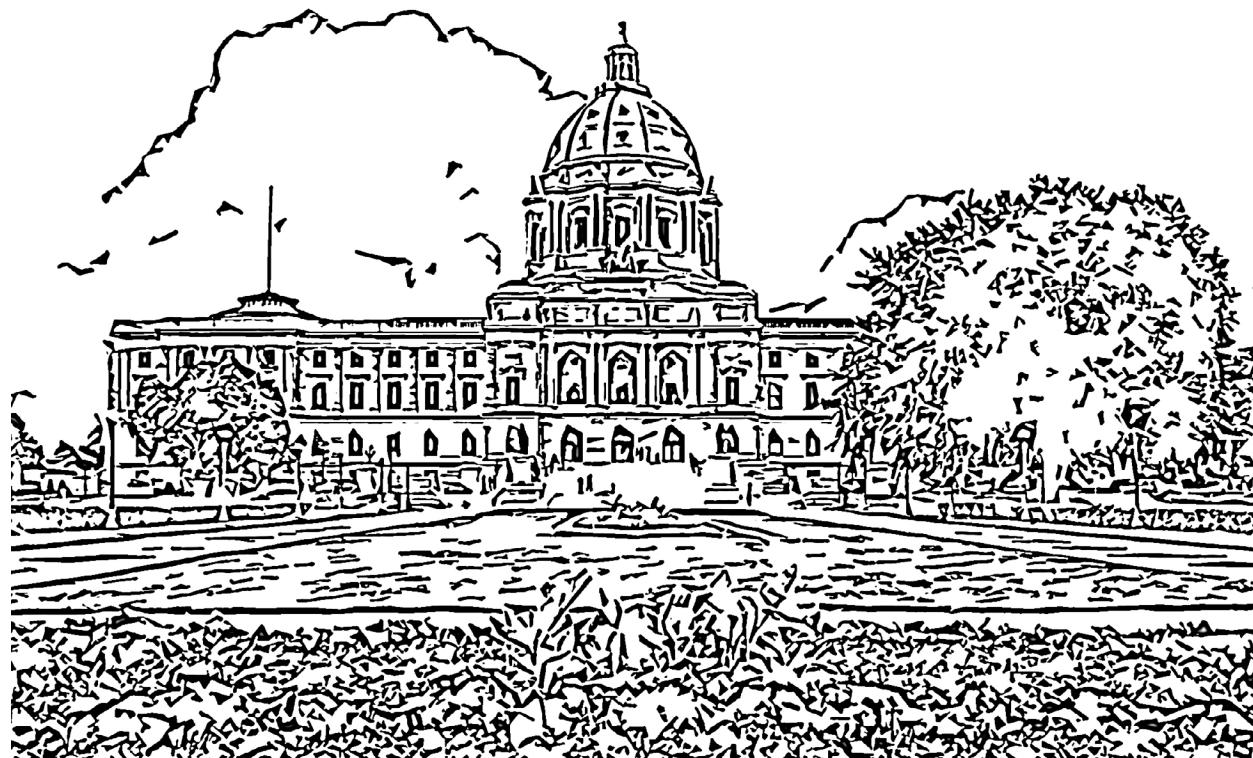
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**Front Cover Artwork:** *The Bentleyville Holiday lights and the lift bridge in Duluth, Minn. shine brightly on a cold November night.*  
*Photo by Sean Plemmons*



# 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 the editor at 651-201-3204 or email at [sean.plemmons@state.mn.us](mailto:sean.plemmons@state.mn.us)

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**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 Pollution Control Agency

### Division of Resource Management

#### Proposed Permanent Rules Relating to Waste Treated Seeds; DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor's ID Number 4806

##### Proposed Amendment to Rules Governing Waste Treated Seed, *Minnesota Rules*, chapter 7035, and 7045.

**Introduction.** The Pollution Control Agency 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. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on February 14<sup>th</sup>, 2025, the Department will hold a virtual public hearing that can be accessed [here](#). An Administrative Law Judge will conduct the hearing starting at 3:00 PM on Wednesday, March 5<sup>th</sup>, 2025. To find out whether the Department will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after February 14<sup>th</sup>, 2025 and before March 5<sup>th</sup>, 2025.

**Agency Contact Person.** Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is: Daniel Gonzalez at Minnesota Pollution Control Agency, 520

# Proposed Rules

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Lafayette Rd, St Paul, MN 55155, 651-757-2267, and [daniel.gonzalez@state.mn.us](mailto:daniel.gonzalez@state.mn.us).

**Subject of Rules and Statutory Authority.** The proposed rules are about Waste Treated Seed. The statutory authority to adopt the rules is *Minnesota Statutes* §§ 116.07, subd. 2(b) and subd. 4(b) for solid waste; and *Minnesota Statutes* §§ 116.07, subd. 2(d) and 4(g) for hazardous waste section. A copy of the proposed rules is published in the *State Register*.

**Comments.** You have until 4:30 p.m. on Friday, February 14th, 2025, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date.

Submit written comments to the:

1) Office of Administrative Hearings (OAH) Rulemaking eComments website at <https://minnesotaoah.granicusideas.com>; or

2) OAH attn: William Moore, OAH, 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-0620 or fax 651-539-0310.

You may view frequently asked questions about the OAH Rulemaking eComments website at [https://mn.gov/oah/assets/ecomments-faq\\_tcm19-82012.pdf](https://mn.gov/oah/assets/ecomments-faq_tcm19-82012.pdf). Any questions about submitting comments via the Rulemaking eComments website should be directed to William Moore of the OAH at 651-361-7900 or by email at [william.t.moore@state.mn.us](mailto:william.t.moore@state.mn.us); please note that you may not submit rulemaking comments by phone or email.

Comments received are public and will be available for review at the OAH Rulemaking eComments website at <https://minnesotaoah.granicusideas.com/discussions> and at the OAH, 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-0620.

The MPCA encourages comments. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. Any comments that you have about the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that the Department hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by 4:30 p.m. on Friday, February 14th, 2025. Submit your written request for a hearing to the:

1) Office of Administrative Hearings (OAH) Rulemaking eComments website at <https://minnesotaoah.granicusideas.com>; or

2) OAH attn: William Moore, OAH, 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-0620 or fax 651-539-0310.

You must include your name and address in your written request. In addition, 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 of persons 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.

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

**Modifications.** The Department might modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Department 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.

**Cancellation of Hearing.** The Department will cancel the hearing scheduled for March 5<sup>th</sup>, 2025, if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at 651-757-2267 after February 14th, 2025 to find out whether the hearing will be held. On the scheduled day, you may check for whether the hearing will be held by calling 651-757-2267 or going on-line at <https://www.pca.state.mn.us/get-engaged/waste-treated-seeds>.

**Notice of Hearing.** If 25 or more persons submit valid written requests for a public hearing on the rules, the Department will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Department will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Todnem is assigned to conduct the hearing. Judge Todnem can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone (651) 361-7875, and fax (651) 539-0310.

If 25 or more parties submit a written request for a hearing, the ALJ will conduct the hearing on March 5th, 2025, by WebEx beginning at 3:00 pm.

Hearing link: <https://minnesota.webex.com/minnesota/j.php?MTID=md1f63a96b33e817cc7f6c1064b6e375b>

Meeting number: 2492 803 8460

Meeting password: kMwpi2Bwr29

For audio connection, join the hearing by phone:

Call: 1-415-655-0003 (US Toll)

Access code: 2492 803 8460

The hearing continues until all parties are heard, or until the ALJ adjourns the hearing (no earlier than 6:00 pm). The MPCA may schedule additional days of hearing if necessary. All interested or affected parties will have an opportunity to participate by submitting either oral or written data, statements, or arguments. You may submit a statement without appearing at the hearing. To find out whether the MPCA will adopt the rules without a hearing or if it will hold the hearing, you should contact the MPCA contact person after February 14th, 2025 and before March 5th, 2025.

**Hearing Procedure.** If the Department holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit new evidence during the five-day rebuttal period.

All post-hearing comments and responses must be submitted to the Administrative Law Judge no later than 4:30 p.m. on the due date. The Office of Administrative Hearings strongly encourages all persons submitting comments

# Proposed Rules

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and responses to do so using the *Administrative Hearings' Rulemaking eComments website* <https://minnesotaoah.granicusideas.com/discussions>. If using the eComments website is not possible, you may submit post-hearing comments in person, via United States mail, or by facsimile addressed to Judge Todnem at the address or facsimile number listed in the Notice of Hearing section above.

All comments or responses received will be available for review at the Minnesota Pollution Control Agency or on the agency's website at <https://www.pca.state.mn.us/get-engaged/waste-treated-seeds>. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

**Statement of Need and Reasonableness.** The statement of need and reasonableness summarizes 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 or obtain copies for the cost of reproduction by contacting the agency contact person.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of 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 Procedure if No Hearing.** If no hearing is required, the agency may adopt the rules after the end of the comment period. The Department will submit the rules and supporting documents to the Office of Administrative Hearings for a legal review. You may ask to be notified of the date the rules are submitted to the office. If you want to receive notice of this, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

**Adoption Procedure after a Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date that the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date that the agency adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the agency contact person stated above.

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

Date: November 20, 2024

Katrina Kessler, P.E.  
MPCA Commissioner

## 7035.0300 DEFINITIONS.

Subpart 1. **Scope.** As used in parts 7035.0300 to 7035.2915 and 7035.3700, the following terms have the meanings given them in this part.

*[For text of subparts 2 and 3, see Minnesota Rules]*

**Subp. 3a. Agricultural products.** "Agricultural products" has the meaning given in Minnesota Statutes, section 273.13, subdivision 23, paragraph (i).

*[For text of subparts 4 to 16, see Minnesota Rules]*

**Subp. 17. Community water supply.** "Community water supply" has the meaning given it «community water system» in part 4720.0100 4725.0100, subpart 23a.

*[For text of subparts 18 to 37, see Minnesota Rules]*

**Subp. 37a. Farming.** "Farming" means producing agricultural products. Farming does not include:

# Proposed Rules

A. processing, refining, packaging, or transporting agricultural products; or

B. providing spraying or harvesting services for agricultural products.

*[For text of subparts 38 to 65, see Minnesota Rules]*

Subp. 66. **Monitoring well.** “Monitoring well” has the meaning given it in part 4725.0100, subpart 30a means an excavation of any depth that otherwise meets the definition given «environmental well» in Minnesota Statutes, section 103I.005, subdivision 8a.

*[For text of subparts 67 to 85, see Minnesota Rules]*

Subp. 86. **Public water supply.** “Public water supply” has the meaning given “public water system” in part 4720.0100 4725.0100, subpart 37b.

*[For text of subparts 87 to 98, see Minnesota Rules]*

Subp. 98a. **Shoreland.** “Shoreland” has the meaning given in part 6120.2500, subpart 15.

*[For text of subparts 99 to 105, see Minnesota Rules]*

Subp. 105a. **Source-separated organic material.**

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

C. Source-separated organic material does not include:

(1) septage; or

(2) sewage sludge, as defined in part 7041.0100, subpart 49-; or

(3) waste treated seed.

*[For text of subparts 105b to 108, see Minnesota Rules]*

Subp. 108a. **Surface water or surface waters.** “Surface water” or “surface waters” has the meaning given “surface waters” in part 7050.0130, subpart 6.

*[For text of subparts 109 to 111d, see Minnesota Rules]*

Subp. 111e. **Treated seed.** “Treated seed” means seed that is treated, as defined in Minnesota Statutes, section 21.81, subdivision 28.

*[For text of subparts 112 to 116, see Minnesota Rules]*

Subp. 116a. **Waste treated seed.** “Waste treated seed” has the meaning given in Minnesota Statutes, section 115A.03, subdivision 37a. Waste treated seed includes treated seed that will not be planted for the purpose of growing live plants in accordance with the instructions on the treated seed container label. Treated seed planted for the purpose of growing live plants in accordance with the instructions on the treated seed container label is not waste treated seed.

*[For text of subpart 117, see Minnesota Rules]*

Subp. 117a. **Water-supply well.** “Water-supply well” has the meaning given in part 4725.0100, subpart 50a.

*[For text of subparts 118 to 121, see Minnesota Rules]*

## 7035.2525 SOLID WASTE MANAGEMENT FACILITIES GOVERNED.

*[For text of subpart 1, see Minnesota Rules]*

Subp. 2. **Exceptions.** Parts 7035.2525 to 7035.2915 do not apply to the following solid waste management facilities or persons, except as indicated:

A. backyard compost sites must comply with only part 7035.2836, subpart 5, item M;

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

# Proposed Rules

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L. small compost sites must only comply with only parts 7035.2535, subpart 1, items A to E; 7035.2555; and 7035.2565; and 7035.2836, subpart 5, item M.

## 7035.2535 GENERAL SOLID WASTE MANAGEMENT FACILITY REQUIREMENTS.

*[For text of subparts 1 to 4, see Minnesota Rules]*

**Subp. 5. Industrial solid waste management.** All industrial solid waste delivered to a solid waste management facility must be managed by the owner or operator to protect human health and the environment. The industrial solid waste management plan required under part 7001.3300 must address items A to C, except that the industrial solid waste management plan for a municipal solid waste combustor ash land disposal facility need not comply with items B and C.

*[For text of item A, see Minnesota Rules]*

B. The plan must address how the following categories of waste will be managed to comply with the requirements of item A, subitems (2) to (4), and, for waste treated seed under subitem (13), with part 7035.3700:

*[For text of subitems (1) to (11), see Minnesota Rules]*

(12) spent activated carbon filters; and

(13) waste treated seed; and

(14) any other wastes that can be identified.

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

*[For text of subpart 6, see Minnesota Rules]*

## 7035.2815 MIXED MUNICIPAL SOLID WASTE LAND DISPOSAL FACILITIES.

*[For text of subparts 1 to 5, see Minnesota Rules]*

**Subp. 6. Intermittent, intermediate, and final cover system.** The owner or operator of a mixed municipal solid waste land disposal facility must design and maintain a cover system capable of minimizing infiltration of precipitation into the fill areas, preventing surface water ponding on fill areas, controlling gas movement, preventing erosion of surface and side slopes, reducing wind erosion and wind blown litter, minimizing the creation and movement of dust, retaining slope stability, reducing effects of freeze-thaw and other weather conditions, maintaining vegetative growth while minimizing root penetration of the low permeability cover layer, and discouraging vector and burrowing animal intrusion into the site. A complete cover system must consist of intermittent, intermediate, and final covers as outlined in items A to E.

A. The owner or operator must place an intermittent cover upon all exposed solid waste in accordance with the approved operation and maintenance manual for the site. The owner or operator shall submit to the commissioner for approval a proposed cover system that addresses the frequency and depth of placement and the material to be used as cover. The frequency of placement may be no less than once per week, except that waste treated seed must be covered immediately after being placed on the working face. The cover depth must be sufficient to cover the waste completely and must be at least six inches if soil or similar material is used. The commissioner, in approving the proposed cover system, must consider the characteristics of the proposed cover material, the characteristics of the solid waste, the leaching potential of the solid waste, the design and operation of the facility, and the potential for nuisance conditions if other than daily cover is proposed.

