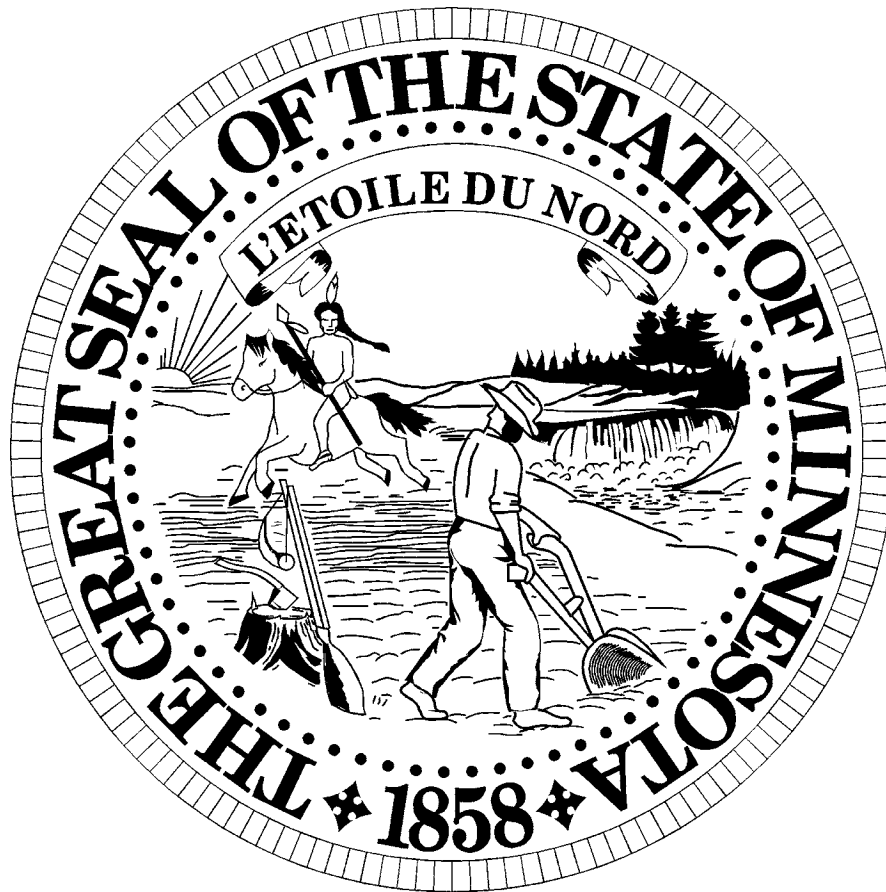


Minnesota State Register

Published every Monday (Tuesday when Monday is a holiday)



**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;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

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Minnesota State Register

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

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

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- Withdrawn Rules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

Printing Schedule and Submission Deadlines

Vol. 46 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)
#6	Monday 9 August	Noon Tuesday 3 August	Noon Thursday 29 July
#7	Monday 16 August	Noon Tuesday 10 August	Noon Thursday 5 August
#8	Monday 23 August	Noon Tuesday 17 August	Noon Thursday 12 August
#9	Monday 30 August	Noon Tuesday 24 August	Noon Thursday 19 August

PUBLISHING NOTICES: We need to receive your submission ELECTRONICALLY in Microsoft WORD format. Submit ONE COPY of your notice via e-mail to: sean.plemmons@state.mn.us. State agency submissions must include a "State Register Printing Order" form, and, with contracts, a "Contract Certification" form. Non-State Agencies should submit ELECTRONICALLY in Microsoft WORD, with a letter on your letterhead stationery requesting publication and date to be published. Costs are \$13.50 per tenth of a page (columns are seven inches wide). One typewritten, double-spaced page = 6/10s of a page in the State Register, or \$81. About 1.5 pages typed, double-spaced, on 8-1/2"x11" paper = one typeset page in the State Register. Contact editor with questions (651) 201-3204, or e-mail: sean.plemmons@state.mn.us.

SUBSCRIPTION SERVICES: E-mail subscriptions are available by contacting the editor at sean.plemmons@state.mn.us. Send address changes to the editor or at the Minnesota State Register, 50 Sherburne Avenue, Suite 309, Saint Paul, MN 55155.

