

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

ADMIN 1000 (Rev. 1/78)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT Administration
Bldg. Codes & Standards Division

TO : Larry Starns
Special Assistant Attorney General

DATE: 11/16/82

FROM : Richard I. Hauck
Supervisor, Mfr. Structures

PHONE: 6-4628

SUBJECT: Dealer Licensing Rules

Enclosed please find four (4) copies of the proposed subject rules which were published in the State Register on September 27, 1982, as well as, the other information from our file for your review and approval.

We are interested in moving forward with this matter as quickly as possible so that we can send copies of the new rules to all Manufactured Home Dealers and Manufacturers. Any assistance from your office will be appreciated.

2 copies are also being sent to Craig Lindeke, Assistant Revisor, for review.

RIH/cj

Enclosure

Our File No. 870

12/13 Hanebe to send Order for Rulemkg 2

RULE REVIEW CHECKLIST 12/14 rec'd.

DATE RULE RECEIVED 11-17-82
DATE FOR REVIEW 11-29-82
DATE DUE 12-1-82

Adopted w/a hearing _____
Adopted w/o hearing ↘
Temporary rule _____

Approved _____ Disapproved _____ Returned to Agency _____

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State _____ Revisor approved 11.18.82 disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed See SR.

✓ Order Adopting 11.17.82 Date

N/A Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking
N/A date of Hearing ~~set set set~~

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking 12/13 BCD verified Notice as Mailed identical to SR version
✓ Sufficiency submitted 12/14/82

✓ Affidavit of Mailing Notice or rulemaking
9.23.82 At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
9.27.82 At least 30/~~20~~ days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

↓ Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

? Agency's Findings of Fact

N/A LCRAR Report or agency Affidavit

↓ Certificate of Board's Resolution Adopting Rules

✓ Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

N/A Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

✓ Affidavit of Mailing Notice of Submission to Attorney General
but see my comment.

? Notice of Submission to the Attorney General
states AG comment period incorrectly - should be 8 not 10 days

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : JAMES J. HINIKER, JR.
Commissioner of Administration

DATE: 12/14/82

Attn: Larry Starns, Special Assistant Attorney General

FROM : TED A. MARTINEZ TAM
Special Assistant
Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of the Proposed Adoption of Rules of the State of Minnesota Governing Licensing of Manufactured Home Dealers and Manufacturers

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register. This must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages to the rules in the approved set.

If you have any questions in this regard, please contact me.

TAM/ls
Encs.

cc: Ms. Kathy Burek
Mr. Duane Harves

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AG copy.

Department of Administration

Building Codes and Standards Division

Adopted Rules Governing Licensing of Manufactured Home Dealers and Manufacturers

Rules as Adopted

2 MCAR S 1.8001 Authority. Rules 2 MCAR SS 1.8001-1.8023 are adopted by the commissioner pursuant to Laws of 1982, chapter 526, article I, section 10 to implement and administer the provisions of Laws of 1982, chapter 526, article I, sections 1 to 12 relating to the licensing of manufactured home manufacturers, dealers, and dealers' subagencies.

2 MCAR S 1.8002 Definitions.

A. Scope. The terms used in 2 MCAR SS 1.8001-1.8023 have the meanings given them in this rule and in Laws of 1982, chapter 526, article I, section 1.

B. Applicant. "Applicant" means a person who is applying for a manufactured home manufacturer or dealer license.

C. Commissioner. "Commissioner" means the Commissioner of Administration.

D. Distributor. "Distributor" means a manufacturer.

E. Length of a manufactured home. "Length of a manufactured home" means its largest overall length in the traveling mode, including cabinets and other projections which contain interior space. Length does not include bay windows, roof projections, overhangs, or eaves under which there is no interior space, or drawbars, couplings, or hitches.

F. Licensee. "Licensee" means a person licensed under Laws of 1982, chapter 526, article I, section 4.

G. Manufacturer's sale agreement. "Manufacturer's sale agreement" means a franchise or written contract between a manufacturer and a dealer which authorizes the dealer to sell or distribute manufactured homes made by the manufacturer and establishes such things as the length of the agreement, model names, responsibility for warranty service, any other

responsibilities between the parties, and, if applicable, the area of the state under contract to the dealer.

H. Width of a manufactured home. "Width of a manufactured home" means its largest overall width in the traveling mode, including cabinets and other projections which contain interior space. Width does not include bay windows, roof projections, overhangs, or eaves under which there is no interior space.

2 MCAR S 1.8003 License application.

A. Forms; requirements. An applicant shall apply for a manufacturer, dealer, or dealer subagency license on forms furnished by the commissioner and shall comply with the requirements in Laws of 1982, chapter 526, article I, section 4.

B. Required information. The kinds of information listed in 1. and 2. satisfy the related requirements in Laws of 1982, chapter 526, article I, section 4, subdivisions 3 and 4.

1. An application for a dealer's license must contain the information in a.-i.

a. A photocopy of the applicant's valid driver's license clearly showing the applicant's signature and photograph, or, if the applicant has no current driver's license, some other form of identification showing a photograph and the signature of the applicant.

b. The name under which the applicant desires to do business in this state.

If the name is an assumed name the applicant shall submit proof of filing the assumed name with the Secretary of State.

If the business is a corporation the applicant shall submit a copy of its Minnesota Certificate of Incorporation.

c. The type of business to be operated by the applicant such as manufacturing, selling (new or used), or brokering manufactured homes, and the applicant's business location.

d. The names, home and business addresses, and telephone numbers of the applicant's directors, officers, limited and general partners, controlling shareholders, and affiliates.

e. The signature of the applicant's owner, general partner, or corporate president verified under oath.

f. A statement of the applicant's qualifications for licensure as a dealer, such as education, work experience, and any other qualifications in manufactured home construction, sales, repair, or related fields involving sales, financing, title transfer, or contracts.

g. A statement of all other manufactured home dealer or manufacturer licenses held by the applicant either directly or indirectly in this or another state.

h. A statement of the type of businesses the applicant has previously been involved in, either directly or indirectly, for the past five years by company name, address, directors, officers, limited or general partners, controlling shareholders, affiliates, dates, and current business status.

i. The original copy of the surety bond required by Laws of 1982, chapter 526, article I, section 4, subdivision 4 on a form furnished by the commissioner.

2. An application for a manufacturer's license must contain the information in a.-d.

a. The name under which the applicant desires to do business in this state.

If the name is an assumed name the applicant shall submit proof of filing the assumed name with the Secretary of State.

If the business is a corporation the applicant shall submit a copy of its Minnesota Certificate of Incorporation.

b. A current list of Minnesota dealers with whom the applicant has a manufacturer's sale agreement, as required by Laws of 1982, chapter 526, article I, section 4, subdivision 4.

c. A list of the manufacturer's manufacturing facilities that will be shipping manufactured homes into this state.

d. A list of the brand names of manufactured homes that the manufacturer will ship into this state.

C. Fee. An applicant shall submit with the application required in A. the fee set in 2 MCAR S 1.8014.

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D. Copy for applicant's records. An applicant shall copy the complete application, bond, and any revisions as submitted to the commissioner and shall keep the copies on file at all times at the applicant's principal place of business.

2 MCAR S 1.8004 Established place of business.

A. Proof required. The commissioner shall not grant a dealer license until the applicant has furnished the commissioner with proof that he has an established place of business, as required by Laws of 1982, chapter 526, article 1, section 4, subdivision 4, and that the requirements in B.-G. have been met.

B. Building or office space. An applicant for a dealer license must have a permanent enclosed building, other than a residence, or a commercial office space for the principal place of business and for each subagency location.

A manufactured home, other than a residence, qualifies as an established place of business if it is set up in a permanent manner, it is connected to sewer, water, and electricity, it is skirted, it is owned by the applicant, and it is not being offered for or subject to sale while being used as an office.

A commercial office space used as a place of business must be self-contained and must have its own entrance to a public corridor or to the exterior of the building. The commercial office space must be separated from other areas of the building by floor-to-ceiling walls.

C. Unimproved sales lots. Unimproved lots and premises may be used for sale and display of manufactured homes if they are in proximity to the applicant's principal place of business or subagency location so as to avoid confusion or uncertainty as to their relationship to the business. A photo or drawing must be submitted to the commissioner clearly indicating the relationship of the unimproved lot or premises to the business location.

D. Unimproved storage lots. Unimproved lots and premises may be used for storage of manufactured homes. The applicant shall notify the commissioner of the location of the unimproved

lot or premises prior to storage of manufactured homes there.

E. Photograph. The applicant shall submit a current photograph which accurately depicts the principal place of business, each subagency location, and unimproved lots to be used for sales and display for which the applicant is requesting a license.

F. Deed, contract, or lease. The applicant shall submit a copy of a valid warranty deed, contract for deed, or lease for a term of not less than one year for the premises housing the principal place of business and each subagency.

G. Sole licensed occupant. Only one licensee may own or lease and occupy an established place of business or commercial office space. Two or more licensees may occupy one established place of business if they are related by means of ownership or are one legal entity.

2 MCAR S 1.8005 Manufacturer's sale agreement. A dealer shall furnish a copy of the contract or franchise required by Laws of 1982, chapter 526, article I, section 4, subdivision 4, clause (b), to the commissioner. The dealer shall notify the commissioner within 14 days of the time when a contract or franchise expires or becomes void.

2 MCAR S 1.8006 Trust account. A broker shall establish a trust account with a bank located in this state, and must comply with Laws of 1982, chapter 526, article I, section 8, subdivisions 3 to 5. The trust account information must be submitted on a form furnished by the commissioner.

2 MCAR S 1.8007 Returned checks. When a check is offered to the commissioner in payment for fees or changes pursuant to 2 MCAR SS 1.8001-1.8023 and the check is returned without payment for any reason, the fee set in 2 MCAR S 1.8014 becomes due and is a part of the total obligation in addition to other consequences permitted by law and 2 MCAR SS 1.8001-1.8023.

2 MCAR S 1.8008 Posting of license. A current license must be posted at the principal place of business and at each subagency

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location in a conspicuous place and clearly visible to all consumer customers. The posted license must be the license issued for the specific location at which it is posted. Only valid licenses may be posted.

2 MCAR S 1.8009 Reapplying for a license. A person whose license has been suspended, revoked, or whose license application has been denied may not reapply for a license until the error, omission, or cause for suspension, revocation, or denial has been corrected to the satisfaction of the commisioner. This does not limit the applicant's rights pursuant to Laws of 1982, chapter 526, article I, section 5, subdivision 2.

2 MCAR S 1.8010 Closing of principal place of business or subagency. When a dealer closes a principal place of business or subagency the dealer must notify the commissioner and return the appropriate license certificate within 14 days of the closing.

2 MCAR S 1.8011 License renewal. Licensees must renew their licenses pursuant to Laws of 1982, chapter 526, article I, section 4 and this rule. The commissioner shall send out renewal notices by November 15 of the year a license expires. The renewal must be submitted on forms furnished by the commissioner for principal places of business and subagencies, accompanied by the fee set in 2 MCAR S 1.8014. License renewal applications must be received by the commissioner no later than December 15 of the year a license expires. All licenses expire at midnight, December 31 of the year of expiration.

2 MCAR S 1.8012 Dealer's records. A dealer shall retain copies of all records as required by Laws of 1982, chapter 526, article I, section 6, subdivision 1. All records must be retained in one centralized place designated by the dealer. The dealer shall notify the commissioner as to the location of the records either at the principal or subagency location. All records shall be on file at the dealers designated location within 14

? should be "dealer's

days after the closing of the sales transaction.

2 MCAR S 1.8013 Salespeople. Every dealer shall submit a written list to the commissioner of all salespersons employed by the dealer, as required by Laws of 1982, chapter 526, article I, section 7, subdivision 2. The list must include the starting date and, when applicable, the termination date, for each salesperson. A running list must be maintained to show all the salespersons currently employed and previously employed. Any change of a salesperson's status must be noted on the running list and the entire list must be submitted to the commissioner within ten days of a change. A copy of the current complete salesperson list as submitted to the commissioner must be retained and kept on file at all times at the dealer's principal place of business. The format of the salesperson list shall conform to that contained in sample forms provided by the commissioner.

2 MCAR S 1.8014 Fees. Fees for licenses and services associated with 2 MCAR SS 1.8001-1.8023 are as follows:

Initial license for principal location (remainder of calendar year)	$100.00
Initial license for dealer subagency location	25.00
License biennial renewal	
Principal location	200.00
Dealer subagency location	50.00
Change of bonding company	5.00
Reinstatement of bond after cancellation	5.00
Duplicate license	5.00
Checks returned without payment	10.00

2 MCAR S 1.8015 Trust funds. The broker with whom trust funds are to be deposited in satisfaction of Laws of 1982, chapter 526, article I, section 8, subdivision 3, shall be the broker under contract for the sale of the manufactured home with the seller.

Trust funds must be maintained in the trust account until they are disbursed in accordance with the terms of the

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applicable agreements. Disbursement must be made within 14 days following the consummation or termination of a transaction if the applicable agreements are silent as to the time of disbursement.

2 MCAR S 1.8016 Notice to the commissioner.

A. Notification requirement. A licensee shall notify the commissioner of the occurrence of any of the events in B.-E.

B. Change in application information. A licensee shall notify the commissioner in writing within ten days of the change of any change in information contained in a license application on file with the commissioner.

C. Civil judgment. A licensee shall notify the commissioner in writing within ten days of any decision of a court regarding a proceeding in which the dealer was named as a defendant, and in which fraud, misrepresentation, or the conversion of funds was found to have been committed by the licensee.

D. Disciplinary action in another state. A licensee shall notify the commissioner in writing within ten days of the suspension or revocation of the licensee's manufactured home dealer license or other occupational license issued in another jurisdiction.

E. Criminal offense. A dealer shall notify the commissioner in writing within ten days if the dealer is found guilty of a felony, gross misdemeanor, misdemeanor, or any comparable offense related to manufactured home sales, improper business practices, fraud, misrepresentation, misuse of funds, or violation of the consumer laws.

2 MCAR S 1.8017 Required documents. A dealer shall furnish to the parties to a transaction at the time the documents are signed or become available, true and accurate copies of listing agreements, earnest money receipts, purchase agreements, contracts for title, option agreements, disclosure statements, energy audits, the formaldehyde warning which is required by Minnesota Statutes, section 325F.18, and other records, instruments, or documents which are material to the transaction

? See comment letter - but no F&F

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and which are in the dealer's possession.

The format of the disclosure statement must conform to that contained in sample forms provided by the commissioner and the statement must be signed by the dealer or the dealer's authorized salesperson, the buyer, and the seller. A copy of the disclosure must be kept on file by the dealer.

2 MCAR S 1.8018 Standards of conduct. The methods, acts, or practices set forth in 2 MCAR S 1.8019 are standards of conduct governing the activities of a dealer. Failure to comply with those standards is a ground for denial, suspension, or revocation of the dealer's license.

2 MCAR S 1.8019 Responsibilities of dealers.

A. Supervision of personnel. Dealers shall closely supervise the activities of their salespersons and employees which are related to the sale of manufactured homes. Supervision includes the ongoing monitoring of listing agreements, purchase agreements, and other manufactured home documents which are prepared or drafted by the dealer's salespersons or employees or which are otherwise received by the dealer's office, and the review of all trust account books and records.

B. Preparation and safekeeping of documents. Dealers are responsible for the preparation, custody, safety, and accuracy of all manufactured home contracts, documents, and records, even though another person may be assigned these duties by the dealer.

C. Resolution of complaints. Dealers shall investigate and attempt to resolve complaints made regarding the practices of individuals employed by them.

D. Supervision of place of business. Each principal place of business and each subagency shall be under the direction and supervision of a manager. The dealer shall furnish the commissioner with the name of each manager responsible for a licensed location. Designation of a manager does not relieve the dealer of overall responsibility for the actions of salespersons or the manager.

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2 MCAR S 1.8020 Disclosures by salesperson. All dealers shall require their salespersons to conduct business only under the licensed name of and on behalf of the dealer by whom they are employed or to whom they are under contract and to disclose in every transaction the name of the dealer by whom they are employed or to whom they are under contract.

2 MCAR S 1.8021 Length and width. The length and width of a manufactured home when shown on sales contracts, documents, and records is the length and width to the nearest foot as defined in 2 MCAR S 1.8002, except on an application or permit to transport a manufactured home if the total length of the manufactured home is required to include drawbars, couplings, or hitches. Room additions must be noted and measured separately.

2 MCAR S 1.8022 Disclosure. If a manufactured home being sold is located in a manufactured home park, the dealer, prior to the buyer's signing of the purchase agreement, shall obtain a written statement signed by the buyer acknowledging the dealer's disclosure of the contents of Laws of 1982, chapter 526, article II, section 7, subdivision 1, regarding in-park sales of manufactured homes.

2 MCAR S 1.8023 Enforcement. The commissioner shall administer and enforce 2 MCAR SS 1.8001-1.8023. Any authorized representative of the commissioner may at any reasonable time enter the premises where manufactured homes are manufactured, or where new or used manufactured homes are sold, solicited, brokered, or advertised for sale, and may examine the manufacturer's or dealer's records to the extent necessary to enforce the provisions of 2 MCAR SS 1.8001-1.8023.

APPROVED AS TO LEGALITY

12 - 14 19 82

WARREN SPANNAUS, ATTORNEY GENERAL

BY Ted A. Mondale

SPECIAL ASSISTANT ATTORNEY GENERAL

10:66 AM

Joan Anderson Growe

Secretary of State

DEC 15 1982

FILED

DEPARTMENT OF STATE

STATE OF MINNESOTA

STATE OF MINNESOTA

DEPARTMENT OF ADMINISTRATION

In the Matter of the Proposed Adoption of Rules of the State of Minnesota Governing Licensing of Manufactured Home Dealers and Manufacturers

ORDER ADOPTING RULES

Notice of the Commissioner's intent to adopt the above-entitled rules without a public hearing was published in the State Register on September 27, 1982 and was sent by the United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes section 15.0412, subdivision 4 on September 23, 1982. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than seven written requests for a public hearing within the 30-day comment period, reviewing the comments, and determining the need for a reasonableness of the above-captioned rules.