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

*[For text of subparts 7 to 10, see Minnesota Rules]*

**Subp. 11. Gas monitoring, collection, and treatment system.** The concentration of any explosive gas must not exceed its lower explosion limit at the property boundary or 25 percent of its lower explosion limit in and around facility structures or any other on-site monitoring point. A gas monitoring, collection, and treatment system must be designed to meet the requirements of items A to G.

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

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F. The size of the gas collection system must be based on the volume and type of waste to be received at the site.

(1) The owner or operator must determine the need for a gas collection system and discuss in the engineering report how the need was determined. The commissioner shall review the determination during the permit review process and again at closure. Approval of a gas monitoring system without collection at the time of permitting shall not limit future requirements determined necessary by the commissioner based on the volume of gas generated at the facility, the proximity to residential or business property, or problems experienced at the facility in maintaining vegetative growth or accumulation of gas in site structures.

(2) If waste treated seed is accepted at the facility, the operator must determine the maximum volume of waste treated seed that the facility can accept daily based on the size of the gas collection system.

*[For text of item G, see Minnesota Rules]*

*[For text of subpart 12, see Minnesota Rules]*

**Subp. 13. Operation and maintenance requirements.** A mixed municipal solid waste land disposal facility must be operated by a certified operator, as defined in parts 7048.0100 to 7048.1300. A certified operator must be present during the time that the facility is open to accept waste. The facility operations must meet the requirements of items A to W, at a minimum.

A. Solid waste must be spread and compacted in layers two feet or less in depth. When waste treated seed is placed on the working face, the operator must spread the waste treated seed across the working face to maintain slope stability and minimize localized settlement.

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

*[For text of subparts 14 to 16, see Minnesota Rules]*

## **7035.2836 COMPOST FACILITIES.**

*[For text of subparts 1 to 4, see Minnesota Rules]*

**Subp. 5. Operation requirements for solid waste compost facility.** The owner or operator of a compost facility shall submit an operation and maintenance manual to the commissioner for approval with the facility permit application. The manual must include a personnel training program plan, a leachate management plan, and a compost sampling plan and must comply with the operation requirements in items A to L.

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

M. Waste treated seed must not be composted.

*[For text of subparts 6 to 11, see Minnesota Rules]*

## **7035.3700 WASTE TREATED SEED.**

**Subpart 1. Scope.** This part applies to any person managing waste treated seed, including persons who own or operate land used for farming, dealers and other sellers of treated seed, owners or operators of a solid waste management facility, and any other person disposing of waste treated seed.

**Subp. 2. Status.** Waste treated seed managed as specified in this part is industrial solid waste. When managed as specified in this part, waste treated seed is exempt from the requirements of chapter 7045. Discarded containers that held treated seed are mixed municipal solid waste.

**Subp. 3. Requirements.** Waste treated seed must be managed in compliance with this part and with:

A. Minnesota Statutes, section 18B.075, which relates to pesticide-treated seed;

B. Minnesota Statutes, section 21.86, subdivision 2, paragraph (h), which relates to seeds treated with neonicotinoid pesticide; and

# Proposed Rules

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C. Minnesota Statutes, section 115A.993, which relates to prohibited disposal methods.

Subp. 4. **Prohibitions.** Waste treated seed must not be:

A. disposed of by burial, except:

(1) at a mixed municipal solid waste land disposal facility under part 7035.2815;

(2) at a land disposal facility with a liner and a leachate management system that has been approved by the commissioner to accept waste treated seed. Land disposal facilities accepting waste treated seed under this subitem must comply with part 7035.2815, subparts 6, 11, and 13; or

(3) by a person who owns or operates land used for farming, if the waste treated seed is generated as part of that person's farming operation and is buried on the land used for farming in a nuisance-free, pollution-free, and aesthetic manner. This subitem does not apply if regularly scheduled pickup of solid waste is reasonably available at the person's farm, as determined by resolution of the county board of the county where the land used for farming is located. Burial under this subitem must:

(a) be located more than 200 feet from any water-supply well used for human or animal drinking water and be more than 1,000 feet from any public water supply;

(b) not be on land that is karst;

(c) not be within a wetland, floodplain, or shoreland;

(d) be no deeper than five feet above the water table;

(e) be deep enough or sufficiently backfilled to provide final cover of at least two feet of soil, with the top foot capable of sustaining vegetative growth; and

(f) have the final cover contoured and sloped consistent with the planned ultimate use of the burial location, to divert surface water drainage around and away from the burial location and to prevent erosion, with a minimum two percent and maximum 20 percent slope;

B. burned, except in an energy recovery facility that is issued an air quality permit by the commissioner to burn:

(1) industrial solid waste that is explicitly identified in the permit to be or to include waste treated seed;

(2) mixed municipal solid waste; or

(3) refused-derived fuel prepared from mixed municipal solid waste;

C. composted;

D. used, donated, sold, or offered for human food;

E. used, donated, sold, or offered for animal feed, such as feed for livestock, poultry, or wildlife; or

F. used, donated, sold, or offered for oil processing or for fuel or fuel production, except as allowed in item B.

Subp. 5. **Preemption.** Unless explicitly superseded by controlling federal law, instructions on treated seed container labels relating to disposition or disposal of waste treated seed or disposition or disposal of treated seed containers do not preempt the requirements of this part.

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## Subp. 6. **Regulatory jurisdiction.**

- A. The agency has jurisdiction to implement and enforce this part, chapter 7035, and chapter 7045.
- B. The Department of Agriculture has jurisdiction to implement and enforce chapter 1505 and Minnesota Statutes, chapters 18B and 21, including requirements for registration and use of pesticides used to treat seeds and labeling of treated seed containers.
- C. Local units of government that have entered into delegation agreements with the Department of Agriculture under parts 1505.4000 to 1505.4130 have jurisdiction to enforce requirements of the Department of Agriculture that are specified in their respective delegation agreements.
- D. Local units of government have jurisdiction to regulate management of industrial solid waste and mixed municipal solid waste as specified in their respective solid waste ordinances, as provided in Minnesota Statutes, chapters 115A, 400, and 473. Local regulation must be consistent with this part but may further restrict location or manner of waste treated seed burial.

## 7045.0020 DEFINITIONS.

*[For text of subparts 1 to 58b, see Minnesota Rules]*

Subp. 58c. **Monitoring well.** “Monitoring well” means an excavation of any depth that otherwise meets the definition given “environmental well” in Minnesota Statutes, section 103I.005, subdivision 8a.

*[For text of subparts 59 to 82, see Minnesota Rules]*

Subp. 83. **Shoreland.** “Shoreland” has the meaning given in Minnesota Statutes, section 103F.205, subdivision 4, and rules adopted pursuant to that section part 6120.2500, subpart 15.

*[For text of subparts 84 to 88, see Minnesota Rules]*

Subp. 88a. **Surface water or surface waters.** “Surface water” or “surface waters” has the meaning given “surface waters” in part 7050.0130, subpart 6.

*[For text of subparts 89 to 96a, see Minnesota Rules]*

Subp. 96b. **Treated seed.** “Treated seed” has the meaning given in part 7035.0300, subpart 111e.

*[For text of subparts 97 to 102c, see Minnesota Rules]*

Subp. 102d. **Waste treated seed.** “Waste treated seed” has the meaning given in part 7035.0300, subpart 116a.

*[For text of subparts 103 to 105, see Minnesota Rules]*

Subp. 105a. **Water-supply well.** “Water-supply well” has the meaning given in part 4725.0100, subpart 50a.

*[For text of subparts 106 to 109, see Minnesota Rules]*

## 7045.0120 EXEMPTIONS AND SPECIAL REQUIREMENTS.

*[For text of subpart 1, see Minnesota Rules]*

Subp. 2. **Special requirements.** The following waste is exempt from the general requirements of this chapter if managed as specified:

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

F. universal waste managed under part 7045.1400; and

G. hazardous waste containing radioactive waste when it meets the eligibility criteria and conditions of Code of Federal Regulations, title 40, part 266, subpart N, Conditional Exemption for Low-Level Mixed Waste Storage, Treatment, Transportation and Disposal, as amended. This exemption also pertains to:

# Proposed Rules

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- (1) any mixture of a waste and an eligible radioactive mixed waste; and
- (2) any waste generated from treating, storing, or disposing of an eligible radioactive mixed waste.

Waste exempted under this item must meet the eligibility criteria and specified conditions in Code of Federal Regulations, title 40, sections 266.225 and 266.230 (for storage and treatment), as amended, and 266.310 and 266.315 (for transportation and disposal), as amended. Waste that fails to satisfy these eligibility criteria and conditions is regulated as hazardous waste; and

H. waste treated seed and discarded containers that held treated seed, if the waste treated seed and containers are managed under chapter 7035, including part 7035.3700.

**TERM CHANGE.** In Minnesota Rules, chapters 7035 and 7045, the terms “water supply well” and “water supply wells” are changed to “water-supply well” and “water-supply wells,” respectively.

**RENUMBERING INSTRUCTION.** In Minnesota Rules, part 7035.0300, the subparts listed in column A are renumbered as the subparts listed in column B:

Column A	Column B
<u>Subpart 111a</u>	<u>Subpart 111f</u>
<u>Subpart 111b</u>	<u>Subpart 111g</u>
<u>Subpart 111c</u>	<u>Subpart 111h</u>
<u>Subpart 111d</u>	<u>Subpart 111i</u>

In Minnesota Rules, part 7045.0020, subpart 102c, is renumbered as subpart 102e.

## Minnesota Racing Commission

### Proposed Permanent Rules Relating to Horse Racing; Notice of Intent to Adopt Rules Without A Public Hearing

**Proposed Amendments to Rules Governing Horse Racing: Definitions, Facilities and Equipment, Class C Licensees, Thoroughbred/Quarter Horse Races, Harness Races, Horse Medication, Physical Examination, Medical Testing, Breeders' Fund, and Prohibited Acts; Chapters 7869, 7875, 7877, 7883, 7884, 7890, 7891, 7892, 7895, and 7897. Revisor's ID Number R-04887 Docket Number OAH 22-0911-4189.**

**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 Thursday, January 30, 2025.

**Agency Contact Person.** Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is Taylor Traufler at the Minnesota Racing Commission, 15201 Zurich Street STE 212, Columbus MN, 55025 at 651-925-3951(phone), 651-925-3953 (fax), and [taylor.traufler@state.mn.us](mailto:taylor.traufler@state.mn.us) (email).

**Subject of Rules and Statutory Authority.** The proposed rule updates strive to keep Minnesota Racing Commission rules current and relevant as the industry evolves. This rulemaking initiative will modify, clarify, and update various existing MRC rules pertaining to licensing, animal welfare, and the safety of all participants. There is an emphasis on horse health, veterinary practices, and racing rules. Following is a summary of the changes.

# Proposed Rules

## 7869.0100 Subp. 31f. **Definitions.**

This definition is being added to define “HISA-covered person” which is used elsewhere in the rules and comes directly from the definitions chapter in the 1000 series of HISA regulations.

## 7869.0100 Subp. 31h. **Definitions.**

This subpart is being renumbered from “31f” to “31h”.

## 7869.0100 Subp. 50a. **Definitions.**

This definition is being added to define “Qualifying line” which is used elsewhere in the rules.

## 7869.0100 Subp. 51b. **Definitions.**

This definition is being added to define “Race line” which is used elsewhere in the rules.

## 7869.0200 Subp. 2A. **Association of Racing Commissioners International.**

This proposed rule change specifies that the Association of Racing Commissioners International (ARCI) Endogenous, Dietary, or Environmental Substances Schedule is incorporated by reference for Standardbred and Quarter Horse racing only.

## 7869.0200 Subp. 2B. **Association of Racing Commissioners International.**

This proposed rule change specifies that Association of Racing Commissioners International (ARCI) Therapeutic Medication Schedule for Horses is incorporated by reference for Standardbred and Quarter Horse racing only.

## 7869.0200 Subp. 2C. **Association of Racing Commissioners International.**

This proposed rule change specifies that the Association of Racing Commissioners International (ARCI) Uniform Classification Guidelines for Foreign Substances and Recommended Penalties Model Rule is incorporated by reference for Standardbred and Quarter Horse racing only.

## 7869.0200 Subp. 2D. **Association of Racing Commissioners International.**

This proposed rule change specifies that the Association of Racing Commissioners International (ARCI) Multiple Medication Violation Model Rule is incorporated by reference for Standardbred and Quarter Horse racing only.

## 7869.0200 Subp. 2a. **Horseracing Integrity and Safety Authority.**

This proposed rule specifies that the Horseracing Integrity and Safety Authority Rule Series 1000 to 9000 are incorporated by reference for Thoroughbred racing.

## 7875.0100 Subpart 1. **Facilities.**

This rule is being amended to require each association to provide an equine isolation facility along with the receiving barn, detention facility, paddock, room for jockeys and drivers, lighting, stabling, restrooms, medical facilities, racing officials’ space, viewing room, commission office and parking space, space for the Alcohol and Gambling Enforcement Division, and information window that were originally included in this subpart.

## 7877.0130 Subp. 1a. **Timely licensure.**

This proposed rule requires an owner of a horse entered to race at a Minnesota racetrack to be licensed by the commission no later than the posted scratch time on the day the horse is entered to race. Failure of an owner to be licensed by this time will result in their horse being scratched by the stewards.

## 7877.0130 Subp. 3B. **Trainers and assistant trainers.**

This rule change specifies the requirements for licensure of Thoroughbred and Quarter Horse trainer or assistant trainer applicants in Minnesota.

## 7877.0130 Subp. 3C. **Trainers and assistant trainers.**

This proposed rule requires first time harness horse trainer or assistant trainer applicants in Minnesota to satisfy the United States Trotting Association (USTA) requirements for licensure.

# Proposed Rules

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## 7877.0130 Subp. 3D. Trainers and assistant trainers.

This rule is being renumbered from subpart “3C” to subpart “3D”.

## 7877.0130 Subp. 3E. Trainers and assistant trainers.

This rule is being renumbered from subpart “3D” to subpart “3E”.

## 7877.0130 Subp. 3F. Trainers and assistant trainers.

This rule is being renumbered from subpart “3E” to subpart “3F”.

## 7877.0130 Subp. 4. Prospective trainers and assistant trainers.

This rule change specifies that an applicant who has never been licensed by the commission or by another racing jurisdiction as a trainer or an assistant trainer for Thoroughbreds or Quarter Horses must have at least two years’ experience in an occupation that indicates a knowledge of horsemanship and racing practices. New trainer or assistant trainer applicants for Standardbreds have different requirements.

## 7877.0130 Subp. 4B. Prospective trainers and assistant trainers.

This rule change specifies that a prospective trainer or assistant trainer applicant for Thoroughbred or Quarter Horse racing must pass a written examination administered by the stewards, covering such subjects as rules of racing, care and handling of horses, and proper use of racing equipment. Prospective trainer or assistant trainer applicants for Standardbred racing have different requirements.

## 7877.0130 Subp. 4C. Prospective trainers and assistant trainers.

This rule change specifies that a prospective trainer or assistant trainer applicant for Thoroughbred or Quarter Horse racing must pass a practical test of horsemanship administered by the stewards or their designee. A prospective trainer or assistant trainer applicant for Standardbred racing must meet different requirements.