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- Minnesota State Register: Online subscription – \$180, includes links, index, special section "CONTRACTS & GRANTS," with Sidebar Table of Contents, Early View after 4:00 pm Friday (instead of waiting for early Monday), and it's sent to you via E-mail.
- Single issues are available electronically via PDF for free.
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Minnesota Legislative Information

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State Capitol, Room 231, St. Paul, MN 55155
<https://www.senate.mn/>

Minnesota State Court System
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
(651) 296-2146
State Office Building, Room 175
100 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155
<https://www.house.leg.state.mn.us/hinfo/hinfo.asp>

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

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Official Notices

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

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

Minnesota Department of Agriculture (MDA) Notice of Comment Period for the Proposed Emerald Ash Borer Quarantine of Freeborn County

The Minnesota Department of Agriculture (MDA) is accepting comments on the current state emergency quarantine for emerald ash borer, *Agrilus planipennis* (Fairemaire), in Freeborn County and the proposed state formal quarantine to be implemented September 8th, 2021.

Oral and written comments regarding the proposed regulations will be accepted via email or phone through September 3rd, 2021. Submit comments to Kimberly Thielen Cremers, Minnesota Department of Agriculture, 625 Robert Street North, St Paul, MN 55155, email: kimberly.tcremers@state.mn.us, phone: (651)201-6329.

For more information on emerald ash borer, including a copy of the emergency quarantine, visit the Minnesota Department of Agriculture website at www.mda.state.mn.us/eab.

Minnesota Racing Commission REQUEST FOR COMMENTS for Possible Amendments to Rules Governing Horse Racing, Pari-Mutuel Wagering, Class C Licenses, Advance Deposit Wagering, Horse Races, Harness Races, Horse Medication and Prohibited Acts; Chapters 7873, 7877, 7880, 7883, 7884, 7890 and 7897

Revisor's ID Number: R-04714

Subject of Rules.

The Minnesota Racing Commission (MRC) requests comments on possible amendments to the rules governing Horse Racing, Pari-Mutuel Wagering, Class C Licenses, Advance Deposit Wagering, Horse Races, Harness Races, Horse Medication and Prohibited Acts relating to horse racing, Minnesota Rules, Chapters 7873, 7877, 7880, 7883, 7884, 7890 and 7897. Each year the MRC reviews its rules in cooperation with interested industry participants in order to modify, update and clarify the rules. New rules on Pari-Mutuel Wagering, Class C Licenses, Advance Deposit Wagering, Horse Races, Harness Races, Horse Medication and Prohibited Acts. We may also seek to repeal obsolete rules. The public is welcomed and encouraged to comment and make proposals for this year's amendments.

Persons Affected.

Any amendments to the rules would likely affect participants in horseracing in Minnesota, including horse owners, trainers, drivers, veterinarians, stewards, judges, association staff, racing officials, and the betting public.

Statutory Authority.

Minnesota Statutes, sections 240.03, 240.23 and 240.24 authorize the Racing Commission to amend rules which affect the integrity of racing or the public health, welfare, or safety. *Minnesota Statutes*, section 240.24 authorizes the Commission to promulgate rules specifically relating to medications and medical testing for horses running at licensed racetracks.

Public Comment.

Interested persons or groups may submit proposals, comments or information on the possible rules in writing or orally until further notice is published in the *State Register* that the Commission intends to adopt or to withdraw the rules. The Commission does not contemplate appointing an advisory committee to comment on the possible rules. Interested persons may comment via the Office of Administrative Hearings Rulemaking e-Comments Website at <https://minnesotaoah.granicusideas.com/>.

Rules Drafts.

The Commission has not yet prepared a draft of the possible rule amendments and does not anticipate a complete draft will be prepared prior to publication of the proposed rules.

Agency Contact Person.

Written or oral comments, questions, rule proposals, and requests for more information on these possible rule changes may be directed to:

Chad Peterson
Contract, Procurement and Rulemaking Assistant
Minnesota Racing Commission
15201 Zurich Street, Suite 212
Columbus, MN 55025
Phone: 651-925-3951
Fax: 651-925-3953
Email chad.peterson1@state.mn.us

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

Alternative Format.

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

NOTE:

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

Dated: August 02, 2021

Minnesota Sentencing Guidelines Commission Notice of Public Hearing to Consider Amendments to the Sentencing Guidelines and Commentary

THE MINNESOTA SENTENCING GUIDELINES COMMISSION WILL HOLD A PUBLIC HEARING on Wednesday, September 1, 2021, at 1:00 p.m., in the Minnesota State Capitol Building, Room G 3, 75 Rev. Dr. Martin Luther King, Jr. Blvd., Saint Paul, Minnesota 55155. Remote participation will be optional. The public hearing is being held to consider proposed modifications to the 2020 Minnesota Sentencing Guidelines and Commentary resulting from legislative action and non-legislative technical corrections.