NOW, THEREFORE, IT IS ORDERED that these rules identified as Rules Governing Licensing of Manufactured Home Dealers and Manufacturers are adopted this 17th day of November, 1982 pursuant to authority vested in me by Minnesota Statutes Section 327B.10.

STATE OF MINNESOTA

JAMES J. HINIKER, JR.
COMMISSIONER OF ADMINISTRATION

STATE OF MINNESOTA
DEPARTMENT OF ADMINISTRATION

In the Matter of the Proposed Adoption of Rules of the State of Minnesota Governing Licensing of Manufactured Home Dealers and Manufacturers

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 9th day of Sept., 1982 that Notice of Intent to Adopt Rules Without Public Hearing in the above-titled matter be given to all persons who have registered their names with the State Building Codes & Standards Division for that purpose and be published in the State Register.

STATE OF MINNESOTA

James J. Hiniker
Commissioner of Administration

DEPARTMENT OF ADMINISTRATION
DIVISION OF BUILDING CODES & STANDARDS

In the matter of the Proposed Adoption of Rules of the State of Minnesota Governing Licensing of Manufactured Home Dealers & Manufacturers.

Notice of Intent to Adopt Rules Without a Public Hearing.

Notice is hereby given that the State of Minnesota Department of Administration (hereinafter "agency") proposes to adopt the above-titled rules without a public hearing. The agency has determined that the proposed adoption of these rules are noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes 15.0412 Subd. 4h, for the adoption of noncontroversial rules.

The proposed rules provide for implementation, interpretation, and carrying out the provisions of Minnesota Statutes § 327B.01 - 327B.12 relating to the licensing of Manufactured Home Dealers & Manufacturers by doing the following: defines terms used in the industry which are used in these rules; supplements application requirements for manufactured homes and manufacturer and dealer licensure; provides for types of structures, spaces and conditions necessary to qualify as an established place of business; establishes license and service fees; provides for ongoing reporting requirements, and establishes standards of conduct and responsibilities of dealers subsequent to licensure.

The agency has prepared a Statement of Need & Reasonableness describing the agency's reasons for the proposed rules, identifying data and information relied upon by the agency to support such rules. Copies of the Statement of Need & Reasonableness may be obtained from the agency by contacting: Ms. Peggi Opalinski, Building Codes & Standards Division, 408 Metro Square Bldg., 7th & Robert Sts., St. Paul, MN 55101.

Interested persons have 30 days after publication of the proposed rules in the State Register to submit comments. The proposed rules may be modified if the data and views submitted to the agency warrant modification if modifications do not result in substantial change in the proposed language.

If, during the comment period, seven or more persons submit to the agency a written request for a hearing on the proposed rules, the agency shall proceed to schedule a public hearing before adoption of the rules. The agency requests that the persons desiring a public hearing submit written statements which identify particular provisions objected to, the suggested modifications to the proposed language, and the reasons and data relied upon to support the modifications.

Persons who wish to submit comments or a request for a public hearing should submit such comments or requests no later than 30 days after publication in the State Register to Ms. Peggi Opalinski at the address given above.

In the event a hearing is required, the agency will proceed according to provisions of Minn. Stat. §15.0412, Subd. 4-4F. Persons who wish to receive a copy of the final rule as proposed for adoption should submit a written statement of such desire to Ms. Opalinski.

After adoption of the final rule by the agency, the proposed rule, this notice, the Statement of Need and Reasonableness, all written comments received by the agency, and the final rule as adopted will be sent to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General should submit a written statement of such desire to Ms. Opalinski.

Please be advised that Minn. Stat. Ch. 10A (1978) requires each lobbyist to register with the Ethical Practices Board within five days after he/she commences lobbying. Lobbying includes attempting to influence rulemaking by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than $250.00 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than $250.00 per year or five hours per month lobbying. The statute in questions provides certain exceptions. Questions should be directed to the Minnesota Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, Telephone: (612) 296-5651.

STATE OF MINNESOTA

James J. Hiniker, Jr.
Commissioner of Administration

Date: 9-13-82

STATE OF MINNESOTA
DEPARTMENT OF ADMINISTRATION

In the Matter of the Proposed Adoption of Rules of the State of Minnesota Governing Licensing of Manufactured Home Dealers and Manufacturers

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Gloria Safford, being first duly sworn, deposes and says:

That on the 23rd day of September, 1982, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Intent to Adopt Rules Without a Public Hearing by depositing in the State of Minnesota Central Mail System for first class mailing, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the State of Minnesota for the purpose of receiving notice of proposed adoption of rules by this Division.

Gloria Safford
Gloria Safford

Subscribed and sworn to before me this
23rd day of September, 1982.

Mary A. Kahnke

MARY A. KAHNKE
NOTARY PUBLIC - MINNESOTA
DAKOTA COUNTY
My Commission Expires May 9, 1984

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed Adoption of Rules
of the State of Minnesota Governing Licensing of
Manufactured Homes Dealers and Manufacturers

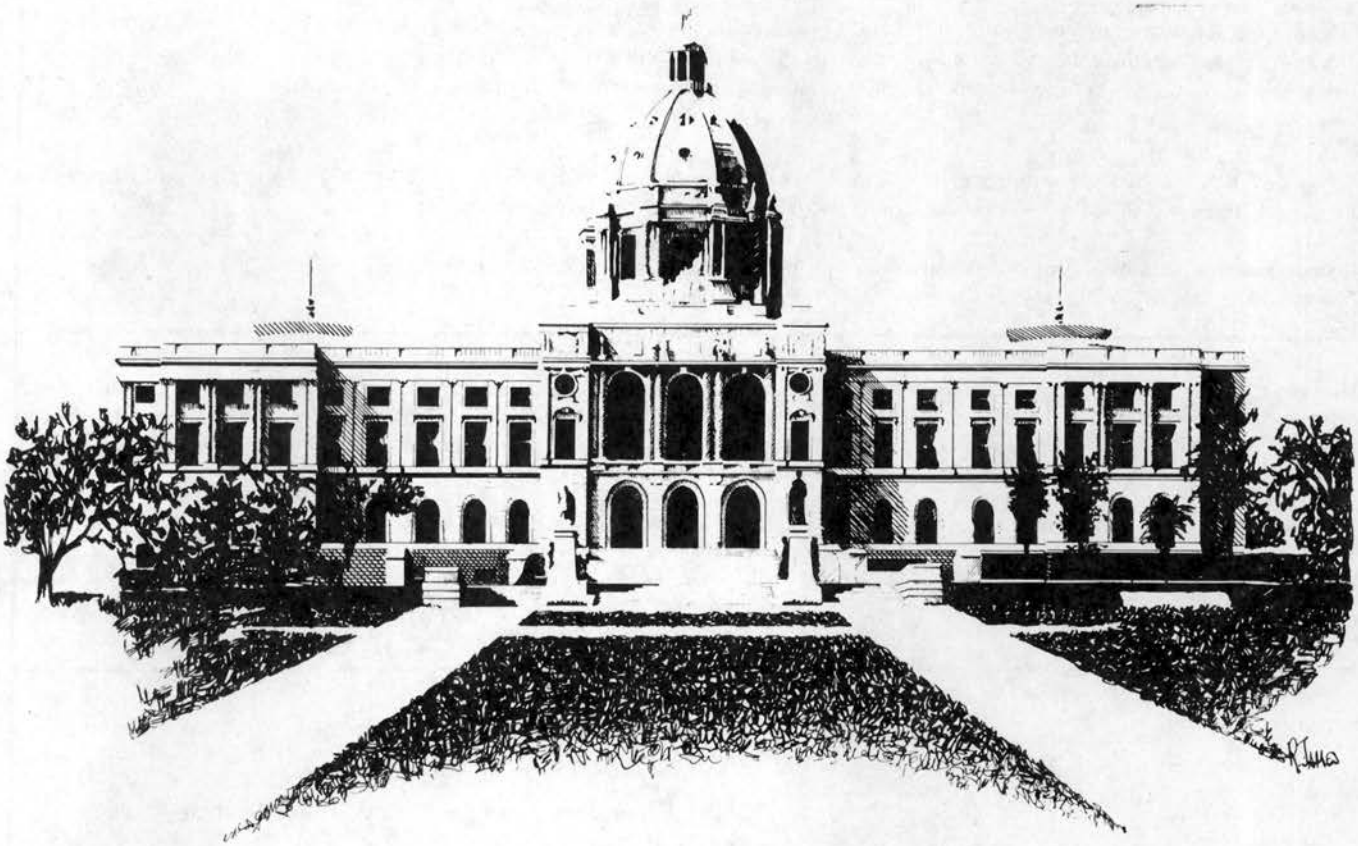
I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. § 15.0412, subd. 4, that their names be placed on file with and maintained by the State Building Codes and Standards Division for the purpose of receiving notice of the proposed adoption of rules by this Division is accurate and complete as of 2:00 p.m., this 23rd day of September, 1982.

Margaret Ann Opalinski

Margaret Ann Opalinski

STATE REGISTER

STATE OF MINNESOTA



VOLUME 7, NUMBER 13

September 27, 1982

Pages 397-460

STATE REGISTER

Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
	SCHEDULE FOR VOLUME 7		
14	Monday Sept 20	Monday Sept 27	Monday Oct 4
15	Monday Sept 27	Monday Oct 4	Monday Oct 11
16	Monday Oct 4	Monday Oct 11	Monday Oct 18
17	Monday Oct 11	Monday Oct 18	Monday Oct 25

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

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

Instructions for submission of documents may be obtained from the Office of the State Register, 506 Rice Street, St. Paul, Minnesota 55103, (612) 296-0930.

The *State Register* is published by the State of Minnesota, State Register and Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to Minn. Stat. § 15.051. Publication is weekly, on Mondays, with an index issue in September. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at $130.00 per year, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota. Publication Number 326630. (ISSN 0146-7751) No refunds will be made in the event of subscription cancellation. Single issues may be obtained at $3.25 per copy.

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

The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, and official notices to the public. Judicial notice shall be taken of material published in the *State Register*.

Albert H. Quie
Governor

James J. Hiniker, Jr.
Commissioner
Department of Administration

Stephen A. Ordahl
Director
State Register and
Public Documents Division

Carol Anderson Porter
Editor

Paul Hoffman, Robin PanLener, Roy Schmidtke, Jean Walburg
Editorial Staff

Margaret Connelly
State Register Index Editor

Debbie Kobold
Circulation Manager

Cover graphic: ***Minnesota State Capitol,*** **ink drawing by Ric James.**

CONTENTS

MCAR AMENDMENTS AND ADDITIONS

Cumulative listing for Issues 1-13 400

PROPOSED RULES

Administration Department
Building Codes and Standards Division
Licensing of Manufactured Home Dealers and Manufacturers [notice of intent to adopt rules without a public hearing] 402

Health Department
Health Systems Division
Keeping of Pet Animals in Health Care Facilities; Implementing the Provisions of the Vulnerable Adult Abuse Reporting Act in Facilities Licensed or Certified by the Department of Health; the Operation and Licensing of Nursing Homes and Boarding Care Homes; the Dual Option Provisions of the Health Maintenance Organization Rules; and the Issuance of Fines to Supervised Living Facilities [notice of hearing] 407

Public Safety Department
Fire Marshal Division
Amendments to the Uniform Fire Code [notice of hearing] 421

ADOPTED RULES

Natural Resources Department
Commissioner's Order No. 2126: Regulation Prohibiting the Hunting of Canada Geese in parts of Anoka, Dakota, Ramsey and Washington Counties, Superseding Commissioner's Order No. 2007 422
Commissioner's Order No. 2127: Regulations for Hunting and Trapping in State Game Refuges, Public Hunting Grounds, Wildlife Management Areas, National Wildlife Refuges and State Parks, Superseding Commissioner's Order Nos. 2102 and 2107 423
Commissioner's Order No. 2129: Regulations for the Taking of Certain Furbearers, Superseding Commissioner's Order No. 2100 430
Commissioner's Order No. 2128: Regulations for the Taking of Ducks, Geese, Coots and Gallinules, and for the Taking of Migratory Game Birds by Falconry, Superseding Commissioner's Order No. 2101 434
Commissioner's Order No. 2124: Regulations for the Use of Snares, Superseding Commissioner's Order No. 2082 437

SUPREME COURT

Decisions Filed Friday, September 17, 1982
81-1278 Gloria Kopet Axelson, as Trustee for the Heirs of Patricia Kopet, Decedent, Appellant, v. David Williamson. Mower County..... 450
81-827 In Re the Matter of the Commodore Hotel Fire and Explosion Cases. Ramsey County..... 450

Decision Filed Wednesday, September 8, 1982
82-64 State of Minnesota v. David M. Herberg, Appellant. Todd County and Stearns County 451

Decisions Filed Tuesday, August 31, 1982
81-1003, 81-1287 Gate Company v. 81-1003 Midwest Federal Savings and Loan Association, Appellant, and William C. Smith, Jr., *et al.*, v. 81-1287 Twin City Federal Savings and Loan Association, Appellant. Hennepin County..... 451
81-547 State of Minnesota v. Joseph Micael McGee, Appellant. Swift County 451
81-1133 Arnold Holm, Appellant, v. Sponco Mfg., Inc., *et al.* Hennepin County 451
48620, 81-735 State of Minnesota v. Donald Wayne Howard, Appellant. Winona County..... 451
81-549 State of Minnesota v. Camilo Saldana, Appellant. Watonwan County..... 452
82-271 State of Minnesota, Plaintiff, v. Marshall Donald Murphy, Defendant. Hennepin County 452

STATE CONTRACTS

Department of Economic Security
Vocational Rehabilitation Division
Social Security Disability Determination Services Medical Teledictation Service..... 452

Energy, Planning and Development Department
Governor's Council on Rural Development, Planning Division
Agricultural Land Protection Curriculum Project..... 453

OFFICIAL NOTICES

Energy, Planning and Development Department
Office of Local Governments
Notice of Closing Date for Applications for Community Development Grant Funds 453

Finance Department
Notice of Maximum Interest Rates for Municipal Obligations 454

Freeborn County
Notice of Filing Fees for the County Law Library 454

Natural Resources Department
Petition(s) Concerning the Designation of Certain Public Waters and Wetlands in Mille Lacs County [notice of and order for hearing] 454

Pollution Control Agency
Water Quality Division
Behind-schedule and Substandard Projects Lists 455

Secretary of State's Office
Notice of Vacancies in Multi-member State Agencies 456

NOTICE

How to Follow State Agency Rulemaking Action in the *State Register*

State agencies must publish notice of their rulemaking action in the *State Register*. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a **NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION.** Such notices are published in the **OFFICIAL NOTICES** section. Proposed rules and adopted rules are published in separate sections of the magazine.

The PROPOSED RULES section contains:

- Calendar of Public Hearings on Proposed Rules.
- Proposed new rules (including Notice of Hearing and/or Notice of Intent to Adopt Rules without A Hearing).
- Proposed amendments to rules already in existence in the Minnesota Code of Agency Rules (MCAR).
- Proposed temporary rules.

The ADOPTED RULES section contains:

- Notice of adoption of new rules and rule amendments (those which were adopted without change from the proposed version previously published).
- Adopted amendments to new rules or rule amendments (changes made since the proposed version was published).
- Notice of adoption of temporary rules.
- Adopted amendments to temporary rules (changes made since the proposed version was published).

All ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES published in the *State Register* will be published in the Minnesota Code of Agency Rules (MCAR). Proposed and adopted TEMPORARY RULES appear in the *State Register* but are not published in the MCAR due to the short-term nature of their legal effectiveness.

The *State Register* publishes partial and cumulative listings of rule action in the MCAR AMENDMENTS AND ADDITIONS list on the following schedule:

Issues 1-13, inclusive
Issues 14-25, inclusive
Issue 26, cumulative for 1-26
Issue 27-38, inclusive
Issue 39, cumulative for 1-39
Issues 40-51, inclusive
Issue 52, cumulative for 1-52

The listings are arranged in the same order as the table of contents of the MCAR.