## 7877.0130 Subp. 4D. Prospective trainers and assistant trainers.

This proposed rule requires new harness horse trainers or assistant trainers applying for a Minnesota racing license to satisfy all USTA requirements.

## 7877.0170 Subp. 2H. Trainers.

This rule change allows a trainer to use a veterinarian that is not licensed by the commission as a consultant, if they are approved in advance by a commission veterinarian and the non-licensed veterinarian is escorted by a commission veterinarian while on association grounds.

## 7877.0170 Subp. 2N. Trainers.

This rule is being amended as “nerved” horses are no longer allowed to race.

## 7877.0170 Subp. 2S. Trainers.

This rule is being updated to clarify Quarter Horse and Thoroughbred trainers licensed as owners must train all horses owned wholly or in part by them.

## 7877.0170 Subp. 2V. Trainers.

This proposed rule requires Thoroughbred trainer treatment records to be transferred to the new trainer under HISA rules in the event of a successful claim.

## 7877.0170 Subp. 2W. Trainers.

This rule change specifies what records Quarter Horse and Standardbred racehorse trainers are responsible for providing to a new trainer after a successful claim and the timeframe in which they must provide them. It is also being renumbered from subpart “2V” to subpart “2W”.

## 7877.0170 Subp. 2X. Trainers.

This item is being renamed from subpart “2W” to subpart “2X”.

# Proposed Rules

## 7877.0170 Subp. 2Y. Trainers.

This item is being renamed from subpart “2X” to subpart “2Y”.

## 7877.0170 Subp. 10F. Pony riders.

This proposed rule clarifies that if a pony rider wishes to act as a lead pony during the races, they are required to be in proper attire determined by the association and represent him or herself in a clean and tidy manner.

## 7877.0175 Subpart 1C. Racing secretary.

This rule change requires the association’s racing secretary to provide the stewards with a proper and complete daily racing program.

## 7877.0175 Subp. 4. Paddock judge; Thoroughbred and Quarter Horse races.

This rule is being updated as the entirety of subpart 4 is specific to a paddock judge working at Quarter Horse and Thoroughbred races.

## 7877.0175 Subp. 4G. 2. Paddock judge; Thoroughbred and Quarter Horse races.

This rule is being updated to bring it into alignment with rule 7883.0150, subpart 3, which states that all paddock boots and bandages, except those bandages that will be worn during racing, must be removed upon arrival in the paddock.

## 7877.0175 Subp. 7C. Claims clerk (Thoroughbred, Quarter Horse, and Arabian only).

This rule is being amended to require the claims clerk at Thoroughbred, Quarter Horse, and Arabian races to make certain a claimant has the amount of the claim, plus any applicable tax or fee in their account when a claim is made.

## 7877.0175 Subp. 8. Commission veterinarian.

This subpart is being added back to this chapter for clarity.

## 7877.0175 Subp. 8b. C. Veterinarian’s list.

This proposed rule change requires horses needing an official timed workout to be removed from the veterinarian’s list to have documentation from the attending veterinarian that the horse is sound to work and complete medical testing prior to removal from the veterinarian’s list.

## 7883.0100 Subp. 2A. Horse must be registered and eligible.

This rule amendment requires all Thoroughbred horses to be registered with HISA before they are eligible to start in a race.

## 7883.0100 Subp. 2B. Horse must be registered and eligible.

This rule is being updated to remove the inaccurate reference to a freeze brand registration number.

## 7883.0100 Subp. 2a. C. Prohibited starters.

The word “or” is being removed from this item.

## 7883.0100 Subp. 2a. D. Prohibited starters.

The word “or” is being added to the end of this rule to allow for another requirement to be listed.

## 7883.0100 Subp. 2a. E. Prohibited starters.

This rule is being added to prohibit a Thoroughbred or Quarter Horse from starting if it has raced more than 3 times in 30 consecutive days.

## 7883.0100 Subp. 4E. Entering procedure.

This proposed rule requires a jockey to be named on a specific horse at the time of entry.

## 7883.0100 Subp. 4F. Entering procedure.

This proposed rule would allow a jockey to be named on only one horse in the body of a race and one also eligible or

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one Main Track Only horse, or both.

## 7883.0100 Subp. 4G. **Entering procedure.**

This proposed rule requires jockeys not represented or present at the draw to call the racing secretary by 9AM the following day to declare their intent to honor their designated engagements.

## 7883.0100 Subp. 16B. **Workout requirements.**

This rule is being amended to not allow a Quarter Horse to start that has not started for a period of 46 days or more until it has completed one timed workout within 45 days of and no less than 48 hours prior to the race in which it is entered. A Quarter Horse that has not started for a period of 61 days or more is not eligible to start until it has completed two timed workouts within 60 days and no less than 48 hours before the race in which it is entered, which is an increase from one timed workout within that timeframe.

## 7883.0100 Subp. 16J. **Workout requirements.**

This proposed rule requires a Quarter Horse that has not previously started at 870 yards to complete one timed workout at 660 yards or more before the horse can start in a race scheduled for 870 yards. This timed workout must be within 60 days of and not less than 48 hours before the race in which it is entered.

## 7883.0100 Subp. 20. **Quarter Horses must stand in the gate.**

This proposed rule requires each Quarter Horse entered in a stakes race to stand in the starting gate either the day before or the day of the race in which the horse is entered.

## 7883.0130 Subp. 4A. **Sex allowance.**

This rule change clarifies that in all races against male horses, except handicaps and races where the conditions expressly state to the contrary, Thoroughbred fillies two years old are allowed three pounds and Thoroughbred fillies and mares three years old and upwards are allowed five pounds before September 1 and three pounds thereafter. This sex allowance may not be waived.

## 7883.0130 Subp. 4B. **Sex allowance.**

This proposed rule declares there is no sex allowance in all races for Quarter Horse fillies and mares.

## 7883.0140 Subp. 8A. **Voided claims.**

The word “or” is being removed from the end of this item.

## 7883.0140 Subp. 8B. **Voided claims.**

This rule change clarifies when the stewards must void a claim for a Quarter Horse. The word “or” is also being added to the end of the rule to allow for another subpart.

## 7883.0140 Subp. 8C. **Voided claims.**

This proposed rule declares when the stewards must void a claim for a Thoroughbred, which is if the horse is placed on the veterinarian’s list within one hour of racing for unsoundness or bleeding. A claimant may elect to claim the horse regardless of whether the horse is placed on the veterinarian’s list or not on the claim form.

## 7883.0140 Subp. 15. **Protest of claim for Quarter Horses.**

This subpart is being renamed as it will only apply to Quarter Horses. Thoroughbred horses must follow HISA regulations for protest of claim.

## 7883.0140 Subp. 15a. **Protest of claim for Thoroughbreds.**

This proposed rule is being added as claims protested for Thoroughbred horses must follow HISA regulations.

## 7883.0150 Subp. 14A. **Flipping halters.**

This subpart is being split into “14A” and “14B”.

## 7883.0150 Subp. 14B. **Flipping halters.**

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This proposed rule declares there will be no refund of wagering because a flipping halter prevents the starting gate from opening properly.

**7883.0160 Subpart 1. Thoroughbreds and Quarter Horses must be tattooed physically or be microchipped and tattooed digitally.**

This rule is being updated as Thoroughbred and Quarter Horses must be tattooed physically or be microchipped and tattooed digitally to be eligible to start.

**7883.0170 A3. Equipment.**

This rule is being split up into separate requirements for horseshoes for Thoroughbreds and Quarter Horses.

**7883.0170 A3. a. Equipment.**

This rule change provides regulations on toe grabs for Thoroughbred horses. Toe grabs, other than wear plates with a height no greater than two millimeters (0.07874 inches), bends, jar caulks, stickers and any other traction device worn on the front shoes of Thoroughbred horses while racing or training on all racing surfaces are prohibited.

**7883.0170 A3. b. Equipment.**

This proposed rule provides regulations for toe grabs for Quarter Horses. Toe grabs, other than wear plates with a height no greater than four millimeters (0.15748 inches), bends, jars, caulks, stickers, or any other traction device worn on the front shoes are prohibited. Toe grabs greater than 6.35 millimeters (0.25 inches) from the ground surface side of the hind shoes are prohibited.

**7884.0120 Subp. 16. Entered horse to be on grounds.**

This rule is being amended to allow Standardbred horses participating in non-purse races to be present two hours prior to post time for the first non-purse race. This is a change from five hours prior to post time for the first scheduled race, which will still be the requirement for Standardbred horses scheduled in purse races.

**7884.0130 Subpart 1. Association to establish preference system.**

This rule is being removed so it can be replaced with more current language from the USTA rulebook.

**7884.0130 Subp. 1a. Preference date.**

This subpart will replace the needed rule for preference dates. It is from the USTA rulebook and is more current.

**7884.0180 TIME TRIALS.**

This rule is being removed as it is no longer common practice to use time trials at a harness racetrack.

**7884.0190 Subp. 2C. Horses required to compete in qualifying races for race meets longer than two weeks.**

This rule is being updated to require a Standardbred horse that does not show a clean charted qualifying line or race line within 44 days to compete in a qualifying race. On day 45, the horse is not eligible to enter in a race.

**7884.0190 Subp. 2a. B. Horses required to compete in qualifying races regardless of duration of meet.**

This proposed rule change requires a Standardbred horse that chokes, bleeds, or falls in the paddock, or while going to the track, exiting the track, warming up or racing to compete in a qualifying race before being eligible to enter any race. This is more specific than the current language.

**7884.0190 Subp. 2a. D. Horses required to compete in qualifying races regardless of duration of meet.**

This rule is being removed to allow the stewards discretion in deciding whether a distanced horse needs to qualify.

**7884.0250 Subp. 4A. Inquiry into failure to sound recall.**

This rule is being split into parts "A" and "B".

**7884.0250 Subp. 4B. Inquiry into failure to sound recall.**

This proposed language clarifies that the stewards must make placings in the same manner used for interference during any part of the race when interference occurs before the start of a race, but no recall is sounded by the starter.

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## 7884.0260 Subp. 2T. **Conduct after word “go” is given.**

The language “The driver is permitted to encourage the horse with the whip only one time from the start to the  $\frac{3}{4}$  mile marker, and no more than four times, if the horse is advancing, from the  $\frac{3}{4}$  mile marker to the finish line,” is being removed from this rule. The word “judges” is also being replaced with “stewards” as it allows for consistency throughout the rulebook.

## 7884.0260 Subp. 2T. 5. **Conduct after word “go” is given.**

This rule is being updated to declare a driver’s whipping arm must not be raised above the driver’s shoulder height.

## 7890.0100 Subp. 13a. C. **Definitions.**

This definition is being updated to prevent the use of antibiotics in topical antiseptics, ointments, salves, leg rubs, and leg paints.

## 7890.0100 Subp. 14d. **Definitions.**

This definition is being updated to include hair sampling as a method of out-of-competition testing.

## 7890.0110 Subpart 1. **Administration.**

This rule is being updated to align with MRC rule 7890.0100, subpart 13a, A2.

## 7890.0110 Subp. 8a. B. **Intra-articular injections.**

This rule is being added to follow HISA rules where a Thoroughbred horse is prohibited from receiving a corticosteroid injection in the fetlock jock within 30 days of the race in which it is entered.

## 7890.0110 Subp. 8a. C. **Intra-articular injections.**

This subpart is being renamed from part “B” to part “C”.

## 7890.0120 Subpart 1A. **Veterinarians must keep records.**

This proposed rule follows HISA rules for Thoroughbreds. Veterinarians must report all treatments and diagnostic procedures electronically to a specified HISA site within 24 hours of treatment.

## 7890.0120 Subpart 1B. **Veterinarians must keep records.**

This is the original language of the rule, but it is being labeled for Quarter Horses and Standardbreds as Thoroughbreds have different regulations on veterinarian record keeping through HISA.

## 7890.0160 A. **RESPONSIBILITY OF VETERINARIAN.**

Specification of items “B, C, and D” is being added to this rule for clarity.

## 7891.0100 Subpart 1A. 7. **Horses subject to examination.**

The language “Track Manager” is being added as the full name of the electronic module for prerace examinations is “InCompass Solutions Track Manager”.

## 7891.0110 Subp. 2A. 1. **Test samples to be taken for analysis.**

This rule is being added to comply with HISA regulations for samples collected from Thoroughbred horses that die or are euthanized from a training or race-related injury.

## 7891.0110 Subp. 2A. 2. **Test samples to be taken for analysis.**

This is the original language for this rule, but it is being labeled for Quarter Horses and Standardbreds as Thoroughbreds have different regulations through HISA.

## 7891.0110 Subp. 2B. **Test samples to be taken for analysis.**

This rule is being updated as hair samples must be obtained prior to or after euthanasia of a horse due to a training or race-related injury.

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## 7891.0110 Subp. 4. Report of injury or death.

This subpart is being renamed for clarity.

## 7891.0110 Subp. 4. A. Report of injury or death.

This is the original language from this rule. It is being renumbered to subpart 4, item A.

## 7891.0110 Subp. 4. B. Report of injury or death.

This rule is being added to comply with HISA regulations for Thoroughbreds. Notification of death of a Thoroughbred horse must be submitted to HISA through their online portal within 24 hours.

## 7891.0110 Subp. 4. C. Report of injury or death.

This rule is being added in part to comply with HISA regulations for Thoroughbreds. Any Thoroughbred horse that sustains an injury requiring transportation by an ambulance must be reported to HISA within 24 hours. Other injuries not requiring transportation by an ambulance may be batched and submitted to HISA within one week.

## 7891.0110 Subp. 5. Postmortem reports.

This subpart is being renamed for clarity.

## 7891.0110 Subp. 5. A. Postmortem reports.

This rule is being added to comply with HISA regulations for Thoroughbreds. Initial and updated postmortem reports must be submitted to HISA within 72 hours of receipt.

## 7891.0110 Subp. 5. B. Postmortem reports.

This rule is being updated to correctly identify where postmortem reports for Thoroughbred horses and Quarter Horses will be documented. The correct location is The Jockey Club's equine injury database.

## 7891.0110 Subp. 5. C. Postmortem reports.

This rule is being added as postmortem reports are provided to the trainer and trainer's veterinarian and reviewed by the Mortality Review committee.

## 7892.0105 MEDICAL TESTING FOR THORUGHBRED RACEHORSES.

This proposed rule clarifies that all medical testing for Thoroughbred racehorses is performed under HISA regulations and these rule series are incorporated by reference. It also includes the website where these rule series can be found.

## 7892.0110 OUT-OF-COMPETITION TESTING FOR QUARTER HORSE AND STANDARDBRED RACEHORSES.

This rule is being renamed as it will only apply to Quarter Horse and Standardbred racehorses. Thoroughbreds will follow HISA regulations for out-of-competition testing.

## 7892.0120 TAKING OF SAMPLES FOR QUARTER HORSE AND STANDARDBRED RACEHORSES.

This rule is being renamed as it will only apply to Quarter Horse and Standardbred racehorses. Thoroughbreds will follow HISA regulations for taking of samples.