A. Legislative Amendments to Crime Laws Affecting the Guidelines – 2021 1st Special Session. As a result of its review of 2021 1st Special Session Laws, the Commission proposes the following: to rank Assault 1st Degree (Great Bodily Harm Upon Official by Dangerous Weapon or Deadly Force) at Severity Level (SL) 11; to rank Assault

Official Notices

1st Degree (Great Bodily Harm Upon Official) at SL 10; to rank Child Torture at SL 8; to rank Patrons of Prostitution (2nd or Subsequent Violation) at SL 3; to rank the new Criminal Sexual Conduct (CSC) force offenses involving infliction of bodily harm at SL A (CSC First Degree) and SL B (CSC Second Degree) and to add those offenses to the Severe Violent Offense List; to rank prohibited occupational relationship CSC offenses at SL C (CSC Third Degree) and SL E (CSC Fourth Degree); to rank Sexual Extortion at SL C (penetration) or SL E (contact); to maintain existing rankings for those CSC offenses involving force by attempt or threat, and for those CSC coercion offenses uncoupled from force; to make no Guidelines changes, other than conforming changes, as a result of statutory changes to age gaps in CSC offenses, and statutory changes to age thresholds in CSC, prostitution, and child pornography offenses; to treat reorganized CSC offenses in the same way that corresponding offenses with identical elements are treated in the existing Guidelines; to increase the SLs of Use of Minors in Sexual Performance as legislatively adopted; to increase the SLs of enhanced child pornography dissemination and possession offenses as legislatively directed; to rank CSC Fifth Degree (Nonconsensual Penetration) at SL H, but shaded at criminal history scores of 0 through 4 and capped at 24-month durations due to the statutory maximum; to create a new SL I, identical to the existing SL H, for Failure to Register as a Predatory Offender; to assign to a prior felony sentence for CSC Fifth Degree (Nonconsensual Penetration) a weight of 1 or ½ point, depending on whether the current offense is on the Sex Offender Grid or not; to add CSC Fifth Degree (Nonconsensual Penetration) and Child Torture to the list of Offenses Eligible for Permissive Consecutive Sentences; to reference the Veterans Restorative Justice Act (VRJA) in Guidelines' policy on military veterans; incorporate the VRJA's statutory departure factor within the Guidelines' list of departure factors; to amend Appendix 1 to refer to the new mandatory minimums for Assault 1st Degree; and to make conforming, clarifying, distinguishing, technical, and editorial amendments. Amendments to the 2020 Minn. Sentencing Guidelines and Commentary are proposed in sections 1.B.17 (Severity Level), 2.B.1 (Prior Felonies), 2.D.3.a (Mitigating Factors), 2.G.5 (Attempt or Conspiracy to Commit Criminal Sexual Conduct in the First or Second Degree), 3.A.2.d (Length of Stay), 3.F (Military Veterans), 4.A (Sentencing Guidelines Grid), 4.B (Sex Offender Grid), 5.A (Offense Severity Reference Table), 5.B (Severity Level by Statutory Citation), 6 (Offenses Eligible for Permissive Consecutive Sentences), & 8 (Severe Violent Offense List), Appendices 1 (Mandatory and Presumptive Sentences Reference Table) & 3 (Presumptive Sentence Durations that Exceed the Statutory Maximum Sentence Reference Table), and Comment 2.B.202.

B. Legislative Amendments to Crime Laws Affecting the Guidelines – 2021 Regular Session. As a result of its review of the 2021 Regular Session Laws, the Commission proposes conforming and technical amendments related to Identity Theft in Guidelines sections 5.A and 5.B.

C. Technical Correction – Update Conditional Release Statutory Reference. The Commission proposes a technical amendment related to a conditional release statutory reference for assault in the fourth degree against secure treatment facility personnel in Guidelines section 2.E.3 (Conditional Release).

A complete copy of the proposed amendments, as well as a more detailed description of their nature and effect, will be posted on the Commission's web site at mn.gov/sentencing-guidelines from August 2 through September 6, 2021. Information on how to attend the public hearing, both in-person and remotely, is also posted on the same web site.

The Commission will hold the record open for five calendar days after the public hearing to accept written comment.

Modifications are subject to final adoption by the Commission at its meeting on September 9, 2021. If adopted, modifications will take effect September 15, 2021, and will apply to crimes committed on or after that date.

For more information, please refer to the Commission's web site at mn.gov/sentencing-guidelines or call the Commission's office at (651) 296-0144.