MCAR AMENDMENTS AND ADDITIONS

TITLE 1 CONSTITUTIONAL OFFICES

Part 2 Secretary of State

1 MCAR §§ 2.0101-2.1101, 2.2101-2.2115, 2.4101-2.4205, 2.5101-2.5119 (adopted) 207

TITLE 2 ADMINISTRATION

Part 1 Administration Department

2 MCAR §§ 1.8001-1.8024 (proposed) 73
2 MCAR §§ 1.8001-1.8023 (proposed) 402
2 MCAR §§ 1.90100-1.90904 (adopted) 174

Part 2 Employee Relations Department

2 MCAR §§ 2.007, 2.009, 2.012, 2.016-2.019, 2.021, 2.024, 2.028, 2.098-2.099, 2.101, 2.106-2.111, 2.116-2.117, 2.119, 2.129-2.146, 2.150-2.153, 2.155, 2.160-2.164, 2.166-2.168, 2.170-2.172, 2.175-2.178, 2.180-2.181, 2.189-2.197, 2.203-2.204, 2.206-2.207, 2.209-2.211, 2.213-2.214, 2.216-2.221, 2.223, 2.226, 2.232, 2.234-2.235, 2.238, 2.240-2.244, 2.246-2.248, 2.250, 2.253-2.254, 2.257, 2.265-2.269, 2.275-2.282 (repealed) 278

TITLE 3 AGRICULTURE

Part 1 Agriculture Department

3 MCAR §§ 1.0260-1.0263, 1.0270-1.0282 (withdrawn) 344
3 MCAR §§ 1.0325-1.0326 (withdrawn) 246
3 MCAR §§ 1.0388-1.0404 (proposed) 5
3 MCAR §§ 1.0388-1.0404 (adopted) 343
3 MCAR §§ 1.0548-1.0560 (proposed) 78
3 MCAR §§ 1.0543-1.0547 (proposed repeal) 78
Agr 402, 404 (proposed repeal) 5

Part 2 Animal Health Board

3 MCAR § 2.005 (adopted) 257
3 MCAR § 2.015 (proposed) 110
3 MCAR § 2.032 (proposed) 111
3 MCAR § 2.062 (proposed) 109
LSB 33 (proposed) 111
LSB 62 (proposed repeal) 109

TITLE 4 COMMERCE

Part 1 Commerce Department

Uniform Conveyancing Blanks to Replace Uniform Conveyancing Blanks 54-M through 57-M (Contracts for Deed) and 58-M and 59-M (Assignments of Contracts for Deed), Originals of Which Are Filed with the Secretary of State, and Copies of Which Are Set Out following Minn. Stat. Ann. Ch. 507; Creating Two New Residential Mortgage Blanks and an Affidavit of Identity and Survivorship for Death Occurring after December 31, 1979 (proposed) 33
4 MCAR §§ 1.9081-1.9088 (proposed) 193
4 MCAR §§ 1.9120-1.9136 (adopted) 257
4 MCAR §§ 1.9285-1.9294 (adopted) 257

Part 3 Public Utilities Commission

4 MCAR §§ 3.0450-3.0463 (notice of hearing) 114

Part 4 Cable Communications Board

4 MCAR §§ 4.001-4.002, 4.016, 4.046, 4.061-4.062, 4.066, 4.092, 4.100, 4.133-4.135, 4.140-4.141, 4.202-4.204, 4.211-4.212, 4.215, 4.250 (proposed) 302

Part 10 Cosmetology Board
4 MCAR §§ 10.002 [Temp], 10.009 [Temp]-10.010 [Temp], 10.042 [Temp]-10.043 [Temp], 10.006 [Temp] (adopted) 94
4 MCAR §§ 10.004 [Temp], 10.021 [Temp], 10.026 [Temp], 10.028 [Temp], 10.041 [Temp] (continued) 94

Part 13 Peace Officer Standards and Training Board
4 MCAR §§ 13.024, 13.026 (proposed) 342

TITLE 5 EDUCATION

Part 1 Education Department
EDU 143 [Temp]-EDU 146 [Temp] (proposed) 48
EDU 142 C. (proposed temporary repeal) 48
5 MCAR §§ 1.0720-1.0721, 1.0723-1.0724 (proposed) 196
5 MCAR §§ 1.0722, 1.0725 (proposed repeal) 196

Part 3 Board of Teaching
5 MCAR §§ 3.007, 3.065, 3.0601, 3.081, 3.0831, 3.1041 (proposed) 248
5 MCAR §§ 3.072, 3.091, 3.101-3.103, 3.106, 3.108, 3.114, 3.060, 3.083, 3.104 (proposed repeal) 248

TITLE 6 ENVIRONMENT

Part 1 Natural Resources Department
6 MCAR § 1.0094 (adopted) 258

Part 2 Energy Agency (Energy, Planning and Development Department)
6 MCAR §§ 2.0108-2.0116 (adopted) 278
6 MCAR § 2.3120 (proposed) 86
6 MCAR § 2.3120 (adopted) 344
6 MCAR §§ 2.4021 [Temp]-2.4034 [Temp] (continued) 344

Part 3 Environmental Quality Board
6 MCAR §§ 3.001-3.036 (adopted) 344
6 MCAR §§ 3.024-3.032, 3.040, 3.047 (repealed—see text) 344

Part 4 Pollution Control Agency
6 MCAR §§ 4.3001-4.3016 (proposed) 312
MPCA 3(b), MPCA 6(c), 6(d), MPCA 9(c), 9(d), 9(f), 9(j), 9(k), 9(l), 9(m), 9(o), 9(p), 9(q), 9(s), MPCA 11, MPCA 13 (proposed repeal) 312
6 MCAR §§ 4.6088-4.6099, 4.6100 (adopted) 278

Part 8 Waste Management Board
6 MCAR §§ 8.201-8.218 (adopted) 260

TITLE 7 HEALTH

Part 1 Health Department
7 MCAR §§ 1.042-1.044, 1.046, 1.048, 1.053, 1.057-1.058, 1.377, 1.392 (proposed) 407

Part 8 Pharmacy Board
7 MCAR §§ 8.004, 8.010, 8.013, 8.026-8.027, 8.032, 8.040-8.041, 8.049-8.054, 8.061, 8.071, 8.074, 8.088, 8.118 (adopted) 258

Part 10 Psychology Board
7 MCAR §§ 10.001-10.009 (adopted) 133
Psych 2, 5, 8, 10-13 (repealed) 133

TITLE 8 LABOR

Part 4 Economic Security Department
8 MCAR § 4.0012 (adopted) 174
8 MCAR § 4.3012 (proposed temporary) 229

TITLE 10 PLANNING

Part 1 Planning Agency (Energy, Planning and Development Department)
10 MCAR §§ 1.500, 1.505, 1.510, 1.515, 1.520, 1.525, 1.530, 1.535, 1.540, 1.545, 1.555, 1.560, 1.565 (proposed) 87

TITLE 11 PUBLIC SAFETY

Part 1 Public Safety Department
11 MCAR §§ 1.0046-1.0048 (adopted) 207
SafAd 49-50 (repealed) 207
11 MCAR §§ 1.3071-1.3077 (withdrawn) 129
11 MCAR §§ 1.5101-1.5154 (proposed) 166
11 MCAR §§ 1.5101-1.5154 (notice of hearing) 421
Fire Mar 30-51, 4401-4404 (proposed repeal) 166
11 MCAR §§ 1.6101-1.6106 (proposed) 52

TITLE 12 SOCIAL SERVICES

Part 2 Public Welfare Board
12 MCAR § 2.065 (adopted) 139
12 MCAR § 2.222 (proposed) 129

Part 3 Housing Finance Agency
12 MCAR § 3.002 [Temp] (proposed) 11
12 MCAR § 3.002 (proposed) 165
12 MCAR § 3.002 (proposed) 246

TITLE 14 TRANSPORTATION

Part 1 Transportation Department
14 MCAR §§ 1.4010-1.4016 (adopted) 207
14 MCAR §§ 1.7025-1.7037 (proposed) 202

PROPOSED RULES

Pursuant to Minn. Laws of 1980, § 15.0412, subd. 4h, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless seven or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules;

and

4. that the rule may be modified if modifications are supported by the data and views submitted.

If, during the 30-day comment period, seven 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 § 15.0412, subds. 4 through 4g, which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Administration
Building Codes and Standards Division

Proposed Rules Governing Licensing of Manufactured Home Dealers & Manufacturers

Notice of Intent to Adopt Rules without a Public Hearing.

Notice is hereby given that the State of Minnesota Department of Administration (hereinafter "agency") proposes to adopt the above-titled rules without a public hearing. The agency has determined that the proposed adoption of these rules are noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes § 15.0412, subd. 4h, for the adoption of noncontroversial rules.

The proposed rules provide for implementation, interpretation, and carrying out the provisions of Minnesota Statutes §§ 327B.01-327B.12 relating to the licensing of Manufactured Home Dealers and Manufacturers by doing the following: defines terms used in the industry which are used in these rules; supplements application requirements for manufactured homes and manufacturer and dealer licensure; provides for types of structures, spaces and conditions necessary to qualify as an established place of business; establishes license and service fees; provides for ongoing reporting requirements, and establishes standards of conduct and responsibilities of dealers subsequent to licensure.

The agency has prepared a statement of need and reasonableness describing the agency's reasons for the proposed rules, identifying data and information relied upon by the agency to support such rules. Copies of the statement of need and reasonableness may be obtained from the agency by contacting: Ms. Peggi Opalinski, Building Codes & Standards Division, 408 Metro Square Bldg., 7th & Robert Sts., St. Paul, MN 55101.

Interested persons have 30 days after publication of the proposed rules in the *State Register* to submit comments. The proposed rules may be modified if the data and views submitted to the agency warrant modification if modifications do not result in substantial change in the proposed language.

If, during the comment period, seven or more persons submit to the agency a written request for a hearing on the proposed rules, the agency shall proceed to schedule a public hearing before adoption of the rules. The agency requests that the persons desiring a public hearing submit written statements which identify particular provisions objected to, the suggested modifications to the proposed language, and the reasons and data relied upon to support the modifications.

Persons who wish to submit comments or a request for a public hearing should submit such comments or requests no later than 30 days after publication in the *State Register* to Ms. Peggi Opalinski at the address given above.

In the event a hearing is required, the agency will proceed according to provisions of Minn. Stat. § 15.0412, subd. 4-4F. Persons who wish to receive a copy of the final rule as proposed for adoption should submit a written statement of such desire to Ms. Opalinski.

After adoption of the final rule by the agency, the proposed rule, this notice, the statement of need and reasonableness, all written comments received by the agency, and the final rule as adopted will be sent to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General should submit a written statement of such desire to Ms. Opalinski.

Please be advised that Minn. Stat. ch. 10A (1978) requires each lobbyist to register with the Ethical Practices Board within five days after he/she commences lobbying. Lobbying includes attempting to influence rulemaking by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than $250.00 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than $250.00 per year or five hours per month lobbying. The statute in question provides certain exceptions. Questions should be directed to the Minnesota Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, Telephone: (612) 296-5651.

September 13, 1982

James J. Hiniker, Jr.
Commissioner of Administration

Rules as Proposed (all new material)

2 MCAR § 1.8001 Authority. Rules 2 MCAR §§ 1.8001-1.8023 are adopted by the commissioner pursuant to Laws of 1982, chapter 526, article I, section 10 to implement and administer the provisions of Laws of 1982, chapter 526, article I, sections 1 to 12 relating to the licensing of manufactured home manufacturers, dealers, and dealers' subagencies.

2 MCAR § 1.8002 Definitions.

A. Scope. The terms used in 2 MCAR §§ 1.8001-1.8023 have the meanings given them in this rule and in Laws of 1982, chapter 526, article I, section 1.

B. Applicant. "Applicant" means a person who is applying for a manufactured home manufacturer or dealer license.

C. Commissioner. "Commissioner" means the Commissioner of Administration.

D. Distributor. "Distributor" means a manufacturer.

E. Length of a manufactured home. "Length of a manufactured home" means its largest overall length in the traveling mode, including cabinets and other projections which contain interior space. Length does not include bay windows, roof projections, overhangs, or eaves under which there is no interior space, or drawbars, couplings, or hitches.

F. Licensee. "Licensee" means a person licensed under Laws of 1982, chapter 526, article I, section 4.

G. Manufacturer's sale agreement. "Manufacturer's sale agreement" means a franchise or written contract between a manufacturer and a dealer which authorizes the dealer to sell or distribute manufactured homes made by the manufacturer and establishes such things as the length of the agreement, model names, responsibility for warranty service, any other responsibilities between the parties, and, if applicable, the area of the state under contract to the dealer.

H. Width of a manufactured home. "Width of a manufactured home" means its largest overall width in the traveling mode, including cabinets and other projections which contain interior space. Width does not include bay windows, roof projections, overhangs, or eaves under which there is no interior space.

2 MCAR § 1.8003 License application.

A. Forms; requirements. An applicant shall apply for a manufacturer, dealer, or dealer subagency license on forms furnished by the commissioner and shall comply with the requirements in Laws of 1982, chapter 526, article I, section 4.

B. Required information. The kinds of information listed in 1. and 2. satisfy the related requirements in Laws of 1982, chapter 526, article I, section 4, subdivisions 3 and 4.

1. An application for a dealer's license must contain the information in a.-i.

a. A photocopy of the applicant's valid driver's license clearly showing the applicant's signature and photograph, or, if the applicant has no current driver's license, some other form of identification showing a photograph and the signature of the applicant.

b. The name under which the applicant desires to do business in this state.

If the name is an assumed name the applicant shall submit proof of filing the assumed name with the Secretary of State.

If the business is a corporation the applicant shall submit a copy of its Minnesota Certificate of Incorporation.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

c. The type of business to be operated by the applicant such as manufacturing, selling (new or used), or brokering manufactured homes, and the applicant's business location.

d. The names, home and business addresses, and telephone numbers of the applicant's directors, officers, limited and general partners, controlling shareholders, and affiliates.

e. The signature of the applicant's owner, general partner, or corporate president verified under oath.

f. A statement of the applicant's qualifications for licensure as a dealer, such as education, work experience, and any other qualifications in manufactured home construction, sales, repair, or related fields involving sales, financing, title transfer, or contracts.

g. A statement of all other manufactured home dealer or manufacturer licenses held by the applicant either directly or indirectly in this or another state.

h. A statement of the type of businesses the applicant has previously been involved in, either directly or indirectly, for the past five years by company name, address, directors, officers, limited or general partners, controlling shareholders, affiliates, dates, and current business status.

i. The original copy of the surety bond required by Laws of 1982, chapter 526, article I, section 4, subdivision 4 on a form furnished by the commissioner.

2. An application for a manufacturer's license must contain the information in a.-d.

a. The name under which the applicant desires to do business in this state.

If the name is an assumed name the applicant shall submit proof of filing the assumed name with the Secretary of State.

If the business is a corporation the applicant shall submit a copy of its Minnesota Certificate of Incorporation.

b. A current list of Minnesota dealers with whom the applicant has a manufacturer's sale agreement, as required by Laws of 1982, chapter 526, article I, section 4, subdivision 4.

c. A list of the manufacturer's manufacturing facilities that will be shipping manufactured homes into this state.

d. A list of the brand names of manufactured homes that the manufacturer will ship into this state.

C. Fee. An applicant shall submit with the application required in A. the fee set in 2 MCAR § 1.8014.

D. Copy for applicant's records. An applicant shall copy the complete application, bond, and any revisions as submitted to the commissioner and shall keep the copies on file at all times at the applicant's principal place of business.

2 MCAR § 1.8004 Established place of business.

A. Proof required. The commissioner shall not grant a dealer license until the applicant has furnished the commissioner with proof that he has an established place of business, as required by Laws of 1982, chapter 526, article 1, section 4, subdivision 4, and that the requirements in B.-G. have been met.

B. Building or office space. An applicant for a dealer license must have a permanent enclosed building, other than a residence, or a commercial office space for the principal place of business and for each subagency location.

A manufactured home, other than a residence, qualifies as an established place of business if it is set up in a permanent manner, it is connected to sewer, water, and electricity, it is skirted, it is owned by the applicant, and it is not being offered for or subject to sale while being used as an office.

A commercial office space used as a place of business must be self-contained and must have its own entrance to a public corridor or to the exterior of the building. The commercial office space must be separated from other areas of the building by floor-to-ceiling walls.

C. Unimproved sales lots. Unimproved lots and premises may be used for sale and display of manufactured homes if they are in proximity to the applicant's principal place of business or subagency location so as to avoid confusion or uncertainty as to their relationship to the business. A photo or drawing must be submitted to the commissioner clearly indicating the relationship of the unimproved lot or premises to the business location.

D. Unimproved storage lots. Unimproved lots and premises may be used for storage of manufactured homes. The applicant shall notify the commissioner of the location of the unimproved lot or premises prior to storage of manufactured homes there.

E. Photograph. The applicant shall submit a current photograph which accurately depicts the principal place of business, each subagency location, and unimproved lots to be used for sales and display for which the applicant is requesting a license.

F. Deed, contract, or lease. The applicant shall submit a copy of a valid warranty deed, contract for deed, or lease for a term of not less than one year for the premises housing the principal place of business and each subagency.

G. Sole licensed occupant. Only one licensee may own or lease and occupy an established place of business or commercial office space. Two or more licensees may occupy one established place of business if they are related by means of ownership or are one legal entity.

2 MCAR § 1.8005 Manufacturer's sale agreement. A dealer shall furnish a copy of the contract or franchise required by Laws of 1982, chapter 526, article I, section 4, subdivision 4, clause (b), to the commissioner. The dealer shall notify the commissioner within 14 days of the time when a contract or franchise expires or becomes void.

2 MCAR § 1.8006 Trust account. A broker shall establish a trust account with a bank located in this state, and must comply with Laws of 1982, chapter 526, article I, section 8, subdivisions 3 to 5. The trust account information must be submitted on a form furnished by the commissioner.

2 MCAR § 1.8007 Returned checks. When a check is offered to the commissioner in payment for fees or changes pursuant to 2 MCAR §§ 1.8001-1.8023 and the check is returned without payment for any reason, the fee set in 2 MCAR § 1.8014 becomes due and is a part of the total obligation in addition to other consequences permitted by law and 2 MCAR §§ 1.8001-1.8023.

2 MCAR § 1.8008 Posting of license. A current license must be posted at the principal place of business and at each subagency location in a conspicuous place and clearly visible to all consumer customers. The posted license must be the license issued for the specific location at which it is posted. Only valid licenses may be posted.

2 MCAR § 1.8009 Reapplying for a license. A person whose license has been suspended, revoked, or whose license application has been denied may not reapply for a license until the error, omission, or cause for suspension, revocation, or denial has been corrected to the satisfaction of the commissioner. This does not limit the applicant's rights pursuant to Laws of 1982, chapter 526, article I, section 5, subdivision 2.

2 MCAR § 1.8010 Closing of principal place of business or subagency. When a dealer closes a principal place of business or subagency the dealer must notify the commissioner and return the appropriate license certificate within 14 days of the closing.

2 MCAR § 1.8011 License renewal. Licensees must renew their licenses pursuant to Law of 1982, chapter 526, article I, section 4 and this rule. The commissioner shall send out renewal notices by November 15 of the year a license expires. The renewal must be submitted on forms furnished by the commissioner for principal places of business and subagencies, accompanied by the fee set in 2 MCAR § 1.8014. License renewal applications must be received by the commissioner no later than December 15 of the year a license expires. All licenses expire at midnight, December 31 of the year of expiration.