## 7892.0130 TESTING FOR QUARTER HORSE AND STANDARDBRED RACEHORSES.

This rule is being renamed as it will only apply to Quarter Horse and Standardbred racehorses. Thoroughbreds will follow HISA regulations for testing.

## 7892.0140 RECORDS FOR QUARTER HORSE AND STANDARDBRED RACEHORSES.

This rule is being renamed as it will only apply to Quarter Horse and Standardbred racehorses. Thoroughbreds will follow HISA regulations for record keeping.

## 7892.0150 PURSES FOR QUARTER HORSE AND STANDARDBRED RACEHORSES.

This rule is being renamed as it will only apply to Quarter Horse and Standardbred racehorses. Thoroughbreds will

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follow HISA regulations for purses.

## 7895.0300 Subp. 3A. **Distribution of money.**

This rule is being updated to clarify that purse earnings in any North American Quarter Horse race that is conducted outside of Minnesota on or after the first scheduled Minnesota Quarter Horse live race and on or before the last scheduled Minnesota Quarter Horse live race shall not count toward qualified earnings.

## 7897.0100 Subp. 15A. **Removing a horse without permission.**

This subpart is being split into breeds as Thoroughbreds and Quarter Horses have different requirements than Standardbreds regarding being removed from the grounds of the racetrack. Thoroughbred and Quarter Horse racehorses are not to be removed from the stable area of a licensed racetrack without written permission of the racing secretary or stewards.

## 7897.0100 Subp. 15B. **Removing a horse without permission.**

This subpart is being split into breeds as Standardbreds have different requirements than Thoroughbreds and Quarter Horses regarding being removed from the grounds of the racetrack. A Standardbred racehorse that is required to be on association grounds by 9:00am the day before they race must not be removed from the stable area of a licensed racetrack without written permission of the stewards.

## 7897.0100 Subp. 17B. 1. **Hypodermic equipment and injectable substances prohibited.**

The words "and/or" at the end of this item are being removed.

## 7897.0100 Subp. 17B. 2. **Hypodermic equipment and injectable substances prohibited.**

A ";" is being added to the end of this item to allow for another item to follow.

## 7897.0100 Subp. 17B. 3. **Hypodermic equipment and injectable substances prohibited.**

This proposed rule allows any person to have within a restricted area of a licensed racetrack, a disposable syringe intended for oral use where the tip of the syringe makes it incapable of attaching a needle.

## 7897.0100 Subp. 17B. 4. **Hypodermic equipment and injectable substances prohibited.**

This proposed rule allows any person to have within a restricted area of a licensed racetrack, a disposable syringe 60cc or greater designed and intended for topical use where the tip of the syringe makes it incapable of attaching a needle.

## 7897.0110 Subpart 1. **Drugs.**

This rule is being updated to allow the commission's investigative staff, along with the stewards, to require any licensee who exhibits suspected impaired behavior to provide a blood, breath, saliva, or urine sample for analysis. A second specimen may also be required for confirmation or quantification to be analyzed at an independent laboratory selected by the commission. This is in addition to being subject to disciplinary action by the stewards and the commission.

The Racing Commission's statutory authority to adopt the rules is set forth in Minnesota Statutes section 240.03, 240.23 and 240.24.

Minnesota Statutes section 240.03 specifies Racing Commission power and duties which include regulating horse racing in Minnesota to ensure that it is conducted in the public interest and to take all necessary steps to ensure the integrity of racing in Minnesota.

Minnesota Statutes section 240.23 provides the racing commission statutory authority to adopt the rules, as follows:

The Commission has the authority, in addition to all other rulemaking authority granted elsewhere in this chapter to promulgate and adopt rules governing: a) the conduct of horse races held at licensed racetracks in Minnesota, including but not limited to the rules of racing, standards of entry, operation of claiming races, filing and handling of objections, carrying of weights, and declaration of official results, b) wire and wireless communications between the premises of a

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licensed racetrack and any place outside the premises, c) information on horse races which is sold on the premises of a licensed racetrack, d) liability insurance which it may require of all racetrack licensees, e) the auditing of the books and records of a licensee by an auditor employed or appointed by the Commission, f) emergency action plans maintained by licensed racetracks and their periodic review, g) safety, security, and sanitation of stabling facilities at licensed racetracks, h) entry fees and other funds received by a licensee in the course of conducting racing which the Commission determines must be placed in an escrow account, i) affirmative action in employment and contracting by licensed racetracks, and j) procedures for the sampling and testing of any horse that is eligible to race in Minnesota for substances or practices that are prohibited by law or rule; and k) any other aspect of horse racing or pari-mutuel betting which in its opinion affects the integrity of racing or the public health, welfare, or safety.

Minnesota Statutes section 240.24 authorizes the Racing Commission to “make and enforce rules governing medication and medical testing for horses running at licensed racetracks.”

A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. on Thursday, January 30, 2025, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. Any comments that you have about the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that the Minnesota Racing Commission hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by 4:30 p.m. on Thursday, January 30, 2025. You must include your name and address in your written request. In addition, 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 Minnesota Racing Commission will hold a public hearing unless a sufficient number of persons 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/Accommodation.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The Minnesota Racing Commission might modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Minnesota Racing Commission follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Minnesota Racing Commission encourages you to participate in the rulemaking process.

**Statement of Need and Reasonableness.** The statement of need and reasonableness summarizes 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 or obtain copies for the cost of reproduction by contacting the agency contact person.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public

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Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

**Adoption Procedure if No Hearing.** If no hearing is required, the agency may adopt the rules after the end of the comment period. The Minnesota Racing Commission will submit the rules and supporting documents to the Office of Administrative Hearings for a legal review. You may ask to be notified of the date the rules are submitted to the office. If you want to receive notice of this, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

**Adoption Procedure after a Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date that the Administrative Law Judge's report will become available and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date that the agency adopts the rules, and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the agency contact person stated above.

**Order.** I order that the rules be adopted without a hearing.

Date: 12/23/2024

Kyle Gustafson  
Executive Director

## 7869.0100 DEFINITIONS.

*[For text of subparts 1 to 31e, see Minnesota Rules]*

Subp. 31f. [Renumbered subp 31h]

Subp. 31g. **HISA-covered person.** “HISA-covered person” means all trainers, owners, breeders, jockeys, racetracks, veterinarians, persons licensed by a state racing commission and the agents, assistants, and employees of such persons; any other persons required to be registered with the authority; and any other horse support personnel who are engaged in the care, treatment, training, or racing of a HISA-covered horse.

Subp. 31h. **Horseracing Integrity and Welfare Unit.** “Horseracing Integrity and Welfare Unit” is a division of HISA established to provide independent antidoping and medication control.

*[For text of subparts 32 to 50, see Minnesota Rules]*

Subp. 50a. **Qualifying line.** A “qualifying line” means a comprehensive account of a qualifying race showing the positions of all horses at various stages of the qualifying race.

*[For text of subparts 51 and 51a, see Minnesota Rules]*

Subp. 51b. **Race line.** A “race line” means a comprehensive account of a race showing the positions of all horses at various stages of a race.

*[For text of subparts 52 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 for Standardbred and Quarter Horse racing. The ARCI Endogenous, Dietary, or Environmental Substances Schedule 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.

B. For the purposes of chapters 7869 to 7899, and except as otherwise specifically provided therein, the

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Association of Racing Commissioners International (ARCI) Controlled Therapeutic Medication Schedule for Horses is incorporated by reference for Standardbred and Quarter Horse racing. The ARCI Controlled Therapeutic Medication Schedule for Horses 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.

C. For the purposes of chapters 7869 to 7899, and except as otherwise specifically provided therein, the Association of Racing Commissioners International (ARCI) Uniform Classification Guidelines for Foreign Substances and Recommended Penalties Model Rule is incorporated by reference for Standardbred and Quarter Horse racing. 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.

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 for Standardbred and Quarter Horse racing. 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.

Subp. 2a. **Horseracing Integrity and Safety Authority**. For the purposes of chapters 7869 to 7899, the Horseracing Integrity and Safety Authority (HISA) Rule Series 1000 through 9000 are incorporated by reference for Thoroughbred racing. These rules are subject to change and are available to the public free of charge in the regulations section of the HISA website (<https://hisaus.org/regulations>).

*[For text of subpart 3, see Minnesota Rules]*

## 7875.0100 FACILITIES.

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

*[For text of subparts 2 to 7, see Minnesota Rules]*

## 7877.0130 STANDARDS REQUIRED OF APPLICANTS FOR SPECIFIC LICENSES.

*[For text of subpart 1, see Minnesota Rules]*

Subp. 1a. **Timely licensure**. The owner of a horse entered to race at a Minnesota racetrack must be licensed no later than the posted scratch time on the day the horse is entered to race. If the owner is not licensed by the posted scratch time, the stewards must scratch the owner's horse from the race.

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

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 Thoroughbred or Quarter Horse 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 and meets the criteria in part 7877.0100, subpart 2.

C. Any person applying for the first time in Minnesota for a harness horse trainer's or assistant trainer's license must satisfy the USTA requirements for licensure incorporated by reference under part 7869.0200, subpart 1.

E. D. An applicant for a trainer's license shall have at least one horse to train which is eligible to race in Minnesota. An applicant for an assistant trainer's license shall be employed by a licensed trainer with at least six horses in his or her stable at the time of filing the assistant trainer's application.

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**D. E.** An applicant for a trainers license shall comply with the workers' compensation laws and maintain all applicable policies and requirements 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 at the same time as the policy holder or by the earliest date permitted under the policy and applicable law.

**E. F.** Beginning June 1, 2022, in order to be eligible for a subsequent license, trainers and assistant trainers must complete at least four hours per calendar year of continuing education. The courses must be approved by a commission veterinarian or safety coordinator.

**Subp. 4. Prospective trainers and assistant trainers.** An applicant who has never been licensed by the commission or by another racing jurisdiction as a trainer or an assistant trainer for Thoroughbreds or Quarter Horses must have at least two years' experience in an occupation that indicates a knowledge of horsemanship and racing practices.

*[For text of item A, see Minnesota Rules]*

**B.** For Thoroughbred and Quarter Horse racing the applicant must pass a written examination administered by the stewards, or their designee, covering such subjects as rules of racing, care and handling of horses, and proper use of racing equipment.

**C.** For Thoroughbred and Quarter Horse racing the applicant must pass a practical test of horsemanship administered by the stewards or their designee.

**D.** For harness horse racing the prospective applicant must satisfy all the USTA requirements incorporated by reference under part 7869.0200, subpart 1.

*[For text of subparts 5 to 17, 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 G, see Minnesota Rules]*

**H.** A trainer may use only veterinarians licensed by the commission to tend horses in the trainer's care that are entered to race or at any time that the horses are on the grounds of an association. A trainer may use a veterinarian not licensed by the commission as a consultant if agreed and approved in advance by a commission veterinarian and the nonlicensed veterinarian is escorted by a commission veterinarian while on the grounds of the association.

*[For text of items I 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. This includes notifying the racing secretary and a commission veterinarian 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, the racing secretary, and a commission veterinarian.

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

**S.** For Quarter Horses and Thoroughbreds, trainers licensed as owners must train all horses owned wholly or in part by them.

*[For text of items T and U, see Minnesota Rules]*

**V.** For Thoroughbreds, trainer treatment records are transferred to the new trainer under HISA rules, which are incorporated by reference in part 7869.0200, subpart 2a.

**V.W.** For Quarter Horses and Standardbreds, the trainer of a claimed horse shall, within 72 hours after the race is made official, provide to the commission veterinarian the complete written record, as specified in item U, of all

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treatments, medications, and intra-articular 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.

W.X. A trainer accepting a horse from another trainer must notify the stewards in writing within 24 hours that such a transfer has been made.

X.Y. A Standardbred trainer listed as the specified trainer for a horse must have the horse stabled on racetrack grounds under the trainer's custody, care, and control. The listed Standardbred trainer is responsible for entering the horse in a race. Stabling of any horse off the racetrack grounds must be approved in advance by the stewards and that horse must be listed as "ship in."

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

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

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

F. A pony rider wishing to act as a lead pony during the races is required to be in proper attire and represent him or herself in a clean and tidy manner. Proper attire will be determined by the association.

*[For text of subpart 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 I.

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

C. The racing secretary shall be responsible for publication of the official daily program, if the association does not employ a program director and provide the stewards with a complete daily program.

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

*[For text of subparts 2 and 3, see Minnesota Rules]*

Subp. 4. **Paddock judge; Thoroughbred and Quarter Horse races.** The paddock judge shall have the responsibilities in items A to L.

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

G. The paddock judge shall inspect the bandages worn by all horses arriving in the paddock and may order the bandages removed or replaced if he or she has reason to believe that a violation of statute or rule has occurred, is occurring, or will occur.

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

(2) Paddock boots and all bandages, except those bandages that will be worn during a race, must be removed immediately after saddling upon arrival in the paddock so that a satisfactory examination may be assured.

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

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

Subp. 7. **Claims clerk (Thoroughbred, Quarter Horse, and Arabian only).** The claims clerk shall ensure that the claim slip for a horse is deposited in the claim box in accordance with part 7883.0140, subpart 2.

The claims clerk shall open the claim box, search for claim envelopes according to designated race numbers, open any envelopes found, and examine the claim slip inside no sooner than 15 minutes before post time for each race.

The claims clerk shall ascertain whether:

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

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C. the claimant has the amount of the claim, plus any applicable tax or fee, to the claimant's credit; and

*[For text of item D, see Minnesota Rules]*

*[For text of subparts 8 and 8a, see Minnesota Rules]*

**Subp. 8b. Veterinarian's list.**

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

C. All workouts required by a commission veterinarian for the purpose of potentially removing a horse from the veterinarian's list must be conducted under the same medication requirements as those for race days. Horses requiring an official timed workout must have documentation from the attending veterinarian that the horse is sound to work as provided in part 7877.0170, subpart 9, item N, have a published workout observed by a commission veterinarian, must pass a post-workout assessment of racing condition by a commission veterinarian, and are subject to complete medical testing under chapter 7892.

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

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

## 7883.0100 ENTRIES AND SUBSCRIPTIONS.

*[For text of subpart 1, see Minnesota Rules]*

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

A. it is duly registered with and approved by the registry office of The Jockey Club, American Quarter Horse Association, Arabian Horse Registry of America, Inc., or another nationally recognized breed registry. All Thoroughbred horses must also be registered with HISA as provided by HISA Rule 900h;

B. its registration certificate and Arabian ID Supplement or any supplement relative to other breeds as required showing the lip tattoo number, or 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:

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

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; or

D. it has raced in a qualifying trial for a future race and has received a positive test for any medication. In that instance, the next fastest qualifying horse shall be allowed to enter; or

E. it is a Thoroughbred or Quarter Horse that has raced more than three times in 30 consecutive days.

*[For text of subpart 3, see Minnesota Rules]*

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

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

E. A jockey must be named on a specific horse at the time of entry.

F. A jockey may only be named on one horse in the body of the race and one also-eligible, Main Track Only, or

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both.

G. All jockeys not represented or present at the draw must call the racing secretary by 9:00 a.m. the following day and declare their intent to honor their designated engagements.