2 MCAR § 1.8012 Dealer's records. A dealer shall retain copies of all records as required by Laws of 1982, chapter 526, article I, section 6, subdivision 1. All records must be retained in one centralized place designated by the dealer. The dealer shall notify the commissioner as to the location of the records either at the principal or subagency location. All records shall be on file at the dealers designated location within 14 days after the closing of the sales transaction.

2 MCAR § 1.8013 Salespeople. Every dealer shall submit a written list to the commissioner of all salespersons employed by the dealer, as required by Laws of 1982, chapter 526, article I, section 7, subdivision 2. The list must include the starting date and, when applicable, the termination date, for each salesperson. A running list must be maintained to show all the salespersons currently employed and previously employed. Any change of a salesperson's status must be noted on the running list and the entire list must be submitted to the commissioner within ten days of a change. A copy of the current complete salesperson list as submitted to the commissioner must be retained and kept on file at all times at the dealer's principal place of business. The format of the salesperson list shall conform to that contained in sample forms provided by the commissioner.

2 MCAR § 1.8014 Fees. Fees for licenses and services associated with 2 MCAR §§ 1.8001-1.8023 are as follows:

Initial license for principal location (remainder of calendar year)	$100.00
Initial license for dealer subagency location	25.00
License biennial renewal	
Principal location	200.00
Dealer subagency location	50.00
Change of bonding company	5.00
Reinstatement of bond after cancellation	5.00
Duplicate license	5.00
Checks returned without payment	10.00

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

2 MCAR § 1.8015 Trust funds. The broker with whom trust funds are to be deposited in satisfaction of Laws of 1982, chapter 526, article I, section 8, subdivision 3, shall be the broker under contract for the sale of the manufactured home with the seller.

Trust funds must be maintained in the trust account until they are disbursed in accordance with the terms of the applicable agreements. Disbursement must be made within 14 days following the consummation or termination of a transaction if the applicable agreements are silent as to the time of disbursement.

2 MCAR § 1.8016 Notice to the commissioner.

A. Notification requirement. A licensee shall notify the commissioner of the occurrence of any of the events in B.-E.

B. Change in application information. A licensee shall notify the commissioner in writing within ten days of the change of any change in information contained in a license application on file with the commissioner.

C. Civil judgment. A licensee shall notify the commissioner in writing within ten days of any decision of a court regarding a proceeding in which the dealer was named as a defendant, and in which fraud, misrepresentation, or the conversion of funds was found to have been committed by the licensee.

D. Disciplinary action in another state. A licensee shall notify the commissioner in writing within ten days of the suspension or revocation of the licensee's manufactured home dealer license or other occupational license issued in another jurisdiction.

E. Criminal offense. A dealer shall notify the commissioner in writing within ten days if the dealer is found guilty of a felony, gross misdemeanor, misdemeanor, or any comparable offense related to manufactured home sales, improper business practices, fraud, misrepresentation, misuse of funds, or violation of the consumer laws.

2 MCAR § 1.8017 Required documents. A dealer shall furnish to the parties to a transaction at the time the documents are signed or become available, true and accurate copies of listing agreements, earnest money receipts, purchase agreements, contracts for title, option agreements, disclosure statements, energy audits, and other records, instruments, or documents which are material to the transaction and which are in the dealer's possession.

The format of the disclosure statement must conform to that contained in sample forms provided by the commissioner and the statement must be signed by the dealer or the dealer's authorized salesperson, the buyer, and the seller. A copy of the disclosure must be kept on file by the dealer.

2 MCAR § 1.8018 Standards of conduct. The methods, acts, or practices set forth in 2 MCAR § 1.8019 are standards of conduct governing the activities of a dealer. Failure to comply with those standards is a ground for denial, suspension, or revocation of the dealer's license.

2 MCAR § 1.8019 Responsibilities of dealers.

A. Supervision of personnel. Dealers shall closely supervise the activities of their salespersons and employees which are related to the sale of manufactured homes. Supervision includes the ongoing monitoring of listing agreements, purchase agreements, and other manufactured home documents which are prepared or drafted by the dealer's salespersons or employees or which are otherwise received by the dealer's office, and the review of all trust account books and records.

B. Preparation and safekeeping of documents. Dealers are responsible for the preparation, custody, safety, and accuracy of all manufactured home contracts, documents, and records, even though another person may be assigned these duties by the dealer.

C. Resolution of complaints. Dealers shall investigate and attempt to resolve complaints made regarding the practices of individuals employed by them.

D. Supervision of place of business. Each principal place of business and each subagency shall be under the direction and supervision of a manager. The dealer shall furnish the commissioner with the name of each manager responsible for a licensed location. Designation of a manager does not relieve the dealer of overall responsibility for the actions of salespersons or the manager.

2 MCAR § 1.8020 Disclosures by salesperson. All dealers shall require their salespersons to conduct business only under the licensed name of and on behalf of the dealer by whom they are employed or to whom they are under contract and to disclose in every transaction the name of the dealer by whom they are employed or to whom they are under contract.

2 MCAR § 1.8021 Length and width. The length and width of a manufactured home when shown on sales contracts, documents, and records is the length and width to the nearest foot as defined in 2 MCAR § 1.8002, except on an application or permit to transport a manufactured home if the total length of the manufactured home is required to include drawbars, couplings, or hitches. Room additions must be noted and measured separately.

2 MCAR § 1.8022 Disclosure. If a manufactured home being sold is located in a manufactured home park, the dealer, prior to the buyer's signing of the purchase agreement, shall obtain a written statement signed by the buyer acknowledging the dealer's

disclosure of the contents of Laws of 1982, chapter 526, article II, section 7, subdivision 1, regarding in-park sales of manufactured homes.

2 MCAR § 1.8023 Enforcement. The commissioner shall administer and enforce 2 MCAR §§ 1.8001-1.8023. Any authorized representative of the commissioner may at any reasonable time enter the premises where manufactured homes are manufactured, or where new or used manufactured homes are sold, solicited, brokered, or advertised for sale, and may examine the manufacturer's or dealer's records to the extent necessary to enforce the provisions of 2 MCAR §§ 1.8001-1.8023.

Department of Health
Health Systems Division

Proposed Rules Relating to the Keeping of Pet Animals in Health Care Facilities; Implementing the Provisions of the Vulnerable Adult Abuse Reporting Act in Facilities Licensed or Certified by the Department of Health; the Operation and Licensing of Nursing Homes and Boarding Care Homes; the Dual Option Provisions of the Health Maintenance Organization Rules; and the Issuance of Fines to Supervised Living Facilities.

Notice of Hearing

A public hearing concerning the above-entitled matter will be held in Room 83, State Office Building, 435 Park Street, St. Paul, Minnesota, on October 28, 1982, commencing at 9:00 a.m. and continuing until all interested persons have had an opportunity to be heard. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules you are urged to participate in the rule hearing process.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to ask questions and make comments. Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted to Jon L. Lunde, Hearing Examiner, Office of Administrative Hearings, 400 Summit Bank Building, 310 South Fourth Avenue, Minneapolis, Minnesota 55415, telephone: (612) 341-7645 either before the hearing or before the close of the hearing record which shall remain open at least five working days after the hearing is adjourned. The hearing examiner may, at the hearing, order that the record be kept open for a longer period not to exceed 20 calendar days. All such statements will be entered into and become part of the record. For those wishing to submit written statements or exhibits, it is requested that at least two (2) copies be furnished. In addition, it is suggested, to save time and avoid duplication, that those persons, organizations, or associations having a common viewpoint or interest in these proceedings join together where possible and present a single statement in behalf of such interests. The rule hearing procedure is governed by Minn. Stat. §§ 15.0411-15.0417 and 15.052 and by 9 MCAR (Minnesota Code of Agency Rules) §§ 2.101-2.113. If you have any questions about the procedure, call or write the hearing examiner.

The statutory authority for the Commissioner of Health to adopt these rules is contained in the following provisions: Minn. Stat. §§ 144.573 and 144A.30 relating to the keeping of pet animals in health care facilities; Minn. Stat. § 626.557 relating to the reporting of abuse and neglect of vulnerable adults receiving services from facilities licensed or certified by the Department of Health; Minn. Stat. §§ 144.56 and 144.02-.07 relating to the amendment of the licensure rules for nursing homes and boarding care homes; Minn. Stat. §§ 144.56 and 144A.08 which provides the commissioner a general grant of authority to promulgate rules relating to the construction, maintenance, equipment, operation and licensing of boarding care homes, supervised living facilities and nursing homes; Minn. Stat. § 62E.17 relating to the development of rules governing the operation of Health Maintenance Organizations; and, Minn. Stat. §§ 144.653 and 144A.10 which authorizes the commissioner to develop a schedule of fines for a facility's noncompliance with correction orders and to develop a schedule of allowable times for correction.

The proposed rules address the following subjects:

1. The conditions governing the keeping of pet animals on the premises of a health care facility defined as a hospital, nursing home, boarding care home or supervised living facility.

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2. The implementation of the provisions of Minn. Stat. § 626.557, the Vulnerable Adult Abuse Reporting Act. These rules require the development of a facility abuse plan, individual abuse plans and the establishment of an internal reporting mechanism. The rule is applicable to all facilities licensed or certified by the department.

3. The provisions governing the issuance of licenses to nursing homes including initial licenses, renewal licenses and transfers of interests. The rules also address license amendments and attaching conditions or limitations to a license. The rules implement the provisions of Minn. Stat. §§ 144A.02-.07.

4. The amendment to a provision of 7 MCAR § 1.048A.8.c.(7) modifying the requirement that nursing homes and boarding care homes provide on a daily basis a period of time during which a resident can withdraw personal funds held by the facility.

5. The training of unlicensed nursing personnel who administer medications in nursing homes or boarding care homes.

6. The amendment of the schedule of fines for noncompliance with correction orders issued to nursing homes and boarding care homes and the amendment of the schedule of allowable time periods for compliance with a correction order. These amendments address the rules being proposed at this hearing.

7. The amendment to 7 MCAR § 1.377B, relating to the dual option provisions of the Health Maintenance Organization rules.

8. The establishment of a schedule of fines for noncompliance with correction orders issued to a supervised living facility. The schedule of fines addresses only the rules relating to pets and the Vulnerable Adult Abuse Reporting Act.

A free copy of the rules may be obtained by contacting Michael Tripple, Minnesota Department of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440, telephone: (612) 296-5448. Additional copies will be available at the hearing. If you have any questions about the rules, please contact Mr. Tripple.

Twenty-five (25) days prior to the hearing, a statement of need and reasonableness will be available for review at the agency and at the Office of Administrative Hearings. This statement of need and reasonableness will include all of the evidence which the agency intends to present at the hearing to justify both the need for and the reasonableness of the proposed rule. The agency intends to present only a summary of the statement of need and reasonableness at the hearing; however, additional evidence may be submitted in response to questions raised by interested persons. You are therefore urged to both review the statement of need and reasonableness before the hearing and to attend the hearing. Copies of the statement of need and reasonableness may be obtained from the Office of Administrative Hearings for a minimal charge. Additional copies will be available at the hearing.

In accordance with the provisions of Minn. Stat. § 144A.29, subdivision 4, a statement of anticipated costs and benefits will be filed along with the statement of need and reasonableness. The adoption of the proposed rules and rule amendments will not require the expenditure of public funds totaling or exceeding $100,000 by local public bodies in either of the two years immediately following the adoption of the rules or amendments.

Any person may request notification of the date on which the Hearing Examiner's Report will be available, after which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted or resubmitted to the Attorney General by the agency. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Hearing Examiner, in the case of the Hearing Examiner's Report, or to Mr. Tripple, in the case of the agency's submission or resubmission to the Attorney General.

Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11, (1980) as any individual:

a. Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including *his own* travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

b. Who spends more than $250, not including *his own* traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone: (612) 296-5615.

September 13, 1982

George R. Pettersen, M.D.
Commissioner of Health

Rules as Proposed (all new material)

7 MCAR § 1.042 Pet animals in health care facilities.

A. Definition. As used in 7 MCAR § 1.042, "health care facility" means a hospital, nursing home, boarding care home, or supervised living facility licensed by the Minnesota Department of Health under Minnesota Statutes, sections 144.50 to 144.56 or Minnesota Statutes, sections 144A.01 to 144A.17.

B. Written policy.

1. Every health care facility shall establish a written policy specifying whether or not pet animals can be kept on the facility's premises.

2. If pet animals are allowed to be kept on the premises, the policy must:

a. specify whether or not individual patients or residents will be permitted to keep pets; and

b. specify the restrictions established by the health care facility regarding the keeping of pet animals.

3. This policy must be developed only after consultation with facility staff and with patients or residents, as appropriate.

C. Conditions. If pet animals are allowed to be kept within the facility, the following requirements must be met:

1. A written policy must be developed which specifies the types of pet animals that are allowed to be kept within the health care facility.

2. The policy required by 1. shall be developed in consultation with a veterinarian and a physician to assure that pets which, in their opinion, present a higher risk of transmitting diseases to human beings are not allowed to be kept within the facility.

3. All pet animals must be in good health.

4. The health care facility shall ensure that pets are examined and receive any necessary immunizations or treatments in accordance with a veterinarian's recommendations.

5. A copy of the veterinarian's recommendations as well as records of all examinations, treatments, and immunizations shall be retained in the health care facility.

6. Regardless of the ownership of any pet, the health care facility shall assume overall responsibility for any pets kept within or on the premises of the facility.

7. The health care facility shall ensure that no pet creates a nuisance or otherwise jeopardizes the health, safety, comfort, treatment, or well-being of the patients, residents, or staff.

8. A facility employee shall be designated as being responsible for the care of all pet animals and for ensuring the cleanliness and maintenance of cages, tanks, and other areas used to house pets.

9. Except for guide dogs accompanying a blind or deaf individual, pets shall not be permitted in areas where food is prepared, served, or stored; in dishwashing areas; dish storage areas; in medication storage areas; in clean or sterile supply storage areas; in nurses' stations; or in any other areas where cleanliness and sanitary precautions are necessary to protect the health, comfort, safety, and well-being of patients or residents.

7 MCAR § 1.043 Preventing abuse and neglect of vulnerable adults in facilities licensed or certified by the Department of Health.

A. Definition. As used in 7 MCAR § 1.043, "facility" has the meaning given it in Minnesota Statutes, section 626.557, subdivision 2, clause (a).

B. General requirement. A facility shall comply with Minnesota Statutes, section 626.557.

C. Facility abuse prevention plan.

1. Every facility which admits vulnerable adults on an inpatient basis shall develop and implement a written plan to prevent abuse in the facility. The plan must be designed to identify and remedy conditions in the population, environment, and physical plant that makes patients or residents susceptible to abuse.

2. The plan must meet the following requirements:

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a. It must be developed by an interdisciplinary committee selected by the administrator of the facility.

b. It must be based on a written assessment of the population, environment, and physical plant. The assessment must address areas such as the following: the inability of patients or residents to act for themselves because of physical, mental, or emotional impairments; the possibility that patients or residents will injure themselves or others because of their physical, mental, or emotional conditions; admission policies and continued stay policies; visitation policies and visitor restrictions; the qualifications and training of staff to meet identified patient and resident needs; the adequacy of programs or services provided in the facility; the orientation and ongoing educational programs offered to employees; patient's and resident's room assignments; the physical conditions of the facility such as lighting levels, furniture placement and decor, and the location and surrounding environs of the facility.

c. It must include a written plan to correct or alleviate the conditions identified by the assessment that make patients and residents susceptible to abuse.

d. Its plan to correct the identified conditions must specify the action to be taken and set a schedule for completing the corrections.

e. It must be reviewed at least annually by an interdisciplinary committee and revised if necessary. The date of each review must be recorded on the plan.

D. Individual abuse prevention plan.

1. Every facility which admits vulnerable adults on an inpatient basis shall set written policies and procedures governing the development of written individual abuse prevention plans in accordance with Minnesota Statutes, section 626.557, subdivision 14, clause (b).

2. The policies and procedures must meet the following requirements:

a. They must establish the mechanism for developing the individual abuse prevention plans.

b. They must require that an interdisciplinary team conduct for each patient or resident an initial individual assessment that addresses the individual's susceptibility to abuse and the measures to be taken to minimize the risk of abuse to that resident.

c. They must require that the plan is developed as part of the initial plan of care for the patient or resident.

d. They must require at least an annual review of the plan as long as the patient or resident stays in the facility.

e. They must require that the individual's plan be revised whenever necessary.

3. The development, review, and revision of the individual abuse plans may be part of a patient's and resident's care plan.

E. Internal reporting system.

1. The facility shall set up a mechanism to ensure that all suspected cases of abuse or neglect are reported to an individual mandated to report under Minnesota Statutes, section 626.557 and are promptly investigated by facility staff.

2. The facility shall designate the person responsible for reviewing and investigating all suspected cases of abuse or neglect. However, if the person responsible for the review and investigation is suspected of committing abuse or neglect, the facility shall authorize another to conduct the review and investigation.

3. The facility shall designate the person responsible for reporting all cases of abuse or neglect to the appropriate authority in accordance with Minnesota Statutes, section 626.557.

4. The facility shall keep written records of reviews and investigations of suspected cases of abuse or neglect. These records must include a summary of the findings, persons involved, persons interviewed or notified, conclusions, and actions taken. A copy of the completed record shall be forwarded to the Office of Health Facility Complaints of the Department of Health.

5. When a patient or resident is admitted, the facility shall explain its internal reporting mechanism to the individual or to the people legally responsible for the patient or resident. It shall also inform these people that anyone may report suspected cases of abuse and neglect directly to outside agencies.

F. Notification. The facility shall inform its staff of the mandatory reporting requirements and of the responsibilities imposed on the facility staff by Minnesota Statutes, section 626.557. It shall also inform its staff that anyone may report suspected cases of abuse or neglect directly to the appropriate outside agencies. An explanation of the facility's abuse prevention plan, individual abuse prevention plans, and internal reporting mechanism must be part of the facility's orientation and inservice training programs.

Rules as Proposed

7 MCAR § 1.044 Definitions, general provisions, issuance of licenses.

(APPLIES TO BOTH NURSING HOMES AND BOARDING CARE HOMES)

For the purpose of these regulations: A state license is required for any facility where nursing, personal or custodial care is provided for five or more aged or infirm persons who are not acutely ill.

A.-S. [Unchanged.]

T. Procedure for licensing of boarding care homes. ~~Any person acting individually or jointly with other persons who proposes to build, own, establish or operate a nursing home or a boarding care home shall submit a preliminary information questionnaire as furnished by the department at the time of initial contact as specified under MHD 44(s).~~ Application for a license to establish or maintain ~~such a facility~~ a boarding care home shall be made in writing and submitted on forms provided by the department. If the applicant is a corporation, the officers shall furnish the department a copy of the articles of incorporation and bylaws and any amendments thereto as they occur. In addition, out-of-state corporations shall furnish the department with a copy of the certificate of authority to do business in Minnesota. No license shall be issued until all final inspections and clearances pertinent to applicable laws and regulations have been complied with.

U.-X. [Unchanged.]

Y. Procedures for licensing nursing homes.

1. Initial licensure. For the purpose of Y., initial licensure applies to newly constructed facilities designed to operate as nursing homes and to other facilities not already licensed as nursing homes. Applicants for initial licensure shall complete the license application form supplied by the department. Applications for initial licensure must be submitted at least 90 days before the requested date for licensure and must be accompanied by a license fee based upon the formula established in 7 MCAR § 1.701, Exhibit I.

To be issued a license, the applicant must file with the department a copy of the architectural and engineering plans and specifications of the facility as prepared and certified by an architect or engineer registered to practice in Minnesota.

If the applicant for licensure is a corporation, it shall submit with the application a copy of its articles of incorporation and bylaws. A foreign corporation shall also submit a copy of its certificate of authority to do business in Minnesota. Applicants must submit these documents in order to be issued licenses. The department shall issue the initial license as of the date the department determines that the nursing home is in compliance with Minnesota Statutes, sections 144A.02 to 144A.16 and 7 MCAR §§ 1.044-1.072, unless the applicant requests a later date.

2. Renewed licenses. An applicant for license renewal shall complete the license application form supplied by the department. Applications must be submitted at least 60 days before the expiration of the current license and must be accompanied by a license fee based upon the formula established in 7 MCAR § 1.701, Exhibit I.

If the licensee is a corporation, it shall submit any amendments to its articles of incorporation or bylaws along with the renewal application.

If the application specifies a different licensed capacity from that provided on the current license, the licensee shall follow the procedures relating to license amendments specified in 6. If the changes are not approved before the current license expires, the renewed license will be issued without reflecting the requested changes.

3. Transfer of interests; notice. A controlling person, as defined in Minnesota Statutes, section 144A.01, subdivision 4, who transfers an interest in the nursing home shall notify the department, in writing, at least 14 days before the date of the transfer. The written notice must contain the name and address of the transferor, the name and address of the transferee, the nature and amount of the transferred interests, and the date of the transfer.

4. Transfer of interest; expiration of license. A transfer of interest will result in the expiration of the nursing home's license under the following conditions:

a. if the transferred interest exceeds ten percent of the total interest in the licensee, in the structure in which the

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nursing home is located, or in the land upon which the nursing home is located, and if, as the result of the transfer, the transferee then possesses an interest in excess of 50 percent of the total interest in the licensee, in the structure in which the nursing home is located, or in the land upon which the nursing home is located; or

b. if the transferred interest exceeds 50 percent of the total interest in the licensee, the structure in which the nursing home is located, or in the land upon which the nursing home is located.

Under either of these conditions, the nursing home license expires 90 days after the date of the transfer or 90 days after the date when notice of transfer is received, whichever date is later. If the current license expires before the end of the 90-day period, the licensee shall apply for a renewed license in accordance with section 2. The department shall notify the licensee by certified mail at least 60 days before the license expires.

5. Transfer of interest; relicensure. A controlling person may apply for relicensure by submitting the license application form at least 45 days before the license expiration date. Application for relicensure must be accompanied by a license fee based upon the formula established in 7 MCAR § 1.701, Exhibit I. If the applicant for relicensure is a corporation, it shall submit a copy of its current articles of incorporation and bylaws with the license application. A foreign corporation shall also submit a copy of its certificate of authority to do business in Minnesota. The department shall relicense the nursing home as of the date the commissioner determines that the prospective licensee complies with Minnesota Statutes, sections 144A.02 to 144A.16 and 1.-12., unless the applicant requests a later time. The former licensee remains responsible for the operation of the nursing home until the nursing home is relicensed.

6. Amendment to the license. If the nursing home requests changes in its licensed capacity or in the level of care provided, it shall submit the request on the application for amendments to the license. This application must be submitted at least 30 days before the requested date of change and if an increase in the number of licensed beds is requested, accompanied by a fee based upon the formula established in 7 MCAR § 1.701, Exhibit I. The amendment to a license is effective for the remainder of the nursing home's licensure year.

7. Issuing conditions or limitations on the license. The department may attach to the license any conditions or limitations it considers necessary to assure compliance with the laws and rules governing the operation of the nursing home or to protect the health, treatment, safety, comfort, and well-being of the nursing home's residents. A condition or limitation may be attached when a license is first issued, when it is renewed, or during the course of the licensure year.

8. Reasons for conditions or limitations. In deciding to condition or limit a license the department shall consider at least the following:

a. the nature and number of correction orders or penalty assessments issued to the nursing home or to other nursing homes having some or all of the same controlling persons;

b. the commission of illegal acts by any of the controlling persons or employees of the nursing home;

c. the performance of any acts contrary to the welfare of the residents in a nursing home by a controlling person or employee;

d. the condition of the physical plant or physical environment; or

e. the existence of any outstanding variances or waivers.

9. Types of conditions or limitations. The types of conditions or limitations that may be attached to the license include at least the following:

a. restrictions on the number or types of residents to be admitted or permitted to remain in the nursing home;

b. restrictions on the inclusion of specified individuals as controlling persons or managerial employees; or

c. imposition of schedules for the completion of specified activities.

10. Statement of conditions or limitations. The department shall notify the applicant or licensee, in writing, of its decision to issue a conditional or limited license. The department shall inform the applicant or licensee of the reasons for the condition or limitation and of the right to appeal. Unless otherwise specified, any condition or limitation remains valid as long as the licensee of the nursing home remains unchanged or as long as the reason for the condition or limitation exists. The licensee shall notify the department when the reasons for the condition or limitation no longer exists. If the department determines that the condition or limitation is no longer required, it shall be removed from the license.

The existence of a condition or limitation must be noted on the face of the license. If the condition or limitation is not fully

stated on the license, the department's licensure letter containing the full text of the condition or limitation must be posted alongside the license in an accessible and visible location.

11. Effect of a condition or limitation. A condition or limitation has the force of law. If a licensee fails to comply with a condition or limitation, the department may issue a correction order or assess a fine or it may suspend, revoke, or refuse to renew the license in accordance with Minnesota Statutes, section 144A.11.

If the department issues a correction order, it shall determine the time allowed for correction. That time period must be specified in the correction order and must be related to the nature of the violation and the interests of the residents. If the department assesses a fine, the fine is $250. The fine accrues on a daily basis in accordance with Minnesota Statutes, section 144A.10.

12. Appeal procedure. The applicant or licensee may contest the issuance of a conditional or limited license by requesting a contested case proceeding under the Administrative Procedure Act, Minnesota Statutes, sections 15.0418 to 15.0426, within 15 days after receiving the notification described in 10. The request for a hearing must set out in detail the reasons why the applicant contends that a conditional or limited license should not be issued. Except in a proceeding challenging the decision to condition or limit a current or renewal license, the applicant has the burden of proving that an unrestricted license should be issued.

7 MCAR § 1.046 General policies.

(APPLIES TO BOTH NURSING HOMES AND BOARDING CARE HOMES)

(a)-(f) [See relettering instruction.]

~~(g)~~ G. ~~Animals or birds. No animals, birds, turtles or reptiles shall be housed in a nursing home or in a boarding care home~~ Pet animals. Pet animals may be kept on the premises of a nursing home or boarding care home only in accordance with the provisions of 7 MCAR § 1.042.

(h)-(k) [See relettering instruction.]

L. [Unchanged.]

M. Compliance with the Vulnerable Adult Abuse Reporting Act. Each nursing home or boarding care home shall comply with the provisions of Minnesota Statutes, section 626.557 and the provisions of 7 MCAR § 1.043.

7 MCAR § 1.048 Records and reports.

(APPLIES TO BOTH NURSING HOMES AND BOARDING CARE HOMES)

A. Patient or resident care record. An individual chart shall be kept on each patient and resident admitted to the home. All entries shall be made with a pen and signed by the person making the entry. Accurate, complete and legible records for each patient or resident from the time of admission to the time of discharge or death shall be kept current and shall be maintained in a chart holder at the nurses' or attendants' station.

1.-7. [Unchanged.]

8. Record of patients' and residents' funds.

a.-b. [Unchanged.]

c. Personal fund accounts.

(1)-(6) [Unchanged.]

(7) Upon the request of the patient or resident or the patient's or resident's legal guardian or conservator or representative payee, the nursing home or boarding care home shall return all or any part of the patient's or resident's funds given to the nursing home or boarding care home for safekeeping, including interest, if any, accrued from deposits. The nursing home or boarding care home shall develop a policy specifying the period of time during which funds can be withdrawn ~~on each day of the week~~. This policy must ensure that the ability to withdraw funds is provided in accordance with the needs of the residents. The nursing home or boarding care home shall notify patients and residents of the time periods during which funds can be withdrawn. The nursing home or boarding care home shall establish a procedure allowing residents to obtain funds to

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meet unanticipated needs on days when withdrawal periods are not scheduled. Funds kept outside of the facility shall be returned within five business days.

d.-e. [Unchanged.]

9.-11. [Unchanged.]

7 MCAR § 1.053 Medications.

THE FOLLOWING APPLY TO NURSING HOMES ONLY:

(a)-(e) [See relettering instruction.]

F. [Unchanged.]

(g)-(m) [See relettering instruction.]

N. Administration of medications by unlicensed personnel. THE FOLLOWING APPLIES TO BOTH NURSING HOMES AND BOARDING CARE HOMES: Unlicensed nursing personnel who administer medications in a nursing home or boarding care home must have completed a medication administration training program for unlicensed personnel in nursing homes which is offered through a Minnesota postsecondary educational institution. The nursing home or boarding care home shall keep written documentation verifying completion of the required course by all unlicensed nursing personnel administering medications.

7 MCAR § 1.057 Schedule of fines for uncorrected deficiencies.

~~(APPLIES TO BOTH NURSING HOMES AND BOARDING CARE HOMES)~~

A. Nursing homes and boarding care homes. A $50 penalty assessment will be issued under the provisions of Minnesota Statutes, section 144.653, subdivision 6 ~~(1974)~~ for noncompliance with correction orders relating to the sections of these regulations listed below~~:~~:

~~MHD 44 (o); (p); (q); (s); (t); (u)~~ 1. 7 MCAR § 1.044 O., P., Q., S., T., U.;

2. MHD 45 (a)(3); (f); (h)(1); (h)(2)(aa); (h)(2)(ff); (h)(4);

3. MHD 46 (a); (b); (j); (k);

4. MHD 47 (c); (e);

5. MHD 48 (a)(4); (a)(5); (a)(6); (a)(7); (a)(9); (a)(11);

6. MHD 50 (a); (j);

7. MHD 52 (a)(2); (a)(3); (a)(4); (a)(9); (d); (e);

8. MHD 54 (a)(7); (b)(5);

9. MHD 55 (i);

10. MHD 56 (f); (h); and

11. MHD 64 (a)(22); (b)(15).

B. Nursing homes and boarding care homes. A $250 penalty assessment will be issued under the provisions of Minnesota Statutes, section 144.653, subdivision 6 ~~(1974)~~ for noncompliance with correction orders relating to all other sections of these regulations not specifically enumerated in ~~section~~ A. ~~or~~, C., or D.

C. Boarding care homes.

1. A $50 penalty assessment will be issued to a boarding care home under the provisions of Minnesota Statutes, section 144.653, subdivision 6 for noncompliance with correction orders relating to the following rules:

a. 7 MCAR § 1.042 B.1.;

b. 7 MCAR § 1.042 B.2.;

c. 7 MCAR § 1.042 B.3.;

d. 7 MCAR § 1.042 C.1.;

e. 7 MCAR § 1.042 C.5.;

f. 7 MCAR § 1.043 C.2.a.;

g. 7 MCAR § 1.043 D.3.;

h. 7 MCAR § 1.048 A.4.;

i. 7 MCAR § 1.048 A.8.a.;

j. 7 MCAR § 1.048 A.8.b.(2);

k. 7 MCAR § 1.048 A.8.c.(3);

l. 7 MCAR § 1.048 A.8.c.(5);

m. 7 MCAR § 1.048 A.8.c.(6);

n. 7 MCAR § 1.048 A.8.d.;

o. 7 MCAR § 1.048 A.8.e.;

p. 7 MCAR § 1.052 A.1.b.; and

q. 7 MCAR § 1.055 U.1.b.(1)(c).

2. A $250 penalty assessment will be issued to a boarding care home under the provisions of Minnesota Statutes, section 144.653, subdivision 6, for noncompliance with correction orders relating to the following rules:

a. 7 MCAR § 1.042 C.2.;

b. 7 MCAR § 1.042 C.3.;

c. 7 MCAR § 1.042 C.4.;

d. 7 MCAR § 1.042 C.6.;

e. 7 MCAR § 1.042 C.7.;

f. 7 MCAR § 1.042 C.8.;

g. 7 MCAR § 1.042 C.9.;

h. 7 MCAR § 1.043 B.;

i. 7 MCAR § 1.043 C.1.;

j. 7 MCAR § 1.043 C.2.b.;

k. 7 MCAR § 1.043 C.2.c.;

l. 7 MCAR § 1.043 C.2.d.;

m. 7 MCAR § 1.043 C.2.e.;

n. 7 MCAR § 1.043 D.1.;

o. 7 MCAR § 1.043 D.2.a.;

p. 7 MCAR § 1.043 D.2.b.;

q. 7 MCAR § 1.043 D.2.c.;

r. 7 MCAR § 1.043 D.2.d.;

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s. 7 MCAR § 1.043 D.2.e.;

t. 7 MCAR § 1.043 E.1.;

u. 7 MCAR § 1.043 E.2.;

v. 7 MCAR § 1.043 E.3.;

w. 7 MCAR § 1.043 E.4.;

x. 7 MCAR § 1.043 E.5.; and

y. 7 MCAR § 1.043 F.

~~C.~~ D. Nursing homes.

1. A $50 penalty assessment will be assessed on a daily basis to a nursing home for noncompliance with correction orders relating to the following rules:

a. 7 MCAR § 1.042 B.1.;

b. 7 MCAR § 1.042 B.2.;

c. 7 MCAR § 1.042 B.3.;

d. 7 MCAR § 1.042 C.1.;

e. 7 MCAR § 1.042 C.5.;

f. 7 MCAR § 1.043 C.2.a.;

g. 7 MCAR § 1.043 D.3.;

h. 7 MCAR § 1.044 Y.2.;

i. 7 MCAR § 1.044 Y.3.;

~~a.~~ j. 7 MCAR § 1.048 A.4.;

~~b.~~ k. 7 MCAR § 1.048 A.8.a.;

~~c.~~ l. 7 MCAR § 1.048 A.8.b.(2);

~~d.~~ m. 7 MCAR § 1.048 A.8.c.(3);

~~e.~~ n. 7 MCAR § 1.048 A.8.c.(5);

~~f.~~ n. 7 MCAR § 1.048 A.8.c.(6);

~~g.~~ o. 7 MCAR § 1.048 A.8.d.;

~~h.~~ p. 7 MCAR § 1.048 A.8.e.;

~~i.~~ q. 7 MCAR § 1.052 A.1.b.;

~~j.~~ r. 7 MCAR § 1.053 F.2.;

~~k.~~ s. 7 MCAR § 1.055 U.1.b.(1)(c); and

~~l.~~ t. 7 MCAR § 1.064 A.3.f.(1)(a).