*[For text of subparts 5 to 15a, see Minnesota Rules]*

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

*[For text of item A, see Minnesota Rules]*

B. A Quarter Horse that has not started for a period of 46 days or more is not eligible to start until it has completed one timed workout within 45 days of and no less than 48 hours prior to the race in which it is entered. A Quarter Horse that has not started for a period of 61 days or more is not eligible to start until it has completed one two timed workout workouts within 60 days of and no less than 48 hours before the race in which it is entered. Any workout following the entry of a horse must appear on the official or daily racing program or must be posted for the public.

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

J. A Quarter Horse that has not previously started at a distance of 870 yards is not eligible to start in a race scheduled for 870 yards until it has completed one timed workout at a distance of 660 yards or more within 60 days of and no less than 48 hours before the race in which it is entered.

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

Subp. 20. **Quarter Horses must stand in the gate.** Each Quarter Horse entered in a stakes race must stand in the starting gate either the day before or the day of the race in which the horse is entered.

## 7883.0130 PENALTIES AND ALLOWANCES.

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

Subp. 4. **Sex allowance.**

A. In all races against male horses, except handicaps and races where the conditions expressly state to the contrary, Thoroughbred fillies two years old are allowed three pounds and Thoroughbred fillies and mares three years old and upward are allowed five pounds before September 1 and three pounds thereafter. The sex allowance may not be waived.

B. There is no sex allowance in races for Quarter Horse fillies and mares.

## 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:

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

B. the horse is a Quarter Horse and is placed on the veterinarian's list for exhibiting clinical signs of any of the following within one hour of racing: a musculoskeletal injury, 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; or

C. the horse is a Thoroughbred and is placed on the veterinarian's list within one hour of racing for unsoundness

# Proposed Rules

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or bleeding. 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 text of subparts 9 to 14, see Minnesota Rules]*

## Subp. 15. **Protest of claim for Quarter Horses.**

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

Subp. 15a. **Protest of claim for Thoroughbreds.** Claims protested for Thoroughbred horses are controlled by HISA rules, which are incorporated by reference in part 7869.0200, subpart 2a.

*[For text of subparts 16 to 32, see Minnesota Rules]*

## 7883.0150 PADDOCK TO POST.

*[For text of subparts 1 to 13, see Minnesota Rules]*

## Subp. 14. **Flipping halters.**

A. Any horse entered to race with a flipping halter must arrive in the paddock with the halter in place under the bridle. For purposes of this subpart, a «flipping halter» means a device used to prevent a horse from rearing up inside the starting gate.

B. There shall be no refund of wagering because a flipping halter prevents the starting gate from opening properly.

## 7883.0160 POST TO FINISH.

Subpart 1. **Horse Thoroughbreds and Quarter Horses must be tattooed digitally or physically or be microchipped and tattooed digitally.** No Thoroughbred or Quarter Horse shall be permitted to start unless it has been tattooed physically or has a microchip and been tattooed digitally or physically or microchipped and fully identified.

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

## 7883.0170 RACING EQUIPMENT.

### A. Equipment.

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

#### (3) Horseshoes are subject to the following specifications:

(a) For Thoroughbreds, toe grabs, other than wear plates with a height no greater than two millimeters (0.07874 inches), bends, jar caulks, stickers, and any other traction device worn on the front shoes of Thoroughbred horses while racing or training on all racing surfaces are prohibited.

(b) For Quarter Horses, toe grabs, other than wear plates with a height no greater than four millimeters (0.15748 inches), bends, jars, caulks, stickers, or any other traction device worn on the front shoes are prohibited. Toe grabs greater than 6.35 millimeters (0.25 inches) from the ground surface side of the hind shoes are prohibited.

*[For text of item B, see Minnesota Rules]*

## 7884.0120 ELIGIBILITY AND ENTERING.

*[For text of subparts 1 to 15, see Minnesota Rules]*

Subp. 16. **Entered horse to be on grounds.** All entered horses must be present on the grounds of the licensed racetrack before the race, at a time prescribed by the stewards, that is at least five hours before the first race of the day. Horses participating in nonpurse races must be present two hours prior to post time for the first nonpurse race.

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*[For text of subparts 17 and 18, see Minnesota Rules]*

## 7884.0130 PREFERENCE SYSTEM.

Subpart 1. [See repealer.]

Subp. 1a. **Preference date.** Preference dates shall be given to horses in all overnight events at extended pari-mutuel tracks in accordance with the following:

A. The date of the horse's last previous start in a purse race during the current year is the horse's preference date with the following exceptions:

(1) The preference date on a horse that has drawn to race and has been scratched is the date of the race from which scratched.

(2) When a horse is racing for the first time in the current year, the date of a successful qualifying attempt shall be considered the horse's preference date.

(3) Wherever horses have equal preference in a race, the actual preference of said horses in relation to one another shall be determined from the most recent previous starts that do not result in equal preference.

(4) When an overnight race has been reopened because it did not fill, all eligible horses declared into the race prior to the reopening shall receive preference over other horses subsequently declared irrespective of the actual preference dates.

B. When there is more than one division in any race, horses will be split by owners, then by trainers for each division.

C. Items A and B are not applicable at any meeting at which an agricultural fair is in progress. All horses granted stalls and eligible must be given an opportunity to compete at these meetings.

D. Nothing in this subpart shall preclude an extended pari-mutuel track member from adopting a racetrack rule limiting an owner or trainer to one starter in any single overnight event.

*[For text of subparts 2 and 3, see Minnesota Rules]*

## 7884.0190 QUALIFYING RACES.

*[For text of subpart 1, see Minnesota Rules]*

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

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

C. A horse that has not started for a period of 45 days or more does not show a clean charted qualifying line or race line within 44 days. On day 45; the horse is ineligible.

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

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

A. A horse that is on the qualifying list.

B. A horse that chokes, bleeds, or falls during a warmup or a race in the paddock or while going to the track, exiting the track, warming up, or racing.

# Proposed Rules

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*[For text of item C, see Minnesota Rules]*

D. A horse that has been distanced.

*[For text of subparts 3 to 8, see Minnesota Rules]*

## 7884.0250 RECALLS.

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

Subp. 4. Inquiry into failure to sound recall.

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

B. When interference occurs before the start of a race and no recall is sounded by the starter, the stewards must make placings in the same manner used for interference during any part of the race.

## 7884.0260 DRIVING RULES.

*[For text of subpart 1, see Minnesota Rules]*

Subp. 2. Conduct after word “go” is given. After the word “go” is given, no driver shall:

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

T. use a whip exceeding 36 inches in length, including a built-in popper no longer than three inches in length, or use unreasonable or unnecessary force in the whipping of a horse, nor whip any horse causing visible injury, nor whip any horse about the head including but not limited to trailing horses, nor whip any horse after the finish line has been crossed except when it has been deemed by the board of judges stewards necessary to control the horse. ~~The driver is permitted to encourage the horse with the whip only one time from the start to the 3/4 mile marker, and no more than four times, if the horse is advancing, from the 3/4 mile marker to the finish line. The board of judges stewards must notify a commission veterinarian to conduct any postrace examination on any horse deemed to have been subject to unreasonable or unnecessary force. The following actions shall be considered indiscriminate, unreasonable, or unnecessary uses of the whip:~~

*[For text of subitems (1) to (4), see Minnesota Rules]*

(5) any whipping other than by wrist action only or where the whipping arm is raised above the driver's shoulder height;

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

*[For text of subparts 3 to 12, see Minnesota Rules]*

## 7890.0100 DEFINITIONS.

*[For text of subparts 1 to 13, see Minnesota Rules]*

Subp. 13a. **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:

*[For text of items A and 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, that do not contain antibiotics, ethanol, DMSO, corticosteroids, topical anesthetics including benzocaine and lidocaine, or other medications.

*[For text of item D, see Minnesota Rules]*

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*[For text of subparts 13b to 14c, see Minnesota Rules]*

Subp. 14d. **Out-of-competition testing.** “Out-of-competition testing” is the taking of blood, urine, hair, or another biological sample from a horse at any time other than race day.

*[For text of subparts 14e 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 13a, items A-B 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 13a, 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.

*[For text of subparts 2 to 8, see Minnesota Rules]*

Subp. 8a. **Intra-articular injections.**

*[For text of item A, see Minnesota Rules]*

B. For Thoroughbreds, the use of a corticosteroid injection in the fetlock joint is prohibited within 30 days of the race in which the horse is entered.

B.C. For Standardbreds, the use of any intra-articular injection within seven days of the race in which the horse is entered is prohibited.

*[For text of subparts 9 to 13, see Minnesota Rules]*

## 7890.0120 REPORTING PROCEDURES.

Subpart 1. **Veterinarians must keep records.**

A. For Thoroughbred horses, veterinarians must report all treatments and diagnostic procedures electronically to HISA within 24 hours of treatment.

B. For Quarter Horses and Standardbreds, veterinarians must submit daily to the commission veterinarian, in writing or electronically on a prescribed form, a report of all horses treated at a licensed racetrack. The form shall contain the date and time, name of horse treated, trainer of horse, any medications, drugs, substances (as provided in part 7890.0100, subpart 13a, items A to D), or procedures prescribed, administered, dispensed, or performed for horses registered at a current race meeting, and any other information requested by the commission veterinarian. The form must be filed by the treating veterinarian not later than noon on the day following treatment. The form shall be signed by hand or digitally by the treating veterinarian. The form is considered private and its content shall not be disclosed except in the course of an investigation of a possible violation of chapters 7869 to 7899, or in a proceeding before the stewards or commission, or to the trainer or owner of record at the time of treatment. A timely and accurate filing of the form that is consistent with the analytical results of a positive test may be used as a mitigating factor in determining the nature and extent, if any, of a rules violation.

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

## 7890.0160 RESPONSIBILITY OF VETERINARIAN.

A. No veterinarian may administer a medication, alkalinizing agent, blood doping agent, venom, or substance foreign to the natural horse to any horse that is scheduled to race within 48 hours, except as permitted in part 7890.0100, subpart 13a, items B, C, and D, or in the case of a medical emergency requiring immediate treatment, without the prior permission of a commission veterinarian.

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

# Proposed Rules

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## 7891.0100 RACING SOUNDNESS EXAMINATION.

### Subpart 1. Horses subject to examination.

#### A. For Thoroughbreds and Quarter Horses:

*[For text of subitems (1) to (6), see Minnesota Rules]*

(7) Prerace examination findings must be documented in the InCompass Solutions Track Manager electronic prerace examination module.

*[For text of item B, see Minnesota Rules]*

*[For text of subparts 1a to 2, see Minnesota Rules]*

## 7891.0110 POSTMORTEM EXAMINATION.

*[For text of subpart 1, see Minnesota Rules]*

### Subp. 2. Test samples to be taken for analysis.

A. Test samples must be obtained from every horse that dies or is euthanized from a training or race-related injury.

(1) For Thoroughbreds, the samples are collected according to HISA rules under part 7892.0105 and submitted to Horseracing Integrity and Welfare Unit.

(2) For Quarter Horses and Standardbreds, the samples shall be sent for analysis to the official testing laboratory under part 7892.0130 and the commission may direct the laboratory to retain and preserve such samples for future analysis.

B. Hair samples shall be obtained prior to or after euthanasia. When practical, both blood and urine test samples shall be obtained prior to euthanasia.

*[For text of subpart 3, see Minnesota Rules]*

### Subp. 4. Report of exam injury or death.

A. A report of each deceased horse shall be filed with the commission within 72 hours of the horse's death on a form prepared by the commission.

B. For Thoroughbreds, notification of death must be submitted to HISA within 24 hours.

C. For Thoroughbreds, an injury requiring transportation by an ambulance must be reported to HISA within 24 hours. For Thoroughbreds, other injuries not requiring transportation by ambulance must be submitted to HISA within one week.

### Subp. 5 Equine injury database Postmortem reports.

A. For Thoroughbreds, initial and updated postmortem reports must be submitted to HISA within 72 hours of receipt.

B. For Thoroughbreds and Quarter Horses, information obtained from each specific post-mortem report is documented in the InCompass Solutions Jockey Club's equine injury database.

C. Final postmortem reports are provided to the trainer and trainer's veterinarian and reviewed by the Mortality Review Committee.

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## **7892.0105 MEDICAL TESTING FOR THOROUGHBRED RACEHORSES.**

All medical testing for Thoroughbred racehorses is performed under HISA Rule Series 3000 (Equine Anti-Doping and Controlled Medication Protocol Rules), Rule Series 4000 (Prohibited List), Rule Series 5000 (Equine Standards for Testing and Investigation), and Rule Series 6000 (Equine Standards for Laboratories and Accreditation). These rules are incorporated by reference in part 7869.0200, subpart 2a.

## **7895.0300 QUARTER HORSE BREEDERS' FUND.**

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

Subp. 3. **Distribution of money.** The award money available from the Quarter Horse breeders' fund shall be distributed as follows:

A. "Breeders' awards" shall be paid to the breeder at the time of foaling of a Minnesota-bred horse as registered with the Racing Commission, that earns purse earnings in any North American pari-mutuel race. The amount of award shall be a percentage of the total amount available for all awards. Purse earnings earned in any North American race that is conducted outside of Minnesota ~~during the on or after the first scheduled Minnesota Quarter Horse live racing meeting race and on or before the last scheduled Minnesota Quarter Horse live race~~ shall not count toward qualified earnings. A horse's earnings in any single race must not be worth more than the winner's share of the largest purse offered during the Minnesota Quarter Horse racing meeting.

*[For text of item B, see Minnesota Rules]*

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

## **7897.0100 PROHIBITED ACTS.**

*[For text of subparts 1 to 14, see Minnesota Rules]*

### **Subp. 15. Removing a horse without permission.**

A. For Thoroughbreds and Quarter Horses, no person shall remove from the stable area of a licensed racetrack any horse without the written permission of the racing secretary or the stewards.

B. For Standardbreds, no person shall remove from the stable area of a licensed racetrack any horse that is ~~in the entries required to be on association grounds by 9:00 a.m. the day before they race~~ without written permission of the stewards.

*[For text of subpart 16, see Minnesota Rules]*

Subp. 17. **Hypodermic equipment and injectable substances prohibited.** The following shall apply to the possession of hypodermic equipment and injectable substances while on the grounds of an association:

*[For text of item A, see Minnesota Rules]*

B. Notwithstanding item A, any person may have in his or her possession within a restricted area of a licensed racetrack:

(1) a chemical or biological substance for his or her own personal use; provided, that if such chemical substance is prohibited from being dispensed by any federal or state law without prescription, he or she possesses documentary evidence that a valid prescription for such substance has been issued to him or her; and/or

(2) a hypodermic syringe or needle for the purpose of administering a prescribed chemical or biological substance to himself or herself, provided that he or she has notified the stewards of the possession of such device, the size of such device, and the chemical substance to be administered by the device; and/or

(3) a disposable syringe intended for oral use where the tip of the syringe makes it incapable of attaching a needle; or

(4) a disposable syringe 60 cc or greater, designed and intended for topical use where the tip of the syringe

# Proposed Rules

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makes it incapable of attaching a needle.