2. A $150 penalty assessment will be assessed on a daily basis to a nursing home for noncompliance with correction orders relating to the following rules:

a. 7 MCAR § 1.042 C.2.;

b. 7 MCAR § 1.042 C.3.;

c. 7 MCAR § 1.042 C.4.;

d. 7 MCAR § 1.042 C.6.;

e. 7 MCAR § 1.042 C.7.;

f. 7 MCAR § 1.042 C.8.;

g. 7 MCAR § 1.042 C.9.;

h. 7 MCAR § 1.043 B.;

i. 7 MCAR § 1.043 C.1.;

j. 7 MCAR § 1.043 C.2.b.;

k. 7 MCAR § 1.043 C.2.c.;

l. 7 MCAR § 1.043 C.2.d.;

m. 7 MCAR § 1.043 C.2.e.;

n. 7 MCAR § 1.043 D.1.;

o. 7 MCAR § 1.043 D.2.a.;

p. 7 MCAR § 1.043 D.2.b.;

q. 7 MCAR § 1.043 D.2.c.;

r. 7 MCAR § 1.043 D.2.d.;

s. 7 MCAR § 1.043 D.2.e.;

t. 7 MCAR § 1.043 E.1.;

u. 7 MCAR § 1.043 E.2.;

v. 7 MCAR § 1.043 E.3.;

w. 7 MCAR § 1.043 E.4.;

x. 7 MCAR § 1.043 E.5.;

y. 7 MCAR § 1.043 F.;

~~a.~~ z. 7 MCAR § 1.046 L.2.b.;

~~b.~~ aa. 7 MCAR § 1.046 L.2.c.;

~~c.~~ bb. 7 MCAR § 1.046 L.2.d.;

~~d.~~ cc. 7 MCAR § 1.046 L.2.e.;

~~e.~~ dd. 7 MCAR § 1.046 L.2.f.;

~~f.~~ ee. 7 MCAR § 1.046 L.3.;

~~g.~~ ff. 7 MCAR § 1.047 A.;

~~h.~~ gg. 7 MCAR § 1.048 A.8.b. (1);

~~i.~~ hh. 7 MCAR § 1.048 A.8.c. (1);

~~j.~~ ii. 7 MCAR § 1.048 A.8.c. (2);

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~~k.~~ jj. 7 MCAR § 1.048 A.8.c. (4) (a);

~~l.~~ kk. 7 MCAR § 1.048 A.8.c. (4) (b);

~~m.~~ ll. 7 MCAR § 1.048 A.8.c. (4) (c);

~~n.~~ mm. 7 MCAR § 1.048 A.8.c. (7);

nn. 7 MCAR § 1.053 N.;

~~o.~~ oo. 7 MCAR § 1.055 U.1.b. (1) (a);

~~p.~~ pp. 7 MCAR § 1.055 U.1.b. (1) (b);

~~q.~~ qq. 7 MCAR § 1.055 U.1.b. (2) (a);

~~r.~~ rr. 7 MCAR § 1.055 U.1.b. (2) (b);

~~s.~~ ss. 7 MCAR § 1.055 U.1.b. (2) (c);

~~t.~~ tt. 7 MCAR § 1.055 U.1.b. (2) (d);

~~u.~~ uu. 7 MCAR § 1.055 U.1.b. (2) (e);

~~v.~~ vv. 7 MCAR § 1.055 U.1.b. (2) (f);

~~w.~~ ww. 7 MCAR § 1.055 U.1.b. (2) (g);

~~x.~~ xx. 7 MCAR § 1.055 U.1.b. (2) (h); and

~~y.~~ yy. 7 MCAR § 1.055 U.1.b. (2) (i).

3. A $250 penalty assessment shall be assessed on a daily basis to a nursing home for noncompliance with correction orders relating to the following rules:

a. 7 MCAR § 1.046 L.2.a.; and

b. 7 MCAR § 1.064 A.3.f. (1) (b).

7 MCAR § 1.058 Allowable time periods for correction.

A. Allowable time periods for correction. The allowable time periods for complying with a correction order issued by the department shall be as follows:

1. 7 MCAR § 1.044

a. Y.2.	14 days
b. Y.3.	14 days

1.-4. [See renumbering instruction.]

~~5.~~ 6. 7 MCAR § 1.053

a. F.2.	30 days
b. N.	14 days

6.-7. [See renumbering instruction.]

9. 7 MCAR § 1.042

a. B.1.	30 days
b. B.2.	30 days
c. B.3.	30 days
d. C.1.	30 days
e. C.2.	30 days
f. C.3.	14 days
g. C.4.	14 days
h. C.5.	14 days
i. C.6.	14 days
j. C.7.	14 days

k. C.8.	14 days
l. C.9.	14 days
10. 7 MCAR § 1.043	
a. B.	14 days
b. C.1.	14 days
c. C.2.a.	14 days
d. C.2.b.	14 days
e. C.2.c.	14 days
f. C.2.d.	14 days
g. C.2.e.	14 days
h. D.1.	14 days
i. D.2.a.	14 days
j. D.2.b.	14 days
k. D.2.c.	14 days
l. D.2.d.	14 days
m. D.2.e.	14 days
n. D.3.	14 days
o. E.1.	14 days
p. E.2.	14 days
q. E.3.	14 days
r. E.4.	14 days
s. E.5.	14 days
t. F.	14 days

B. [Unchanged.]

C. Decreasing the time allowed for correction. The department shall allow the nursing home the period of time for correction specified in section A. unless the department determines that a violation must be corrected within a shorter time because noncompliance will jeopardize the health, treatment, safety, comfort, or well-being of the nursing home residents. If the department orders a shorter period of time for correction, that time period must be specified in the correction order and must be related to the nature of the violation and the interests of the residents. No provision in 7 MCAR § 1.058 prevents the department from ordering immediate correction of a deficiency if necessary to protect the health, treatment, safety, comfort, and well-being of the nursing home residents.

7 MCAR § 1.377 General provisions.

A. [Unchanged.]

B. Applicability to employers.

1.-4. [Unchanged.]

5. An employer which is preempted from complying with Minnesota Statutes, section 62E.17, subdivision 1, as a result of the Employee Retirement Income Security Act, United States Code, title 29, sections 1144 (a) and 1144 (b) (2) (B) is not an "applicable employer" for the purposes of 7 MCAR §§ 1.366 to 1.380.

C.-F. [Unchanged.]

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7 MCAR § 1.392 General provisions.

A.-B. [Unchanged.]

(c)-(1) [See relettering instruction.]

M. Pet animals. Pet animals may be kept on the premises of a supervised living facility only in accordance with the provisions of 7 MCAR § 1.042.

N. Compliance with the Vulnerable Adult Abuse Reporting Act. Each supervised living facility shall comply with the provisions of Minnesota Statutes, section 626.557 and the provisions of 11 MCAR § 1.043.

O. Schedule of fines for uncorrected deficiencies.

1. A $50 penalty assessment will be issued to a supervised living facility under Minnesota Statutes, section 144.653, subdivision 6, for noncompliance with correction orders relating to the rules listed below:

a. 7 MCAR § 1.042 B.1.;

b. 7 MCAR § 1.042 B.2.;

c. 7 MCAR § 1.042 B.3.;

d. 7 MCAR § 1.042 C.1.;

e. 7 MCAR § 1.042 C.5.;

f. 7 MCAR § 1.043 C.2.a.; and

g. 7 MCAR § 1.043 D.3.

2. A $250 penalty assessment will be issued to a supervised living facility under Minnesota Statutes, section 144.653, subdivision 6, for noncompliance with correction orders relating to the following rules:

a. 7 MCAR § 1.042 C.2.;

b. 7 MCAR § 1.042 C.3.;

c. 7 MCAR § 1.042 C.4.;

d. 7 MCAR § 1.042 C.6.;

e. 7 MCAR § 1.042 C.7.;

f. 7 MCAR § 1.042 C.8.;

g. 7 MCAR § 1.042 C.9.;

h. 7 MCAR § 1.043 B.;

i. 7 MCAR § 1.043 C.1.;

j. 7 MCAR § 1.043 C.2.b.;

k. 7 MCAR § 1.043 C.2.c.;

l. 7 MCAR § 1.043 C.2.d.;

m. 7 MCAR § 1.043 C.2.e.;

n. 7 MCAR § 1.043 D.1.;

o. 7 MCAR § 1.043 D.2.a.;

p. 7 MCAR § 1.043 D.2.b.;

q. 7 MCAR § 1.043 D.2.c.;

r. 7 MCAR § 1.043 D.2.d.;

s. 7 MCAR § 1.043 D.2.e.;

t. 7 MCAR § 1.043 E.1.;

u. 7 MCAR § 1.043 E.2.;

v. 7 MCAR § 1.043 E.3.;

w. 7 MCAR § 1.043 E.4.;

x. 7 MCAR § 1.043 E.5.; and

y. 7 MCAR § 1.043 F.

Relettering and renumbering. Reletter 7 MCAR § 1.046 (a)-(f) as A.-F.; (h)-(k) as H.-K.; 7 MCAR § 1.053 (a)-(e) as A.-E.; (g)-(m) as G.-M.; and 7 MCAR § 1.392 (c)-(l) as C.-L. Renumber 7 MCAR § 1.058 A.1.-4. as A.2.-5.; and A.6.-7. as A.7.-8.

Department of Public Safety
Fire Marshal Division

Proposed Rules Governing Amendments to the Uniform Fire Code

Notice of Hearing

Notice is hereby given that a public hearing will be held pursuant to Minnesota Statutes § 15.0412, subd. 4, in the above entitled matter, in Room G-18 Transportation Building, St. Paul, MN 55155, on October 28, 1982, commencing at 9:00 a.m., and continuing until all persons or representatives of associations or other interested groups have had an opportunity to be heard concerning adoption of the proposed rules captioned above by submitting either oral or written data, statement or arguments. Statements or briefs may be submitted without appearing at the hearing. Written materials may be submitted by mail to Richard C. Luis, State Hearing Examiner, Office of Administrative Hearings, 400 Summit Bank Building, 310 Fourth Avenue South, Minneapolis, MN 55415, either before the hearing or within five working days after the close of the hearing (the hearing examiner may extend the written comment period up to 20 calendar days at the hearing). The proposed rules are subject to change as a result of the rule hearing process. The department therefore strongly urges those who may potentially be affected by the substance of the proposed rules to participate in the hearing process.

The commissioner proposes to adopt rules relating to the following matters:

The proposed rules update the existing *Minnesota Uniform Fire Code* to the 1982 edition of the *Uniform Fire Code, Western Fire Chiefs*, and update the *National Fire Codes* to the 1982 edition. The proposed rules were published in the August 9, 1982 *State Register* pages 166-173 (7 S.R. 166) as part of a Notice of Intent to Adopt Rules without a Public Hearing. More than 7 requests for public hearing were received by the agency prior to the close of the comment period. The proposed rules as published are amendments to the *Uniform Fire Code* to make it a state code and to correspond to state law, the *State Building Code* and to customary state and local jurisdictions and relationships.

The department's authority to promulgate the proposed rule is contained in Minn. Stat. § 299F.011.

One free copy of the proposed rules is available and may be obtained by writing to the Department of Public Safety (*Uniform Fire Code* **Rules**), 211 Transportation Building, St. Paul, MN 55155. Additional copies will be available at the door on the date of the hearing.

Notice: Any person may request notification of the date on which the hearing examiner's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the agency. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the hearing examiner (in the case of the hearing examiner's report), or the agency (in the case of the agency's submission or resubmission to the Attorney General). Notice is hereby given that 25 days prior to the hearing, a statement of need and reasonableness will be available for review at the Department of Public Safety and at the Office of Administrative Hearings. The statement of need and reasonableness will include a summary of all of the evidence and argument which the department anticipates presenting at the hearing, justifying both the need for and reasonableness of the proposed rules. Copies of the statement of need and reasonableness may be obtained from the Office of Administrative Hearings at a minimal charge.

The department estimates that there will be no cost to local public bodies in the state to implement the rules for the two years immediately following their adoption, within the meaning of Minn. Stat. § 15.0412, subd. 7.

Please be advised that Minnesota Statutes, ch. 10A, requires each lobbyist to register with the State Ethical Practices

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Board within five days after he or she commences lobbying. Minnesota Statutes § 10A.01, subd. 11 defines a lobbyist as any individual: (a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including *his own* travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or (b) who spends more than $250, not including *his own* traveling expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, MN 55155, telephone (612) 296-5615.

The rule hearing process is governed by Minnesota Statutes §§ 15.0411 through 15.0417 and § 15.052 and by 9 MCAR §§ 2.101 through 2.113 (Minnesota Code of Agency Rules). Questions relating to the rule hearing process and procedures may be directed to: Hearing Examiner, Richard C. Luis, Office of Administrative Hearings, 400 Summit Bank Bldg., 310 Fourth Avenue South, Minneapolis, MN 55415.

K. A. Dirkzwager
Commissioner of Public Safety

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 15.0412, subd. 4, have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

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

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

A temporary rule becomes effective upon the approval of the Attorney General as specified in Minn. Stat. § 15.0412, subd. 5. Notice of his decision will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under subd. 4.

Department of Natural Resources Commissioner's Order No. 2126

Regulation Prohibiting the Hunting of Canada Geese in parts of Anoka, Dakota, Ramsey and Washington Counties, Superseding Commissioner's Order No. 2007

Pursuant to authority vested in me by law, I, Joseph N. Alexander, Commissioner of Natural Resources, hereby prescribe the following regulation prohibiting the hunting of Canada Geese in parts of Anoka, Dakota, Ramsey and Washington Counties.

Section 1. The hunting of Canada Geese is prohibited until further notice in those parts of Anoka, Dakota, Ramsey and Washington counties lying within the following described boundary:

Beginning at the northwest corner of Ramsey County; thence east along the northern boundary of Ramsey County to County State Aid Highway (CSAH) 17, Anoka County; thence along CSAH 17 to CSAH 14 Anoka County; thence along CSAH 14 to CSAH 8, Washington County; thence along CSAH 8 to U.S. Highway 61; thence along U.S. Highway 61 to the northern boundary of Ramsey County; thence along the northern and eastern boundaries of Ramsey County to U.S. Highway 12; thence along U.S. Highway 12 to the eastern boundary of the state; thence along the eastern boundary of the state to the southeastern most point of Washington County on the Mississippi River; thence along the southern boundary of Washington County to U.S. Highway 61; thence along U.S. Highway 61 to State Trunk Highway 55 in Hastings; thence along State Trunk Highway 55 to State Trunk Highway 56; thence along State Trunk Highway 56 to the southern boundary of Ramsey County; thence along the southern and western boundaries of Ramsey County to the point of beginning.

Commissioner's Order No. 2007 is hereby superseded.

Dated at Saint Paul, Minnesota, this 10th day of September, 1982.

Joseph N. Alexander, Commissioner
Department of Natural Resources

Department of Natural Resources
Commissioner's Order No. 2127

Regulations for Hunting and Trapping in State Game Refuges, Public Hunting Grounds, Wildlife Management Areas, National Wildlife Refuges and State Parks, Superseding Commissioner's Order Nos. 2102 and 2107

Pursuant to authority vested in me by law, I, Joseph N. Alexander, Commissioner of Natural Resources, hereby prescribe the following regulations for hunting and trapping in State Game Refuges, Public Hunting Grounds, Wildlife Management Areas, National Wildlife Refuges and State Parks.

Section 1. WILDLIFE MANAGEMENT AREAS.

Subdivision 1. All public hunting grounds on state-owned wildlife management areas are open to the hunting and trapping of all species of wild animals during the established seasons therefor in the zones in which they are located, except as otherwise indicated in this section.

Subd. 2. Trapping is authorized by permit only, issued by the Area Manager, on the following public hunting grounds: Carlos Avery in Anoka and Chisago Counties; Hubbel Pond in Becker County; Red Lake in Beltrami and Lake of the Woods Counties; Talcot Lake in Cottonwood and Murray Counties; Mille Lacs in Mille Lacs and Kanabec Counties; Lac qui Parle in Big Stone, Lac qui Parle, Swift and Chippewa Counties; Orwell in Otter Tail County; Roseau River in Roseau County; Thief Lake in Marshall County; Rothsay in Wilkin County; and Whitewater in Olmsted, Wabasha and Winona Counties. If the Area Manager determines that the number of trapping permits issued must be limited in order to avoid undo depletion of the furbearer resource or to prevent excessive crowding of trappers, he may establish any practicable method, including a drawing for impartially determining the persons who may trap. The Area Manager may reject the application for a trapping permit from any trapper who has failed to submit a trapping report for the previous trapping season. Permits may be revoked at any time if the permittee violates any law or regulation or otherwise fails to comply with the requirements of the permit.

Subd. 3. The Rochester Wildlife Management Area in Olmsted County and the Carl Schmidt Wildlife Management Area in Morrison County are closed to the taking of migratory waterfowl.

Sub. 4. The Bayport Wildlife Management Area in Washington County is closed to the trapping of unprotected quadrupeds except when there is an open trapping season for any protected species, and is closed to the possession of all firearms unless unloaded and contained in a case, except for designated hunting areas during the season for the taking of small game when shotgun with fine shot only is permitted. All firearms will be allowed on the specified rifle range when supervised by the controlling state agency. Possession and use of bow and arrow is limited to the designated hunting areas during established hunting seasons.

Subd. 5. There are additional regulations applying to the trapping of beaver on wildlife management areas. These regulations are set forth in the Commissioner's Orders regulating the taking of beaver and otter.

Subd. 6. The Buelow Wildlife Management Area in Steele County and the Bryson Wildlife Management Area in Freeborn County are closed to the hunting and trapping of all species.

Subd. 7. Hunting on certain portions of Lac qui Parle, Thief Lake, Elm Lake, Roseau River and Talcot Lake Wildlife Management Areas is controlled as specified in Section 3.

Sec. 2. STATE GAME REFUGES.

Subdivision 1. The Lac qui Parle Game Refuge in Chippewa and Lac qui Parle Counties is open as follows:

a. Those portions of the refuge within the Lac qui Parle Recreation Reserve, Lac qui Parle Mission Site, or those which are posted with "Do Not Trespass" signs, except as otherwise permitted by this order or otherwise specifically authorized, are closed to hunting or the carrying or possession of firearms or bows and arrows unless the firearm is unloaded and completely encased or unloaded and contained in the trunk of the car and the trunk door closed and the bow is unstrung or completely contained in a case or contained in the trunk of the car with the trunk door closed. The remainder of the refuge is open to the hunting of small game and deer during the established seasons therefor in the zones in which it is located, except that small game hunting is not permitted during the waterfowl seasons.

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b. From September 20 to December 1, both dates inclusive, no unauthorized person shall trespass for any purpose whatsoever on any part of the Refuge which is posted with signs prohibiting trespass during this period.

c. No unauthorized persons shall trespass on Rosemoen Island at any time during the year.

Subd. 2. That part of the Minnetonka Game Refuge lying south of State Trunk Highway 7 and West of County State Aid Highway 11 is open to the hunting and trapping of all species of protected wild animals except geese, during the established seasons therefor in the zone in which it is located. However, most of the land in this refuge is owned by the Hennepin County Park Reserve District and is closed to hunting.

Subd. 3. The following game refuges are open as indicated to the hunting and trapping of wild animals during the established seasons therefor in the zones in which they are located or during such seasons as are otherwise prescribed in this subdivision, all dates inclusive. No person shall trap beaver or otter within any state-owned game refuge without first obtaining a permit from the appropriate wildlife manager.

County	Refuge	Small Game Hunting (except Waterfowl)	Trapping	Waterfowl Hunting	Deer & Bear Hunting Firearms	Deer & Bear Hunting Bow & Arrow
Aitkin	Floodwood	Open	Open	Open	Open	Open
Aitkin & Mille Lacs	McGrath	Open	Open	Open	Open	Open
Beltrami	Bemidji	Open until Oct. 31	Open for beaver, mink & muskrat only	Closed	Closed	Open
Beltrami & Lake of the Woods	Red Lake	Open	Open	Open	Open	Open
Benton	Maywood	Open	Open	Open	Open	Open
Blue Earth & LeSueur	East Minnesota River	Closed	Closed	Closed	Closed	Open until Oct. 31
Chisago	Linn Lake	Open	Open	Closed	Open	Open
Clearwater	Clearbrook	Open until Dec. 31	Open until Dec. 31	Closed	Closed	Open
Crow Wing	Cross Lake	Closed	Open	Closed	Closed	Open
Douglas	Evansville	Closed	Open	Closed	Closed	Closed
Douglas	Lake Winona	Closed	Open	Closed	Closed	Closed
Fillmore	Lost Lake	Open	Open	Open	Open	Open
Freeborn	Moscow	Closed	Open	Closed	Open	Open
Freeborn	Albert Lea	Closed	Closed	Closed	Open by Permit	Closed
Hubbard	Paul Bunyan	Open until Oct. 31	Open except during firearms deer season	Closed	Closed	Open until Oct. 31
Hubbard	Park Rapids	Closed	Open	Closed	Closed	Closed
Hubbard	Schoolcraft	Open until Oct. 31	Open except during firearms deer season	Closed	Closed	Open until Oct. 31
Isanti	Elizabeth Lake	Open	Open	Closed	Open	Open
Isanti	German Lake	Open	Open	Closed	Open	Open
Itasca	Lower Pidgeon Lake	Closed	Closed	Closed	Open	Open
Itasca	Pidgeon River Flowage	Closed	Closed	Closed	Open	Open
Kanabec	Fish Lake-Ann River	Closed	Open	Closed	Closed	Closed
Martin	Fox Lake	Open	Open	Closed	Open	Open
McLeod	Glencoe Izaak Walton League	Closed	Open	Closed	Closed	Closed
McLeod	Gopher Campfire	Closed	Open	Closed	Closed	Closed
Meeker	Lake Ripley	Open after Nov. 20	Open after Nov. 20	Closed	Closed	Closed

County	Refuge	Small Game Hunting (except Waterfowl)	Trapping	Waterfowl Hunting	Deer & Bear Hunting Firearms	Deer & Bear Hunting Bow & Arrow
Morrison	Camp Ripley	(To be announced in separate order)				
Nicollet	Swan Lake #2	Open	Open	Open	Open	Open
Nobles	Ocheda	Closed	Open	Closed	Closed	Closed
Olmsted	Rochester	Open	Open	Closed	Open	Open
Otter Tail	Erhard's Grove	Closed	Closed	Closed	Open	Closed
Otter Tail	Little Pine Lake	Closed	Open	Closed	Closed	Closed
Pine	Pine County Units 1, 2 & 3	Open	Open	Open	Closed	Open
Pine	Sandstone	Open	Open	Open	Closed	Open
Pipestone	Hiawatha	Open (shotgun only)	Open	Closed	Closed	Closed
Polk & Clearwater	Polk & Clearwater	Closed	Closed	Closed	Closed	Open
Rice	Nerstrand Woods	Closed	Closed	Closed	Open by Permit	Closed
Roseau	Warroad	Closed	Open	Closed	Closed	Closed
St. Louis	Fayal Township	Open	Open	Open	Open	Open
St. Louis	Superior #16	Open	Open	Open	Open	Open
Sherburne	Sand Dunes	Open	Open	Open	Open	Open
Stearns	Stearns County (near Kimball)	Open	Open	Open	Open	Open
Stearns	Collegeville & St. Joseph Twp. [Does not include the refuge around St. John's University]	Closed	Closed	Closed	Open	Closed
Watonwan	Madelia	Open	Open	Open	Open	Open
Watonwan	St. James	Closed	Open	Closed	Closed	Closed
Washington	St. Croix	Closed	Open	Closed	Closed	Open
Washington	Stillwater	Closed	Open	Closed	Closed	Open
Wilkin	Sunnyside Twp.	Closed	Open	Closed	Closed	Closed
Wright	Howard Lake	Closed	Open	Closed	Closed	Closed

Subd. 4. Within each state game refuge, unprotected wild animals may be taken when there is an open season therein for any protected species, but only during such hours and dates and by the same methods allowed for the protected species. Within the Rochester Refuge in Olmsted County unprotected wild animals may be taken at any time and by any legal method.

Subd. 5. The hunting of migratory waterfowl adjacent to certain segments of the Rochester, Roseau River, Lac qui Parle and Talcot Lake Game Refuges is controlled as specified in Section 3.

Subd. 6. The Fox Lake Game Refuge, in Martin County, is open to the taking of geese from October 2 to October 4, 1982, both dates inclusive, within the established goose regulations for the zone in which it is located.

Subd. 7. The Otter Tail County Goose Refuge in Otter Tail County, is open to the taking of geese from one-half hour before sunrise to 12:00 noon daily from October 31 to November 4 and from November 16 to November 20, all dates inclusive under the established goose regulations for the zone in which it is located. If, however, during the first period it is determined by the Commissioner that the harvest is greater than expected, the season during the second period shall be closed. Notification of such closure will be given by news release and by posted written notices at the Area Wildlife Office in Fergus Falls and at least four other points around the perimeter of the refuge.

Sec. 3. CONTROLLED HUNTING ZONES.

Subdivision 1. Controlled hunting zones with designated hunting stations are hereby established on portions of or adjacent to certain Wildlife Management Areas and Game Refuges as described in this subdivision.

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a. On the Thief Lake Wildlife Management Area in Marshall County, the controlled hunting zone shall include the following areas:

The Southwest Quarter of Section 8, the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section 9, the Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) of Section 11, the West Half (W 1/2) of Section 17, and the northwest quarter (NW 1/4) of Section 20; as well as portions of the South Half of the Southeast Quarter (S 1/2 SE 1/4) of Section 8, the South Half of the South Half (S 1/2 S 1/2) of Section 9, the South Half (S 1/2) of Section 10, the South Half of the South Half (S 1/2 S 1/2) of Section 11, the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of Section 20, Township 158 N., Range 41 W.

b. On the Lac qui Parle Wildlife Management Area in Chippewa, Swift, Big Stone and Lac qui Parle Counties, the controlled hunting zone shall include the following areas:

The Northwest Quarter of the Southwest Quarter (NW 1/4 SW 1/4) and the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section 32, Township 119 N., Range 42 W., and the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) and the East One-Half of the Northwest Quarter (E 1/2 NW 1/4) of Section 5, Township 118 N., Range 42 W., all in Lac qui Parle County.

And also the East One-half of the Northwest Quarter (E 1/2 NW 1/4), the East One-half of the Southwest Quarter (E 1/2 SW 1/4) and the West One-half of the West One-half of the Southeast Quarter (W 1/2 W 1/2 SE 1/4) of Section 12, Township 118 N., Range 42 W., and the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section 1, Township 118 N., Range 42 W., all in Chippewa County.

And also the West One-half of the Northwest Quarter (W 1/2 NW 1/4), the Southwest Quarter (SW 1/4), the West One-half of the Southeast Quarter (W 1/2 SE 1/4) and the Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of Section 36, Township 119 N., Range 42 W., all in Chippewa County.

c. On the Lac qui Parle Game Refuge in Chippewa and Lac qui Parle Counties, the controlled hunting zone shall include the 200 yard wide zone which is outside of and immediately adjacent to the area within the following described boundary:

Beginning at the intersection of County State Aid Highway 13, Chippewa County, and CSAH 33, Lac qui Parle County, thence East along CSAH 13 to the Southeast corner of Section 13, Township 118 N., Range 42 W., thence North along the Township road to the Northeast corner of said Section 13, thence West along the Township road to the Southeast corner of the West One-half of the West One-half of the Southeast Quarter (W 1/2 W 1/2 SE 1/4) of Section 12, Township 118 N., Range 42 W; and beginning at the Northeast corner of the West One-half of the Southwest Quarter (W 1/2 SW 1/4) of Section 12, Township 118 N., Range 42 W., thence West along the North side of said West One-half of the Southwest Quarter (W 1/2 SW 1/4) of Section 12, Township 118 N., Range 42 W., to County Road 32, Chippewa County, thence North along County Road 32 to the intersection of CSAH 12, Chippewa County, thence West along CSAH 12 to the intersection of County Road 31, Chippewa County, thence along County Road 31 to State Trunk Highway 40; and beginning at the intersection of State Trunk Highway 40 and CSAH 33 in Lac qui Parle County, thence Southeasterly along CSAH 33 to the intersection with CSAH 13, Chippewa County, the point of beginning.

d. On the Elm Lake Wildlife Management Area in Marshall County, the controlled hunting zone shall include the following areas:

The North 200 yards of Sections 1 and 2, Township 155 N., Range 41 W., adjacent to the South boundary of the Agassiz National Wildlife Refuge.

e. On the Roseau River Wildlife Management Area in Roseau County, the controlled hunting zone shall include the following areas:

The South One-half of the Southwest Quarter (S 1/2 SW 1/4) of Section 12, Township 163 N., Range 42 W., the South One-Half of the Southeast Quarter (S 1/2 SE 1/4) of Section 11, Township 163 N., Range 42 W., and the South One-Half of the Southwest Quarter (S 1/2 SW 1/4) of Section 11, Township 163 N., Range 42 W.

f. On the Roseau River Game Refuge in Roseau County, the controlled hunting zone shall include the 200 yard wide zone which is east of and immediately adjacent to the following described portion of the Refuge boundary:

Beginning at the Northeast corner of Section 1, Township 163 N., Range 42 W.; thence South 1-3/4 miles along CSAH 3 to the Southeast corner of the North One-Half of the Southeast Quarter (N 1/2 SE 1/4) of Section 12, Township 163 N., Range 42 W.

g. On the Roseau River Game Refuge in Roseau County, the controlled hunting zone shall include the 300 yard wide zone which is south of and immediately adjacent to the following described portion of the Refuge boundary:

Beginning at the Southeast corner of the North One-Half of the Southeast Quarter (N 1/2 SE 1/4) of Section 12,

Township 163 N., Range 42 W., thence West along the southern boundary of the refuge to the Southwest corner of the North One-Half of the Southeast Quarter (N 1/2 SE 1/4) of Section 12, Township 163 N., Range 42 W.

h. On the Rochester Game Refuge in Olmsted County, the controlled hunting zone shall include the 200 yard wide zone lying outside of the refuge and immediately adjacent to the following described portion of the refuge boundary:

Beginning at the intersection of County State Aid Highway 117 and County Road 104; thence along the western and northern boundaries of the refuge to the center of Section 18, Township 107N., Range 13W.

i. Designated hunting stations are also established on the Lac qui Parle State Park, Lac qui Parle County, where waterfowl hunting is permitted subject to the Lac qui Parle controlled hunt regulations.

j. On the Talcot Lake Game Refuge and Sanctuary in Cottonwood County, the controlled hunting zone shall include the 200 yard wide zone which is outside of the Talcot Lake Game Refuge and Sanctuary and immediately adjacent to the following described boundary:

Beginning along County State Aid Highway (CSAH) 7, Cottonwood County at the center of Sec. 17, Township 105 North, Range 38 West; thence south along CSAH 7 to State Trunk Highway (STH) 62; thence west along STH 62 to the intersection with the Township Road at the northwest corner of Section 32, Township 105 North, Range 38 West.

Subd. 2. Within all controlled hunting zones described in Subdivision 1 of this section, the following regulations shall apply. These are in addition to the regulations listed in Subdivisions 3 through 6 of this section.

a. The hunting and taking of migratory waterfowl shall be limited to the area within 10 feet of each designated hunting station, except that hunters may retrieve downed cripples from other areas provided they comply with all other refuge and trespass regulations.

b. No more than one hunting party, consisting of no more than three hunters, shall occupy any designated hunting station at one time.

c. All persons occupying a hunting station must fulfill all license requirements to hunt waterfowl in the State of Minnesota. Licenses or certificates must be valid, legible and indicate that the hunter is eligible to occupy a station.

d. No person shall leave any refuse or defeather any waterfowl in the controlled hunting zone or any parking lot or designated campsite on the management area.

e. No alcoholic beverages may be consumed or possessed at any of the hunting stations.

f. No person shall loiter in areas between the designated hunting stations.

Subd. 3. Within the Thief Lake and Lac qui Parle controlled hunting zones, in addition to the regulations in Subd. 2, the following regulations shall apply to waterfowl and small game hunters. In the Thief Lake controlled hunting zone, the regulations in this subdivision shall apply during the period from the opening day of the waterfowl season to the Monday nearest October 22, both dates inclusive. In the Lac qui Parle controlled hunting zones, the regulations in this subdivision shall apply during the open season for taking geese in the Lac qui Parle goose zone.

a. Designated hunting stations shall be reserved in accordance with rules available at the Thief Lake and Lac qui Parle Wildlife Management Area Headquarters.

b. No person shall hunt migratory waterfowl or small game in the controlled hunting zone without first registering at the check station and obtaining a back tag permit.

c. Hunting station occupancy is limited to the successful applicant and no more than two guests.

d. Transfer of back tag permits to other hunters is prohibited.

e. Reservation dates will not be changed.

f. Only hunters shall be allowed to bring shotgun shells into the controlled hunting zone, and no hunter shall bring in more than six shells per day or have in possession more than six shells at any one time. All persons entering the controlled hunting zone shall, upon entry and while within the zone, be subject to search by means of electronic metal detector by agents of the commissioner. All persons refusing to be so searched, all persons refusing to reveal items detected, all hunters possessing more than six shells, and all non-hunters possessing any shells shall, in addition to any other penalties provided by law, be

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refused entry to the controlled hunting zone, or if already within the zone, shall immediately cease hunting, and any special permit required for hunting in the controlled hunting zone shall immediately become void for that day.

g. Guns are to be unloaded and cased except within 10 feet of assigned hunting stations.

h. Dogs must be under control at all times and must be on a leash except within 10 feet of assigned stations or while retrieving.

i. After each party member has bagged his limit of Canada geese or expended his limit of six shells, the party is required to promptly leave the station and within one hour each party member is required to personally return his entry permit to the check station and submit any geese taken for inspection.

j. In the Thief Lake controlled hunting zone, hunters shall be limited to one trip to the stations per season either as a guest or a successful applicant.

k. In the Lac qui Parle controlled hunting zone, hunters shall be limited to three trips to the stations per season either as a guest or a successful applicant.

l. Hunters with their limit of previous visits shall be permitted to hunt only after all other hunters have been accommodated.

Subd. 4. Within the Thief Lake controlled hunting zone, in addition to the regulations in Subd. 2, the following regulations shall apply to waterfowl hunters during the period beginning the day after the Monday nearest October 22, to the close of the goose season, both dates inclusive.

a. Waterfowl hunters shall use designated hunting stations and on a first come first served basis.

b. Waterfowl hunters are subject to the same provisions of Subd. 3.f. of this Section.

c. Waterfowl hunters shall have their guns unloaded and cased except within 10 feet of a designated hunting station.

d. Waterfowl hunters shall have their dogs under control at all times and on a leash except within 10 feet of designated hunting stations or while retrieving.

Subd. 5. Within the Elm Lake controlled hunting zone described in this section, in addition to the regulations in Subd. 2, the following regulations shall apply to all persons during the period from the opening date of the waterfowl season to the Monday nearest October 22, both dates inclusive.

a. No persons shall enter the controlled hunting zone except when their vehicles are occupying numbered parking stalls in the designated parking lot in the controlled hunting zone.

b. Hunters shall hunt only at the designated hunting stations having numbers corresponding to their parking stall number.

c. All guns must be unloaded and cased except within 10 feet of a hunting station.

d. No person shall park in or otherwise occupy any parking stall in the designated parking lot or occpuy any designated hunting station during any two consecutive days.

e. No person shall occupy a designated hunting station or park in or otherwise occupy the designated parking lot in the controlled hunting zone during the period from one hour after the close of daily waterfowl shooting hours until 8:00 p.m. that same day.

f. No trailers of any kind shall be allowed in the designated parking lot.

Subd. 6. Within the Roseau River and Rochester controlled hunting zones, in addition to the regulations in Subd. 2, the following regulations shall apply to waterfowl hunters during the open goose seasons.

a. The resident wildlife manager or the area wildlife manager may limit all persons hunting at all hunting stations within a controlled hunting zone or at any hunting station within a zone to one day of hunting in every eight if he determines that such is necessary to provide for the equitable allocation of hunting opportunities. After making such a determination, the manager shall daily stamp the small game hunting license or firearms safety certificate of every person at each restricted hunting station with the date of such person's hunt. Persons with licenses stamped pursuant to this paragraph may hunt at any restricted station on the day stamped but shall not occupy any such station for the next seven days. Stations subject to the restrictions imposed by this paragraph shall be so posted. The manager shall remove any such restriction when he determines that it is no longer necessary for the purpose specified above.

b. No person shall occupy a shooting station or a designated parking lot during the period from one hour after the close of daily waterfowl shooting hours until 8:00 p.m. that same day.

c. A hunting party shall vacate its shooting station and leave the controlled hunting zone after the daily limit of Canada geese has been taken.

d. Guns are to be unloaded and cased except within 10 feet of a shooting station.