*[For text of subparts 18 to 24, see Minnesota Rules]*

## 7897.0110 USE OF DRUGS AND ALCOHOL.

Subpart 1. **Drugs.** The commission, the commission's director of security investigative staff, or the stewards may, at any time, require any licensee having direct physical contact with horses or direct responsibility for some portion of the day's racing program, or whose racing duties place him or her in a position of danger, or who commits an act that endangers a horse or human, or exhibits suspected impaired behavior, to provide one of the following for analysis: blood, breath, saliva, or urine samples. The type or types of sample to be provided shall be determined by the investigator, the board of stewards, or both, after consideration of the circumstances involved and the alleged substance involved. A second specimen may be required for confirmation or quantification. This specimen must be analyzed at an independent laboratory selected by the commission. Failure to comply with this requirement shall be a serious violation under part 7897.0130.

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

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

C. the number of grams of alcohol per 67 milliliters of urine.

Should a licensee who is a racing official, jockey, apprentice jockey, assistant starter, or driver be found to have any level of any nonprescription, prohibited, or illegal drug, or alcohol, or prescription medication at a concentration associated with the dose greater than that which has been described prescribed by a medical professional for that individual, on the day of competition, the licensee must not be allowed to participate in the competition and shall be subject to disciplinary action by the stewards and the commission.

Subp. 2. [Repealed, 15 SR 2307]

**REPEALER.** Minnesota Rules, parts 7884.0130, subpart 1; and 7884.0180, are repealed.

## Minnesota Department of Transportation

### Office of Aeronautics

### Proposed Permanent Rules Relating to Airport Zoning Standards; DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received

**Proposed Amendment to Rules Relating to State Airport Zoning Standards, Minnesota Rules, parts 8800.0100, 8800.2400, and 8800.2500; Revisor's ID Number R-04655; OAH docket number 24-9037-40397**

**Introduction.** The Minnesota Department of Transportation 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 and/or a written request that a hearing be held on the proposed rules until **4:30 p.m. on Wednesday, January 29, 2025**.

**Hearing.** If 25 or more persons submit a written request for a hearing on the rules by **4:30 p.m. on Wednesday, January 29, 2025**, the Department will hold a virtual public hearing on **Tuesday, February 25, 2025, at 9:30 A.M.** You can participate in the virtual hearing, which will be conducted by an Administrative Law Judge from the Office of Administrative Hearings, via WebEx by using this link along with the associated access code and password:

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For a video and audio connection, join the hearing through an internet connection:

- Web link: <https://minnesota.webex.com>
- Meeting Number (access code): 2482 866 9450
- Password: P33fWMkavR3

For audio-only connection, join the virtual hearing by telephone:

- Call: 1-855-282-6330 (toll-free number)
- Access code: 2482 866 9450
- PIN: 3199

To find out whether the Department will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person or check the Department website at <https://www.dot.mn.gov/rules/airport-zoning.html> **after January 29, 2025, and before February 25, 2025.**

**Subject of Rules.** The proposed rules are about airport zoning standards.

**Statutory Authority.** The statutory authority to adopt these rules is Minnesota Statutes, section 360.015, subdivision 3.

**Publication of proposed rules.** A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. The proposed rules may also be viewed at <https://www.dot.mn.gov/rules/airport-zoning.html>.

**Statement of Need and Reasonableness.** The statement of need and reasonableness (SONAR) contains a summary of the justification for the proposed rules, a description of who will be affected by the proposed rules, and an estimate of the probable cost of the proposed rules. You may review or obtain copies for the cost of reproduction by contacting the agency contact person or on the Department's website at <https://www.dot.mn.gov/rules/airport-zoning.html>.

**Agency Contact Person.** The agency contact person is Andrea Barker at Minnesota Department of Transportation, 395 John Ireland Boulevard, Mail Stop 130, Saint Paul, MN 55155, 651-366-4029, and [andrea.barker@state.mn.us](mailto:andrea.barker@state.mn.us). You may contact the agency contact person with questions about the rules.

**Public Comment.** You have until **4:30 p.m. on Wednesday, January 29, 2025**, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules.

Your comment must be in writing and received by the due date. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change you propose. Any comments that you have about the legality of the proposed rules must be made during this comment period. All evidence that you present should relate to the proposed rules. If the proposed rules affect you in any way, the Department encourages you to participate. All comments or responses received are public data and will be available for review.

Submit written comment to the agency contact person listed above. All comments or responses received are public data and will be available for review at the Minnesota Department of Transportation or on the Department's website at <https://www.dot.mn.gov/rules/airport-zoning.html>.

**Request for a Hearing.** In addition to submitting comments, you may also request that the Department hold a public hearing on the rules. You must make your request for a public hearing in writing by **4:30 p.m. on Wednesday, January 29, 2025**. You must include your name and address in your written request for hearing. You must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules. Any request that does not comply with these requirements is not valid and the Department cannot count it when determining whether it must hold a public

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hearing.

**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 of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the Department must give written notice of this to all persons who requested a hearing, explain the actions the Department took to bring about the withdrawal, and ask for written comments on this action. If the Department is required to hold a public hearing, it will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Cancellation of Hearing.** The Department will cancel the hearing scheduled for February 25, 2025, if the Department does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the Department will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at 651-366-4029 after January 29, 2025, to find out whether the hearing will be held. On the scheduled day, you may check for whether the hearing will be held by calling 651-366-4029 or going online at <https://www.dot.mn.gov/rules/airport-zoning.html>.

**Notice of Hearing.** If 25 or more persons submit valid written requests for a public hearing on the rules, the Department will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Department will hold the hearing on the date and at the time and place listed above. The hearing will continue until 4:30 P.M. or until all interested persons have been heard, whichever occurs first. Administrative Law Judge Kristien Butler is assigned to conduct the hearing. Judge Butler can be reached by contacting William Moore, Rules Coordinator, Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone 651-361-7893, and [william.t.moore@state.mn.us](mailto:william.t.moore@state.mn.us).

**Hearing Procedure.** If the Department holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed rules.

You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing, the Administrative Law Judge may order this five-day comment period extended for a longer period but for no more than 20 calendar days.

After the comment period, there is a five-working-day rebuttal period when the Department and any interested person may respond in writing to any new information submitted. No one may submit new evidence during the five-day rebuttal period.

The Office of Administrative Hearings must receive all comments and responses submitted to the Administrative Law Judge via the **Office of Administrative Hearings Rulemaking eComments website** (<https://mn.gov/oah/forms-and-filing/ecomments/>) no later than 4:30 p.m. on the due date. If using the eComments website is not possible, you may submit post-hearing comments in person or via United States mail addressed to Judge Butler at the address listed above. All comments or responses received are public data and will be available for review on the eComments website.

This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge, through William Moore, the OAH Rules Coordinator listed above.

**Modifications.** The Department may modify the proposed rules either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted during the public comment and rule hearing process. The adopted rules may not be substantially different than these proposed rules unless the Department follows the procedure under *Minnesota Rules*, part 1400.2110. If the final rules are identical to the rules originally published in the *State Register*, the Department will publish a notice of adoption in the *State Register*. If the final rules are different from the rules originally published in the *State Register*, the Department must publish a copy of the changes in the *State Register*.

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

**Adoption Procedure after a Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date that the Administrative Law Judge's report will become available and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date that the Department adopts the rules, and the rules are filed with the Secretary of State or register with the Department to receive notice of future rule proceedings by requesting this at the hearing or by writing to the agency contact person stated above.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You may 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.

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

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

Date: December 3, 2024

Signed by Nancy Daubenerger, Commissioner, Minnesota Department of Transportation

## 8800.0100 DEFINITIONS.

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

Subp. 7a. **Building.** “Building” means any structure utilized or intended for supporting or sheltering any occupancy.  
*[For text of subparts 8 to 10, see Minnesota Rules]*

Subp. 11. **FAA.** The capital letters «FAA» shall mean means the Federal Aviation Administration of the United States.  
*[For text of subparts 12 to 14, see Minnesota Rules]*

Subp. 15. **Height.** “Height”: for the purpose of determining the height limits set forth in these rules this chapter, the datum shall must be mean sea level elevation as determined by U.S. Geological Survey.

*[For text of subparts 16 and 16a, see Minnesota Rules]*

Subp. 17. **IFR.** “IFR” means the symbol used to designate instrument flight rules.

Subp. 18. **Letter of authority.** “Letter of authority” shall be is included in the term «license» as used herein in this chapter.

*[For text of subparts 19 to 20a, see Minnesota Rules]*

Subp. 21. **Passenger.** “Passenger” means an occupant of an aircraft who is not assigned to perform a duty necessary for operating the aircraft.

Subp. 22. **Person.** The term «Person» when used herein shall include includes an individual, firm, partnership, corporation, company, association, joint stock association, or body politic and includes a trustee, receiver, assignee,

# Proposed Rules

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administrator, executor, guardian, or other representative.

Subp. 22a. **Personal-use airport.** A «Personal-use airport» is means a restricted airport that meets the criteria of part 8800.2200. A personal-use airport is intended for the personal use of the owner of the airport.

Subp. 23. **Planned.** “Planned,” as used in these rules, refers means only to those proposed future airport developments that are so indicated on a planning document having the approval of approved by the commissioner.

*[For text of subpart 24, see Minnesota Rules]*

Subp. 24a. **Private airport.** A «Private airport» is means a restricted airport, whether privately or publicly owned. The persons who may use the airport are determined by the owner of the airport. A private airport may not be held out for public use nor may it be displayed on aeronautical charts except as a restricted facility.

Subp. 24b. **Public airport.** A «Public airport» is means any airport, whether privately or publicly owned, the public use of which for aeronautical purposes is invited, permitted, or tolerated by the owner or person having the right of access and control.

*[For text of subpart 25, see Minnesota Rules]*

Subp. 26. **Runway.** “Runway” means any existing or planned paved surface or turf covered area of the airport which that is specifically designated and used or planned to be used for the landing and taking off of aircraft.

Subp. 26a. **Seaplane base.** A «Seaplane base» is means an area of water used or intended to be used for the landing and takeoff of aircraft, together with appurtenant shoreside buildings and facilities. A seaplane base is an airport as defined in subpart 3.

*[For text of subpart 27, see Minnesota Rules]*

Subp. 28. **Structure.** “Structure” means an object constructed or installed by people, including, but without limitations, but not limited to buildings, towers, smokestacks, earth formations, and overhead transmission lines.

*[For text of subparts 29 to 33, see Minnesota Rules]*

Subp. 34. **VFR.** “VFR” is the symbol used to designate means visual flight rules.

*[For text of subparts 35 and 36, see Minnesota Rules]*

## 8800.2400 AIRPORT ZONING STANDARDS.

Subpart 1. **Standards.** Contained herein are minimum standards for The zoning of public airports as to airspace, land use safety, and noise sensitivity must meet the minimum standards in this part.

Subp. 2. **Airport zoning powers.** Any person or governmental body having airport zoning powers under Minnesota Statutes, sections 360.061 to 360.074 may adopt airport zoning ordinances, orders, or regulations more restrictive than the minimum zoning standards set forth herein in this part or in any other applicable law.

Subp. 3. **Airspace zones.** The following airspace zones are established with relation to an airport and each runway:

A. Primary zone: all that land which that lies directly under an imaginary primary surface, as defined in part 8800.1200, subpart 5, item A.

B. Horizontal zone: all that land which that lies directly under an imaginary horizontal surface, as defined in part 8800.1200, subpart 5, item B.

C. Conical zone: all that land which that lies directly under an imaginary conical surface, as defined in part 8800.1200, subpart 5, item C.

D. Approach zone: all that land which that lies directly under an imaginary approach surface, as defined in part

# Proposed Rules

8800.1200, subpart 5, item D.

E. Precision instrument approach zone: all ~~that land which that~~ lies directly under an imaginary precision instrument approach surface, as defined in part 8800.1200, subpart 5, item E.

F. Transitional zone: all ~~that land which that~~ lies directly under an imaginary transitional surface, as defined in part 8800.1200, subpart 5, item F.

Subp. 4. **Height restrictions.** Except as necessary and incidental to airport operation, ~~no structure or tree shall structures and trees must not~~ be constructed, altered, or allowed to grow in any airport zone so as to project above any of the imaginary airspace surfaces ~~as established in~~ under subpart 3.

Subp. 5. **Land use safety zones.** The following land use safety zones are established with relation to an airport and each existing or planned runway:

A. Safety zone A:

(1) In the approach ~~zones~~ zone of a runway, safety zone A extends outward from the end of the primary ~~surfacee~~ zone a distance equal to two-thirds of the runway length or planned runway length.

(2) In the instance of a planned extension or shortening of an existing runway, the length of safety zone A must be determined by the length of the planned or existing runway, whichever is longer.

(3) The length of safety zone A must not be required to exceed 4,000 feet.

B. Safety zone B:

(1) In the approach ~~zones~~ zone of a runway, safety zone B extends outward from the end of safety zone A a distance equal to one-third of the runway length or the planned runway length.

(2) In the instance of a planned extension or shortening of an existing runway, the length of safety zone B must be determined by the length of the planned or existing runway, whichever is longer.

(3) The length of safety zone B must not be required to exceed 2,000 feet.

C. Safety zone C: all ~~that land which that~~ is enclosed within the perimeter of the horizontal zone defined in subpart 3, item B and ~~which that~~ is not included in safety zone A or safety zone B.

Subp. 6. **Use restrictions.** ~~In order~~ To restrict ~~those~~ uses ~~which that~~ may be hazardous to the operational safety of aircraft operating to and from an airport; and ~~furthermore~~ to limit population and building density in the runway approach areas, ~~thereby creating to create~~ sufficient open space so as to protect life and property in case of an accident, the following use restrictions ~~are applied~~ apply to the land use safety zones.

A. No use shall be made of any land in any of the safety zones which creates or causes interference with the operation of radio or electronic facilities on the airport or with radio or electronic communications between the airport and aircraft, makes it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking off, or maneuvering of aircraft.

B. A. ~~Safety zone A shall contain no must not contain~~ buildings, ~~temporary structures, or~~ exposed transmission lines, ~~or other similar land use~~ structural hazards, and ~~shall must~~ be restricted to those uses ~~which that~~ will not create, attract, or bring together an assembly of persons ~~thereon~~. Permitted uses may include, but are not limited to, such uses as agriculture (seasonal crops), horticulture, raising of livestock, animal husbandry, wildlife habitat, light outdoor recreation (nonspectator), cemeteries, ~~and fencing, roadways, railways, trails, and~~ auto parking.

# Proposed Rules

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~~C. B.~~ Safety zone B shall must be restricted in use as follows. Each use shall must be on a site whose area shall not be is not less than three acres. Each use shall must not create, attract, or bring together a site population that would exceed 15 times that of the site acreage. Each site shall must have no more than one building plot upon which any number of structures may be erected.

A building plot shall must be a single, uniform, and noncontrived area, whose shape is uncomplicated and whose area shall must not exceed the following minimum ratios with respect to the total site area:

Site Area at Least (Acres)	But Less Than (Acres)	Ratio of Site area to Building Plot Area	Building Plot Area square feet	Maximum Site Population (15 Persons/A)
3		12:1	10,900	45
	4	12:1		
4		10:1	17,400	60
	6	10:1		
6		8:1	32,600	90
	10	8:1		
10		6:1	72,500	150
	20	6:1		
20	and up	4:1	218,000	300

The following uses are specifically prohibited in safety zone B: churches institutions of religious assembly, hospitals and clinics, nursing homes, schools, theaters, stadiums, hotels and motels, trailer courts, campgrounds campgrounds, and other places of public or semipublic assembly similar use.

~~D. C.~~ Safety zone C is subject only to the general restrictions contained in item ~~A D.~~

D. The use of any land in any of the safety zones is prohibited if the use:

- (1) creates or causes interference with the operation of radio or electronic facilities on the airport or with radio or electronic communications between the airport and aircraft;
- (2) makes it difficult for pilots to distinguish between airport lights and other lights;
- (3) results in glare in the eyes of pilots using the airport;
- (4) impairs visibility in the vicinity of the airport; or
- (5) otherwise endangers the landing, taking off, or maneuvering of aircraft.

~~E. The provisions of items B and C shall not apply to land uses, in “established residential neighborhoods in built up urban areas.” Such “established residential neighborhoods in built up areas” shall be Existing land uses are subject to the use restrictions contained in this paragraph item.~~

~~(1) Airport safety zoning balances the public interest involved in safety for persons on the ground, safety of persons traveling in aircraft, and the public interest in maintaining existing land uses. The legislature has mandated special protection for existing land uses in “established residential neighborhoods in built up urban areas.” The provisions of items A to D strike the appropriate balance with regard to other land uses and areas and shall therefore be applied in those cases. For purposes of this item, existing land use means the land use present when the area is first encumbered by an airport zoning ordinance.~~

~~(2) Each governmental authority having airport zoning powers shall must determine which areas located in safety zones A and B of each airport within its jurisdiction are also located in “established residential neighborhoods in built up urban areas.” In making such determination, the factors enumerated in subitem (4) shall be considered. Such neighborhoods designated as existing land uses. Existing land uses located in whole or part in safety zones A or B shall must be specifically located on the airport zoning map and shall must be legally described in the airport zoning~~

# Proposed Rules

ordinance. Each governmental authority having airport zoning powers shall submit its proposed zoning map and ordinance to the commissioner of transportation for review and approval prior to holding a public hearing or taking other action thereon.

(3) No land use in safety zones A or B and in an area designated as having been an “established residential neighborhood in a built up urban area” shall be prohibited by Areas designated as existing land uses are not subject to the land use restrictions of safety zones A or B in an airport zoning ordinance except as provided required in subitem (5)(4). In addition, any isolated low density residential building lot or low density residential structure which existed on January 1, 1978, in an “established residential neighborhood in a built up urban area,” must either be allowed to continue as a conforming use under the terms of the local zoning ordinance or must be acquired, altered, or removed as provided in subitem (6). For this purpose, a low density residential structure shall mean a single family or two family home and an isolated low density residential building lot shall mean a single lot located in an area which is zoned for single family or two family residences and in which the predominant land use is such type of residences.

(4) In determining what constitutes an “established residential neighborhood in a built up urban area” the governmental unit having zoning powers shall apply and consider the following criteria in relation to the neighborhood as it existed on June 30, 1979:

- (a) location of the airport;
- (b) nature of the terrain within safety zones A and B;
- (c) existing land uses and character of the neighborhood around the airport;
- (d) population of the community;
- (e) that the average population density in all areas within one mile of any point on a runway be equal to or greater than one dwelling unit per acre;
- (f) population density near the airport compared with population density in other areas of the community;
- (g) the age and the economic, political, and social stability of the neighborhood and the community as a whole;
- (h) the proximity of supporting school, commercial, religious, transportation, and other facilities and their degree of integration with residential land uses;
- (i) presence or absence of public utilities including, but not limited to public central sanitary sewer system, electric service and gas mains;
- (j) whether or not the factors listed in units (h) and (i) tend to make the community surrounding the airport a self sufficient unit;
- (k) whether the areas within one mile of the perimeter of the airport property would be considered primarily residential in character; and
- (l) other material factors deemed relevant by the governmental unit in distinguishing the area in question as established, residential, urban, and built up.

(5)(4) Safety hazards: The following land uses if they exist The following existing land uses in safety zones A or B and in an “established residential neighborhood in a built up urban area” are considered by the commissioner to constitute airport safety hazards so severe, either to persons on the ground or to the air traveling public, or both, that they must be prohibited under local airport zoning ordinances:

- (a) any structure which a person or persons customarily use as a principal residence and which is that has more than half of its footprint located entirely within safety zone A and within 1,000 feet of the end of the primary zone;
- (b) any structure which a person or persons customarily use as a principal residence and which is that has more than half of its footprint located entirely within safety zone A or B and which that penetrates an imaginary approach surface as defined by part 8800.1200, subpart 5, item D; and

# Proposed Rules

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(e) any land use in safety zone A or B which violates any of the following standards: the land use must not create or cause interference with the operation of radio or electronic facilities on the airport or with radio or electronic communications between the airport and aircraft; the land use must not make it difficult for pilots to distinguish between airport lights and other lights; and the land use must not result in glare in the eyes of pilots using the airport or impair visibility in the vicinity of the airport;

(d) any isolated residential building lot zoned for single family or two family residences on which any structure, if built, would be prohibited by unit (a), (b), or (c). An "isolated" residential building lot is one located in an area in which the predominant land use is single family or two family residential structures; and

(e) any other land use which that presents, in the opinion of the commissioner, a material danger to the landing, taking off, or maneuvering of aircraft or to the safety of persons on the ground. In making such a determination, the commissioner shall must consider the following factors:

i. the possibility that the land use may contribute to or cause a collision of two or more aircraft or an aircraft and some other object;

ii. the possibility that the land use may, in case of an aircraft accident, cause an explosion, fire, or the release of harmful or noxious fumes, gases, or substances;

iii. the tendency of the land use to increase the number of persons that would be injured in case of an aircraft accident;

iv. the effect of the land use on availability of clear areas for emergency landings; and

v. flight patterns around the airport, the extent of use of the runway in question, the type of aircraft using the airport, whether the runways are lighted, whether the airport is controlled, and other similar factors.

(6) In the case of any land use prohibited by subpart 6, item E, subitem (5) (4) and which that is located in an "established residential neighborhood in a built up urban area" area designated as an existing land use in an airport zoning ordinance, as defined by the local government unit and reviewed and approved by the commissioner, the prohibited land use must be acquired, altered, or removed at public expense by the governmental body which that owns the airport. This may be accomplished by an exchange of land, purchase of development rights, acquisition of easements, or other method to be negotiated with the landowner or by outright purchase or exercise of eminent domain, if necessary.

(7) The prohibited uses enumerated in subpart 6, item E, subitem (5) (4) are only those which that present the most severe safety hazards to the air traveling public or persons on the ground, as the case may be. Local governmental units may also prohibit other land uses in safety zones A and B as being unsafe to the public. The use restrictions contained in items A to D provide guidance as to what uses the commissioner deems not to be in the public interest in these safety zones. See also subitem (5), units (c) and (e). The local governmental unit must note the requirement of Minnesota Statutes 1978, section 360.066, subdivision 1a, paragraphs (a) and (d) that certain prohibited land uses must be acquired, altered, or removed at public expense.

(8) In the event that the provisions of this item, as reflected in a proposed local zoning ordinance, would require the acquisition, alteration, or removal of any land use, then, in such event, at least 60 days prior to the first hearing on adoption of the ordinance, the local zoning authority shall so notify the airport owner. The airport owner shall then consider the alternatives of closing a runway, runway realignment or relocation, runway extension or shortening, and displaced thresholds and shall then promptly notify the local zoning authority in writing, if it proposes to take any of such alternative actions the local zoning authority must notify the airport owner who must then notify the commissioner in writing. Within 90 days of receipt of the notification, the commissioner must evaluate whether the social and economic costs of acquisition, alteration, or removal of a land use outweigh the impacts that altering the airport would have on the utility of the airport, the state aviation system, and the state airports fund and provide a recommendation in writing to the airport owner.

(9) These rules shall be effective June 30, 1979, except as provided above as to isolated, low density residential building lots and low density residential structures.

Subp. 7. [See repealer.]

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## 8800.2500 FINANCIAL AID FOR MUNICIPAL AIRPORT PROJECTS.

Subpart 1. Airport projects. The commissioner ~~will~~ must make a substantive decision as to the merit or necessity of each project and project application. A substantial aeronautical requirement must be shown by the municipality whereby the contemplated or existing airport is a necessary part of a system of public airports adequate to meet the present and anticipated needs of civil aviation in Minnesota.

Subp. 2. Project requirements. The airport must be able to handle air traffic safely and adequately. The public interest and aeronautical progress of the state must be reflected in each project and project application. The municipality must show that:

- A. sufficient funds are available for that portion of the project costs to be borne by the municipality and that;
- B. the project will be completed without undue delay, and that; and
- C. the municipality submitting the project application has legal authority to engage in the development as proposed.

Subp. 3. Clear zone. To be eligible for funding for the construction, improvement, or maintenance of airports or for air navigation facilities for an airport, each airport licensed as a public airport by the commissioner must comply with the clear zone provisions established in this part or provide written notice to the commissioner that demonstrates the airport's good faith efforts to make progress toward compliance.

Subp. 4. Clear zone dimensions. Clear zone dimensions must be based on an airport's planned build-out conditions. The dimensions of each clear zone are established for and based on the type of existing or planned approach for each runway end.

A. The inner edge of the clear zone is the same width as, and coincides with, the end of the primary surface, as defined in part 8800.1200, subpart 5, item A.

B. The clear zone extends outward under the approach surface, as defined in part 8800.1200, subpart 5, item D. The clear zone expands uniformly from the end of the primary surface, following the approach surface to a terminal distance of:

(1) 1,000 feet for a utility runway;

(2) 1,700 feet for a runway end of an other than utility runway with a visual or nonprecision instrument approach except those with visibility minimums as low as three-fourths of a statute mile; or

(3) 2,500 feet for a runway end of an other than utility runway with a nonprecision instrument approach lower than three-fourths of a statute mile or a precision instrument approach.

Subp. 5. Clear zone ownership. To provide for the safety of aircraft operations and populations in runway approach zones, airports must meet the requirements in item A or B:

A. an airport sponsor must own one hundred percent of all clear zones in fee simple based on planned build-out conditions in accordance with the dimensions provided in subpart 4; or

B. the airport sponsor must prepare a clear zone acquisition plan as provided in subpart 6.

Subp. 6. Clear zone acquisition plan. The airport sponsor must prepare a clear zone acquisition plan that documents the plan for acquiring all clear zones in fee simple and obtain approval from the commissioner as required under Minnesota Statutes, section 360.305, subdivision 5.

Subp. 7. Exceptions. In cases where it is not feasible to own the entire clear zone in fee simple due to airport-specific constraints, such as cost burdens that present a hardship for the airport sponsor; the need to obtain a parcel that is not readily severable from other land; or natural features of the terrain, such as a river that make acquisition impracticable, the airport sponsor may request an exception. To request an exception, a clear zone acquisition plan must be prepared and include:

A. a list of property interests currently owned and property interests identified for future acquisition;

# Proposed Rules

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B. any natural and manmade features within clear zones based on the dimensions provided in subpart 4, items A and B, including those that may result in congregations of people or exceed height standards defined by part 8800.1200;

C. factors limiting clear zone acquisition;

D. existing or proposed future land use control strategies to support airport-compatible land uses within clear zones; and

E. an explanation of any potential negative safety impacts that not owning the entire clear zone in fee simple may have on aircraft operations and populations in runway approach zones.

Subp. 8. **Evaluation of clear zone acquisition plan.** The commissioner must evaluate the clear zone acquisition plan and the information required by subpart 7. If the commissioner approves the clear zone acquisition plan, the airport sponsor must be notified in writing. If the commissioner does not approve the clear zone acquisition plan, the commissioner must notify the airport sponsor in writing and provide the reasons for disapproval. The commissioner must disapprove a plan upon finding that a requested exception does not adequately provide for the safety of aircraft operations and populations in the runway approach zones. The airport sponsor may revise and resubmit the clear zone acquisition plan within 90 days of the disapproval for further evaluation until the plan is approved.

Subp. 9. **Applicability.** Airports with airport layout plans approved under Minnesota Statutes, section 360.305, subdivision 5, on or after the effective date of this part must meet the criteria in subpart 5, item A or B. Airports without approved airport layout plans or airports with airport layout plans approved before the effective date of this part must meet the criteria in subpart 5, item A or B, when they next update their airport layout plan.

**REPEALER.** Minnesota Rules, part 8800.2400, subpart 7, is repealed.

## 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.

## Department of Employment and Economic Development (DEED) Notice of Public Hearing by the Minnesota Department of Employment and Economic Development with Respect to a Proposed Project and the Provision of Funds from the Minnesota Job Creation Fund Program under Minnesota Statutes 116J.8748

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Employment and Economic Development (“DEED”) will conduct a public hearing on Wednesday, January 15, 2025, at 1:00 p.m., or as soon thereafter as reasonably possible at 180 East Fifth Street, 12th Floor, St. Paul, Minnesota 55101 on one (1) proposal to provide funding through the Minnesota Job Creation Fund Program (“JCF”) pursuant to authority granted under *Minnesota Statutes* 116J.8748 and *Minnesota Rules* Chapter 4301. This hearing is conducted in accordance with *Minnesota Statutes* 116J.994, Subd. 5.

### Description of Project and Proposed JCF Funding:

Beckman Coulter Inc. (NAICS 32541) is looking to expand in Chaska (Carver County), Minnesota. Beckman Coulter Inc. is a global leader in clinical diagnostics by providing automation solutions designed to relieve health system pressure, which includes blood testing analyzers, clinical chemistry solutions, advanced informatics solutions and other. The project would expand their life sciences manufacturing at their current location in Chaska. The total project cost is \$50,000,000 with \$45,700,000 being eligible for the capital investment rebate for new construction, which would be

rebated up to 5%. Costs ineligible for rebate include machinery and equipment. The company expects to create 300 jobs within the first 3 years at an average cash wage of \$32.46 per hour. The state is considering further participation with \$1,250,000 via the Minnesota Investment Fund, which would be forgivable if certain job and investment goals are met. The city is considering tax abatement for the project. The project may be eligible for a job creation award of up to \$720,000 and a capital investment rebate of up to \$1,000,000 depending on final project specifications for a total of \$1,720,000 from the Minnesota Job Creation Fund.

All interested persons may appear and be heard at the time and place set forth above. Persons interested in participating via teleconference should contact Tom Washa, Minnesota Job Creation Fund Program Manager at (651) 259-7483 or [Tom.Washa@state.mn.us](mailto:Tom.Washa@state.mn.us) prior to the date of the hearing for instructions on how to participate in the call.

Interested persons may mail written comments to Tom Washa at Great Northern Building, 180 East Fifth Street, Suite 1200, St. Paul MN 55101 or e-mail [Tom.Washa@state.mn.us](mailto:Tom.Washa@state.mn.us) prior to the date of the hearing set forth above. All persons who appear at the meeting or participate via teleconference will be given an opportunity to express their views with respect to the proposal to award funds from the Minnesota Job Creation Fund.

## Minnesota Department of Health Notice of Completion of Annual Health Care Quality Measures Rule Review

**NOTICE:** The Commissioner of Health announces that the Department of Health has completed its annual review required under Minnesota Rules, chapter 4654. The Department affirms that its existing quality measures will continue as the 2025 set of quality measures with no added measures.

**Subject of the Rules and Statutory Authority.** The Minnesota Department of Health adopted *Minnesota Rules*, chapter 4654, in December 2009 to implement part of the comprehensive 2008 state health reform law. Consistent with *Minnesota Statutes*, section 62U.02, these rules established a standardized set of quality measures that the Department uses to assess the quality of services offered by health care providers. These measures include the specific details for the data that physician clinics and hospitals must submit annually to the Minnesota Department of Health or to the Commissioner's designee for public reporting. The rules also specify:

- Requirements that physician clinics and hospitals submit quality data to the Minnesota Department of Health or its designee.
- Obligations for physician clinics and hospitals to cooperate with data validation procedures.
- A restriction on health plans prohibiting them from requiring providers to use and report quality measures not included in the standardized set.
- Annual review by the Minnesota Department of Health of existing quality measures and evaluation and adoption of new measures into the standardized set.

The Commissioner is required to review the adopted quality measures annually.

**Results.** From 2009 until 2018, the Minnesota Department of Health updated and adopted rules governing the standardized set of quality measures through expedited rulemaking. From 2018 through early 2020, the Department developed a quality measurement framework as directed by the Minnesota Legislature. To do this, comments were gathered from a broad range of stakeholders about measurement priorities and processes, essentially mirroring the steps the Department has customarily performed for its annual reviews. Additionally, the Department invited public input on the standardized set of quality measures in 2023. Through these ongoing efforts, the Department decided not to add new measures for the 2019 through 2024 reporting years, making adopting expedited rules unnecessary. Instead, the Department issued technical guidance about minor changes.

To continue to ease administrative burden, the Department did not undertake expedited rulemaking during 2024 and determined that it need only make minor updates to existing measures to maintain alignment with local and federal measurement initiatives. In place of expedited rulemaking, the Department is issuing technical guidance for the 2025

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report year. The 2025 reporting requirements are consistent with those for 2024. The Department has posted updated technical guidance for the 2025 report year on its website at <https://www.health.state.mn.us/data/hcquality/measures>.

**Agency contact person.** **Cara Bailey** at Minnesota Department of Health, P.O. Box 64975, St. Paul, MN 55164-0975, phone 651-201-3561, and [health.sqrms@state.mn.us](mailto:health.sqrms@state.mn.us).

December 30, 2024

Wendy Underwood Deputy Commissioner  
Minnesota Department of Health

## Department of Human Services Health Care Administration Notice of Substance Use Disorder Demonstration Waiver Public Forum

The Minnesota Department of Human Services (DHS) invites the public to comment on the progress of the Substance Use Disorder (SUD) demonstration waiver at a public forum on January 29, 2025.

This demonstration waiver is an important component of the state's larger reform effort to address the opioid crisis as well as transform the health care delivery system for Medicaid members who need SUD treatment. The waiver authorizes federal Medicaid matching funds for residential programs that have been determined as Institutions for Mental Diseases. The demonstration waiver tests the impact of evidence-based provider referral arrangements and practices on improving health outcomes for Medicaid members with SUD.

The SUD waiver was first approved by CMS on August 16, 2019, and was originally effective from July 1, 2019, through June 30, 2024. DHS submitted an extension request to CMS on December 21, 2023, to continue the waiver for a five-year period beginning July 1, 2024. CMS provided a temporary extension that continues the operational terms of the waiver through June 30, 2025. The SUD waiver is authorized under section 1115 of the Social Security Act as a demonstration waiver.

For additional information about the SUD demonstration waiver, go to the **DHS website**.

DHS must hold an annual forum to provide the public with an opportunity to comment on the progress of the waiver over the last year. Anyone may attend and provide comment. Comments will be recorded and shared publicly as part of the state's federal reporting requirements.

The forum will be held:

DATE: Wednesday, January 29, 2025  
TIME: 9:30 – 10:30 a.m.

### Video conference option

Use this [WebEx link](#) to attend virtually (at the date and time above).

### In-Person Option

If you would like to attend in-person, please send an email to [Section1115WaiverComments@state.mn.us](mailto:Section1115WaiverComments@state.mn.us) to plan for room capacity.

LOCATION: Minnesota Department of Human Services  
Elmer L. Anderson Human Services Building, Room 2222  
540 Cedar Street  
St. Paul, MN 55101

Limited parking is available in the ramp adjacent to the building. Refer to the DHS [Directions and parking](#) webpage for more information, including additional parking options.

# 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: <https://mn.gov/admin/citizen/grants/>

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

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

## Minnesota Housing Request for Proposals for Housing Trust Fund Program Rental Assistance Re-Opened

Minnesota Housing has re-opened the Housing Trust Fund (HTF) Program Rental Assistance Request for Proposals (RFP) application.

Applications may now be submitted until 12:00 p.m. (noon) Central Time on Tuesday, December 31, 2024. Program information and application materials can be found on Minnesota Housing's ***Housing Trust Fund Program Rental Assistance*** webpage.

A new application is not required if a complete application has already been submitted before 12:00 p.m. (noon) Central Time on Thursday, December 19, 2024. Existing applicants may review earlier submissions and have the option to resubmit. The application submitted most recently will be reviewed.

HTF Program Rental Assistance provides funding for temporary rental assistance and housing related expenses such as application fees and security deposits, in partnership with supportive services for High Priority Homeless families and individuals.

Questions regarding application submission logistics can be directed to Deran Cadotte at [deran.cadotte@state.mn.us](mailto:deran.cadotte@state.mn.us).

This request does not obligate Minnesota Housing to award a contract or complete the proposed program, and Minnesota Housing reserves the right to cancel this solicitation if it is considered in its best interest. All expenses incurred in responding to this solicitation are solely the responsibility of the responder.

## Department of Human Services Contracts and Legal Compliance Division Notice of Changes to Grant Request for Proposal noticing in the State Register for the Department of Human Services

The Minnesota Department of Human Services (DHS) will no longer publish individual grant RFP notices to the State Register effective March 27, 2023. The RFPs and RFIs can be viewed by visiting the Minnesota Department of Human Services Grants, Requests for Proposals (RFP) and Requests for Information (RFI) website: <https://mn.gov/dhs/partners-and-providers/grants-rfps/open-rfps/>.

# State Grants & Loans

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The RFPs and RFIs do not obligate the State to complete the work contemplated in the respective notices. The State reserves the right to cancel solicitations. All expenses incurred in responding to the RFPs and RFIs 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, Office of State Procurement (OSP) Website. Interested vendors are encouraged to monitor the P/T Contract Section of the OSP Website at <https://mn.gov/admin/osp> 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 Office of State Procurement strongly recommends meeting the following requirements: \$0 - \$5000 does not need to be advertised; \$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.

Contact the Office of State Procurement at: (651) 296-2600

## Department of Agriculture Farm Advocate Program Notice of Requests for Proposals for Minnesota Farm Advocates

The Minnesota Department of Agriculture announces the availability of contracts for a farm advocate for the period of February 1, 2025 through June 30, 2025. Applicants must be familiar with or experienced in farm financial planning (cash flows through financial statements); be knowledgeable of farmers' borrowers' rights and responsibilities with the ability to comprehend state and federal rules and regulations governing agricultural credit; have good communication skills (written, oral and listening); and have compassion for and interest in helping farmers.

Read more information *about the Farm Advocates program* and please contact the MDA's Emerging Farmer Office with your interest and resume at [mda.emerging.farmers@state.mn.us](mailto:mda.emerging.farmers@state.mn.us)

Resume deadline is **January 29, 2025 at 4:30 pm.**

For more information, contact:

Matt McDevitt, Ag Finance Supervisor  
Minnesota Department of Agriculture  
625 Robert St. N. St. Paul, MN 55155  
Phone: (651) 201-6311  
[Matt.McDevitt@state.mn.us](mailto:Matt.McDevitt@state.mn.us)

## Minnesota State Colleges and Universities (Minnesota State) Notice of Bid and Contracting Opportunities

Minnesota State is now placing additional public notices for contract opportunities for goods and services on its Vendor and Supplier Opportunities website (<https://www.minnstate.edu/vendors/index.html>). Minnesota State may add new public notices to the website daily and post for the time indicated within the public notice.

If you have any questions regarding this notice or are having problems viewing the information on the Vendor and Supplier Opportunities website, please email the Minnesota State Procurement Unit at [Sourcing@MinnState.edu](mailto:Sourcing@MinnState.edu).

## Minnesota State Colleges and Universities (Minnesota State) Minnesota State College Southeast Notice of Sole Sourcing Posting for Mechatronics Training Equipment

**REFERENCE #:** 3MGRANT

**RESPONSE TO THIS SOLICITATION IS DUE NO LATER THAN 1/13/2025 AT 2:00 PM Central Time**

**SHIP TO INFORMATION:**

Minnesota State College Southeast  
1250 Homer Road  
Winona, MN 55987

**TO RECEIVE A PRINTED COPY OF THE SOLICITATION, call:** Angela Troke at 507-453-2737 or contact at [angela.troke@southeastmn.edu](mailto:angela.troke@southeastmn.edu).

**NOTES:** This is a single source posting notification; there are no solicitation documents. Minnesota State College Southeast intends to enter a purchase agreement with Advanced Technologies Consultants for the purchase of Mechatronics training equipment and associated curriculum. For this reason, this renewal has been deemed a single source due to the 3M MAP Grant and 3M dictating the exact equipment and vendor to purchase from. If anyone has any concerns regarding this single source opportunity you must contact Rob Wittenberg via e-mail at [rob.wittenberg@southeastmn.edu](mailto:rob.wittenberg@southeastmn.edu) before 1/13/2025 AT 2:00PM Central Time. Note: All correspondence must include reference number.

**Date This Solicitation Was Posted:** 12/30/2024

## 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.

# State Contracts

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MnDOT Consultant Services website: [www.dot.state.mn.us/consult](http://www.dot.state.mn.us/consult)

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

## Non-State Public Bids, Contracts & Grants

The State Register also serves as a central marketplace for contracts let out on bid by the public sector. The *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of commodity, project or tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from the date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact editor for further details.

Besides the following listing, readers are advised to check: <https://mn.gov/admin/osp> as well as the Office of Grants Management (OGM) at: <https://mn.gov/admin/citizen/grants/>.

## Metropolitan Airports Commission (MAC) Notice of Call for Bids for 2025 Passenger Boarding Bridge Replacements

Airport Location:	Minneapolis-St. Paul International Airport
Project Name:	2025 Passenger Boarding Bridge Replacements
MAC Contract No.:	106-2-1094
Bids Close At:	2:00 PM on January 14, 2025
Bid Opening Conference Call:	3:00 PM on January 14, 2025
Teleconference Dial In #:	1-612-405-6798
Conference ID #:	897 927 742#

**Notice to Contractors:** Electronic Bid Submission for the project listed above will be received by the MAC, a public corporation, via *QuestCDN's website* until the official time and date as displayed in QuestCDN Online.

**Note:** You can sign up on our web site (<https://metroairports.org/doing-business/solicitations>) to receive email notifications of new business opportunities.

**Targeted Group Businesses (TGB):** The goal of the MAC for the utilization of Targeted Group Businesses on this project is 4%.

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

**Project Labor Agreement:** This project is subject to the MAC's Project Labor Agreement requirements. A copy of the Project Labor Agreement and Contract Riders are included in Appendix H.

**Availability of Construction Documents:** Plans and specifications are on file for inspection at the QuestCDN Online indicated below and at the Minnesota Builders Exchange; Rochester Builders Exchange; Dodge Data and Analytics; and NAMC-UM Plan Room. Bidders desiring drawings and specifications for personal use may secure a

# Non-State Public Bids, Contracts & Grants

complete digital set at the *QuestCDN website*. Bidders may download the complete set of digital documents for \$22.00, or other fee as determined by QuestCDN, by entering eBidDoc™ #9429413 in the “Search Projects” page. Contact Quest Construction Data Network at (952) 233-1632 or info@questcdn.com for assistance. Hard copy drawings and specifications will not be made available to Bidders. Bid documents for this project may be viewed for no cost at QuestCDN Online. For this project, bids will **ONLY** be received electronically. Contractors submitting an electronic bid will be charged an additional \$42.00, or other fee as determined by QuestCDN, at the time of bid submission via the online electronic bid service QuestCDN Online.

**MAC Internet Access of Additional Information:** A comprehensive Notice of Call for Bids for this project will be available on December 23, 2024, at MAC’s web address of <https://metroairports.org/doing-business/solicitations> (construction bids).

## Metropolitan Airports Commission (MAC) Notice of Call for Bids for 2025 Terminal 1 Tug Drive Heater Replacement

<b>Airport Location:</b>	Minneapolis-St. Paul International Airport
<b>Project Name:</b>	2025 Terminal 1 Tug Drive Heater Replacement
<b>MAC Contract No.:</b>	106-2-1077
<b>Bids Close At:</b>	2:00 PM on January 14, 2025
<b>Bid Opening Conference Call:</b> 3:00 PM on January 14, 2025	
<b>Teleconference Dial In #:</b>	1-612-405-6798
<b>Conference ID #:</b>	897 927 742#

**Notice to Contractors:** Electronic Bid Submission for the project listed above will be received by the MAC, a public corporation, via *QuestCDN’s website* until the official time and date as displayed in QuestCDN Online.

**Note:** You can sign up on our web site (<https://metroairports.org/doing-business/solicitations>) to receive email notifications of new business opportunities.

**Targeted Group Businesses (TGB):** The goal of the MAC for the utilization of Targeted Group Businesses on this project is 5%.

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

**Availability of Construction Documents:** Plans and specifications are available at QuestCDN Online indicated below and at the Minnesota Builders Exchange; Rochester Builders Exchange; Dodge Data and Analytics; and NAMC-UM Plan Room. Bidders desiring drawings and specifications for personal use may secure a complete digital set at the *QuestCDN website*. Bidders may download the complete set of digital documents for \$22.00, or other fee as determined by QuestCDN, by entering eBidDoc™ #9456503 in the “Search Projects” page. Contact Quest Construction Data Network at (952) 233-1632 or info@questcdn.com for assistance. Hard copy drawings and specifications will not be made available to Bidders. Bid documents for this project may be viewed for no cost at QuestCDN Online. For this project, bids will **ONLY** be received electronically. Contractors submitting an electronic bid will be charged an additional \$42.00, or other fee as determined by QuestCDN, at the time of bid submission via the online electronic bid service QuestCDN Online.

**MAC Internet Access of Additional Information:** A comprehensive Notice of Call for Bids for this project will be available on December 23, 2024, at MAC’s web address of <https://metroairports.org/doing-business/solicitations> (construction bids).

# THANK YOU TO ALL THOSE WHO READ THE STATE REGISTER IN 2024. HERE IS A LOOK BACK AT OUR MONTHLY COVERS. HAPPY NEW YEAR!