Subd. 7. Within the Talcot Lake controlled hunting zone the following regulations shall apply to waterfowl hunters during the open goose season.

a. Hunting station occupancy is limited to no more than three persons.

b. The resident wildlife manager or the area wildlife manager may limit all persons hunting at all hunting stations within a controlled hunting zone or at any hunting station within a zone to one day of hunting in every eight if he determines that such is necessary to provide for the equitable allocation of hunting opportunities. After making such a determination, the manager shall daily stamp the small game hunting license or firearms safety certificate of every person at each restricted hunting station with the date of such person's hunt. Persons with licenses stamped pursuant to this paragraph may hunt at any restricted station on the day stamped but shall not occupy any such station for the next seven days. Stations subject to the restrictions imposed by this paragraph shall be so posted. The manager shall remove any such restriction when he determines that it is no longer necessary for the purpose specified above.

c. No persons shall occupy a shooting station within the controlled hunting zone except when their vehicles are occupying numbered parking stalls in a designated parking lot in the controlled hunting zone.

d. Hunters shall hunt only at the designated hunting stations having numbers corresponding to their parking stall number.

e. No person shall park in or otherwise occupy any parking stall in the designated parking lot or occupy any designated hunting station during any two consecutive days.

f. No person shall occupy a designated hunting station or park in or otherwise occupy the designated parking lot in the controlled hunting zone during the period from 10:00 p.m. until 5:00 a.m. the following day.

g. No trailers of any kind shall be allowed in the designated parking lot.

h. All guns must be unloaded and cased except within 10 feet of a hunting station.

i. A hunting party shall vacate its shooting station and leave the controlled hunting zone after the daily limit of Canada geese has been taken.

Sec. 4. STATE AND COUNTY PARKS.

Subdivision 1. The Lac qui Parle State Park, Lac qui Parle County, is open to the taking of waterfowl at designated hunting stations in accordance with the regulations in Section 3 of this order.

Subd. 2. Itasca State Park in Becker, Clearwater and Hubbard Counties is open to the hunting of deer, except where posted as closed, during the established firearms season therefor in the zones in which it is located.

Subd. 3. The following state parks are open to the hunting of deer by firearms, but by permit only: Crow Wing State Park in Crow Wing County, Glacial Lakes State Park in Pope County, Helmer Myre State Park in Freeborn County, Maplewood State Park in Otter Tail County, Nerstrand Woods State Park in Rice County and St. Croix State Park in Pine County. Additional regulations which apply to state parks are set forth in the Commissioner's Order establishing the regulations for taking deer.

Sec. 5. NATIONAL WILDLIFE REFUGES AND FEDERAL WATERFOWL PRODUCTION AREAS.

Subdivision 1. The following National Wildlife Refuges, Waterfowl Production Areas and federal lands are open to hunting and trapping of protected wild animals in accordance with the State seasons and special federal regulations, but only during the established seasons therefor in the zones in which they are located or during such seasons as are otherwise prescribed in this subdivision. Hunting maps and regulations are available through each refuge or wetland management district office or by writing to: Regional Director, U.S. Fish and Wildlife Service, Federal Building, Ft. Snelling, Twin Cities, Minnesota 55111.

a. Portions of Agassiz National Wildlife Refuge in Marshall County are open to firearm hunting of deer. Areas closed to hunting are posted as "Area Beyond This Sign Closed," or as shown on maps available at Refuge Headquarters, Middle River, Minnesota 56737.

b. Portions of Big Stone National Wildlife Refuge in Big Stone and Lac qui Parle Counties are open to firearm and

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archery hunting of deer, muzzleloader hunting of deer by permit, and firearm hunting of cottontail rabbit, jack rabbit, gray squirrel, fox squirrel, Hungarian partridge and pheasant in areas posted as "Public Hunting Area" or as shown on maps available at parking areas and Refuge Headquarters, 25 N.W. 2nd Street, Ortonville, MN. 56278.

c. Portions of Rice Lake National Wildlife Refuge in Aitkin County are open to firearm hunting of deer, cottontail rabbit, snowshoe hare, gray squirrel, fox squirrel, ruffed grouse and spruce grouse in areas posted as "Public Hunting Area" or as shown on maps available at Refuge Headquarters, Route 2, McGregor, MN. 55760.

d. Portions of Sherburne National Wildlife Refuge in Sherburne County are open to firearm and archery hunting of deer and firearm hunting of cottontail rabbit, jack rabbit, snowshoe hare, gray squirrel, fox squirrel, ruffed grouse, pheasant, duck, coot, woodcock, Wilson's snipe, sora rail and Virginia rail in areas posted as "Public Hunting Area" or as shown on maps available at Refuge Headquarters, Route 2, Zimmerman, MN. 55398.

e. Portions of Tamarac National Wildlife Refuge in Becker County are open to firearm and archery hunting of deer and firearm hunting of cottontail rabbit, jack rabbit, snowshoe hare, gray squirrel, fox squirrel, ruffed grouse, duck, coot and geese in areas posted as "Public Hunting Area" or as shown on maps available at Refuge Headquarters, Rural Route, Rochert, MN. 56578.

f. Portions of the Upper Mississippi River Wild Life and Fish Refuge located in Wabasha, Winona, and Houston Counties are open to migratory game bird hunting on areas designated by signs as "Public Hunting Areas" or as shown on a map available at Refuge Headquarters, 51 East Fourth Street, Winona, Minnesota 55987. The hunting of upland game birds, upland game animals, and deer in conformance with State seasons and regulations is permitted on areas designated by signs as "Public Hunting Areas." Restricted hunting of these species is also permitted on areas designated by signs as "Area Closed" during the period from the first day after the close of the duck season until the end of the applicable Minnesota hunting season.

g. Louiseville Swamp in Scott County. That area known as Louisville Swamp near Carver, bounded by National Wildlife Refuge signs, is open to archery hunting of deer by special permit. Maps of the open areas and permit information are available at Minnesota Valley National Wildlife Refuge Headquarters, 4101 East 78th Street, Bloomington, MN. 55420.

h. Except where posted otherwise, Waterfowl Production Areas are open to hunting. Maps of open and closed areas are available from U.S. Fish and Wildlife Service, Route 1, Box 26A, Fergus Falls, MN. 56537.

Subd. 2. No person shall trap in a National Wildlife Refuge without first obtaining a permit issued by the Refuge Manager. National Wildlife Refuges are closed to the taking of otter. Except where posted otherwise, trapping in Federal Waterfowl Production Areas is allowed. Maps of closed and open areas are available from U.S. Fish and Wildlife Service, Route 1, Box 26A, Fergus Falls, MN. 56537.

Subd. 3. Motorized vehicles and motorized watercraft are prohibited on National Wildlife Refuges and Waterfowl Production Areas except: (1) on access roads and parking areas designated by sign; (2) on public roads; or (3) by permit obtained from U.S. Fish and Wildlife Service Refuge and Wetland Management District offices.

Subd. 4. Additional regulations which apply to these areas are set forht in the Commissioner's Order establishing the regulations for taking deer.

Sec. 6. No person shall take or attempt to take any wild animals in any State Game Refuge, Public Hunting Grounds, Wildlife Management Area, State Park or National Wildlife Refuge except in accordance with the provisions of this order and all other applicable orders of the Commissioner.

Sec. 7. This order shall remain in effect until amended, superseded or rescinded.

Commissioner's Order Numbers 2102 and 2107 are hereby superseded.

Dated at Saint Paul, Minnesota, this 2nd day of September, 1982.

Joseph N. Alexander, Commissioner
Department of Natural Resources

Department of Natural Resources

Commissioner's Order No. 2129

Regulations for the Taking of Certain Furbearers, Superseding Commissioner's Order No. 2100

Pursuant to authority vested in me by law, I, Joseph N. Alexander, Commissioner of Natural Resources, hereby prescribe the following regulations for the taking of mink, muskrats, raccoon, lynx, bobcats, red foxes, gray foxes, badgers, fishers, beaver and otter.

Section 1. FURBEARER ZONES.

a. That portion of the state lying within the following described boundary shall be known as the North Furbearer Zone:

Beginning on U. S. Highway 59 at the northern boundary of the state; thence along U. S. Hwy. 59 to U. S. Hwy. 10; thence along U. S. Hwy. 10 to State Trunk Highway (STH) 210; thence along STH 210 to STH 18; thence along STH 18 to U. S. Hwy. 169; thence along U. S. Hwy. 169 to STH 23; thence along STH 23 to STH 65; thence along STH 65 to STH 70; thence along STH 70 to the eastern boundary of the state; thence along the eastern and northern boundary of the state to the point of beginning.

b. That portion of the state lying outside of the North Furbearer Zone shall be known as the South Furbearer Zone.

Sec. 2. MINK AND MUSKRATS.

a. Mink and muskrats may be taken statewide by trapping from 12:00 noon on the last Saturday in October, to December 31, both dates inclusive.

b. **Bag Limits.** Mink and muskrats may be possessed without limit.

c. **Special Provisions.**

1. The taking of mink with the use of dogs or by digging in any manner whatsoever is prohibited.

2. Traps may be set at natural entrances to muskrat runways and bank burrows.

3. Openings made in any muskrat house for the purpose of trapping shall be plugged by replacing all materials removed and wetting said materials down in order to prevent freezing within the structure.

4. No person shall damage any muskrat house, muskrat runway or muskrat bank den, except as herein authorized.

5. On the following state-owned wildlife management areas no traps shall be set in or over open water for any wild animal and no traps for muskrats shall be set at any location until the trapper obtains a report form from the local wildlife manager:

Area	County
Pletz-Klima	Jackson
Summer's	Jackson
Borchardt-Rosin	Lac qui Parle
Madrena	Lac qui Parle
Perry	Lac qui Parle
Bohenian	Lincoln
Prairie Dell	Lincoln
Shaokatan	Lincoln
Coon Creek	Lyon
Gabriel Anderson	Lyon
Jacobson	Lyon
Klinker	Murray
Lowville	Murray
Nelson	Murray
Herlein-Boote	Nobels
Peterson	Nobels
Gales	Redwood
Westline	Redwood
Lanners	Yellow Medicine
Miller-Richter	Yellow Medicine

6. The following lakes within the Fond du Lac Indian Reservation are closed to the trapping of muskrats: Perch, Rice Portage, Miller, Dead Fish, Wild Rice and Jaskari Lakes, all in Carlton County.

Sec. 3. RACCOON.

a. Raccoon may be taken statewide with legal firearms, bow and arrow, and by trapping from 12:00 noon on the Friday nearest October 23, to December 31, both dates inclusive.

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b. **Bag Limits.** Residents may possess raccoon without limit. Nonresidents may not take or possess more than eight raccoon per season.

c. **Special Provisions.**

1. Raccoon may be treed without being taken by the use of dogs at any time during the year except between April 16 and July 14, and between October 15 and 12:00 noon on the opening date, all dates inclusive.

2. Each raccoon or, if the pelt is removed, the pelt thereof taken by a nonresident shall be tagged by the person taking it at the site where taken with a locking tag furnished with the license. These tags shall be fastened to the raccoon or its pelt in the manner prescribed by Sec. 13 of this order.

3. Hunters shall be on foot and may use an artificial light only when using dogs for the purpose of taking raccoon.

Sec. 4. RED FOX AND GRAY FOX.

a. Red fox and gray fox may be taken statewide with legal firearms, bow and arrow and by trapping from 12:00 noon on the Friday nearest October 23, to the last day in February, both dates inclusive.

b. **Bag Limits.** Red fox and gray fox may be possessed without limit.

c. **Special Provisions.** Fox may be run without being taken by the use of dogs any time during the year except from March 1 to July 14, both dates inclusive.

Sec. 5. BADGER.

a. Badgers may be taken statewide with legal firearms, bow and arrow, and by trapping from 12:00 noon on the Friday nearest October 23, to the last day in February, both dates inclusive.

b. **Bag Limits.** Badgers may be possessed without limit.

c. **Special Provisions.** Badger may be taken by hunting from one-half hour before sunrise to sunset, daily.

Sec. 6. LYNX AND BOBCAT.

a. Lynx and bobcats may be taken with legal firearms, bow and arrow and by trapping from December 1, to January 23, both dates inclusive.

b. **Open area.** Lynx and bobcats may be taken statewide.

c. **Bag Limits.** No persons shall take more than an aggregate of five lynx and bobcats in one season by either hunting or trapping or both.

d. **Tagging.** Each lynx and bobcat taken by either hunting or trapping shall be tagged by the person taking it at the site where taken with a tag showing the name and address of the hunter or trapper, license number and year of issue. Persons legally hunting or trapping without a license shall put their name and address on the tag. The tag shall be provided by the hunter or trapper and shall be made of plastic, cardboard or metal and shall be secured to the pelt by heavy cord or wire.

e. **Special Provisions.** Lynx and bobcat may be taken by hunting from one-half hour before sunrise to sunset daily.

Sec. 7. FISHER.

a. Fisher may be taken in the north furbearer zone by trapping from December 1 to December 10, both dates inclusive.

b. No person shall take more than one fisher during the open season.

c. Each fisher shall be tagged, by the person taking it, at the site where taken with a tag issued with the license. Trappers under the age of 13 shall use tags containing their name and address which they shall provide, which shall be made of plastic, cardboard or metal and which shall be secured to the pelt by heavy cord or wire.

Sec. 8. BEAVER AND OTTER.

a. Beaver may be taken statewide without limit by trapping from 12:00 noon on the last Saturday in October to the last day in February, both dates inclusive.

b. **Otter.** Otter may be taken in the north furbearer zone by trapping during the 15 day period beginning on the Saturday nearest November 15.

1. No person shall take more than two (2) otter during the open season.

2. Each otter shall be tagged by the person taking it, at the site where taken, with a tag issued with the license. Trappers under the age of 13 shall use tags containing their name and address which they shall provide, which shall be made of plastic, cardboard or metal and which shall be secured to the pelt by heavy cord or wire.

c. **Special Provisions.**

1. No traps of any kind shall be set in or upon any beaver house. When the water adjacent to any beaver house is not frozen, no traps of any kind shall be set closer than six (6) feet from the waterline of such house.

2. No person shall molest or damage any beaver house or dam.

3. Snowmobiles and all terrain vehicles may be used only in the North Furbearer Zone, plus that portion of the South Furbearer Zone lying north of U. S. Highway 10, to transport or check beaver or otter traps and to transport beaver or otter carcasses.

4. Beaver and otter may be taken within wildlife management areas in the respective open areas of the state by licensed trappers provided they have a permit issued by the appropriate state wildlife manager.

5. No person shall take beaver and otter in any state park or any of the other areas under the administration of the Division of Parks and Recreation.

6. Federal Waterfowl Production Areas which are located in the open zones of the state are open to the trapping of beaver.

Sec. 9. No person shall place, set, operate, possess or transport in the field a trap unless his or her name and either address or driver's license number is etched legibly onto the trap or onto a metal tag no less than 30 gauge in thickness which is welded, brazed or soldered to the trap or affixed to the trap with a tightly twisted wire or solid metal ring.

Sec. 10. All animals taken pursuant to this order must be killed before being removed from the site where taken.

Sec. 11. The setting of any trap within 150 feet of any stream, lake or navigable water, within 30 days prior to the open season for trapping mink and muskrat is prohibited except by permit issued by the Commissioner.

Sec. 12. No person shall tend or set any trap for any wild animals between the hours of 6:00 p.m. and 6:00 a.m.

Sec. 13. Any tag or seal required by this order to be affixed to a pelt at the site where taken shall be fastened through the mouth and one eye opening. Any seal furnished by the Commissioner must be affixed so that such seal cannot be removed without breaking the lock.

Sec. 14. Each lynx, bobcat, fisher and otter must be presented, by the person taking it, to a conservation officer for registration before the pelt is sold, but in no event more than 48 hours after the season closes. The pelt shall have been removed from the carcass and the carcass shall be surrendered to the conservation officer. Each fisher shall be skinned so that one front foot remains intact and attached to the pelt.

Sec. 15. Traps capable of taking more than one animal at a time shall not be used.

Sec. 16. Any traps set for protected wild animals and not capable of drowning the animal shall be tended at least once every 36 hours.

Sec. 17. No person shall set or maintain any leghold trap within 20 feet of bait located in such a manner that it may be seen by soaring birds. Bait is defined as any animal or parts thereof, except that small aggregates of fur and feathers may be used for flagging purposes.

Sec. 18. No person shall set, place, or operate, except as a waterset, any body-gripping or "conibear" type trap that has a maximum jaw opening, when set, of greater than seven inches measured from the inside edges of the body-gripping portions of the jaws. No person shall set, place, or operate in a culvert, except as a completely submerged waterset, any body-gripping or "conibear" type trap that has a maximum jaw opening, when set, of greater than six inches measured from the inside edges of the body-gripping portions of the jaws.

Sec. 19. Prior to the opening of the trapping season for any protected species of wild animal, no trap, either set or un-set, shall be placed or staked and no flag, stake or other device shall be placed for the purpose of making or pre-empting a trapping site.

Sec. 20. No person shall be accompanied by a dog or dogs while engaged in tending or setting traps for protected wild animals, unless such dog or dogs are harnessed and attached to a sled or securely tethered to a tree or other permanent device with a leash of no more than 15 feet in length.

Sec. 21. Dogs may be used to take raccoons, foxes, badgers, lynx and bobcats by hunting during the established hunting seasons.

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Sec. 22. No person shall possess or transport a fisher, otter, pine marten, fox, bobcat, lynx, or timber wolf which was accidentally killed or was lawfully killed on account of causing or threatening injury or damage until such person notifies the local conservation officer, other authorized department employee, or regional enforcement office, of the killing and receives authorization to possess, transport, or pelt the animal. A person may possess or transport mink, muskrat, beaver, badger or raccoon accidentally killed or lawfully killed on account of causing or threatening injury or damage only if the local conservation officer or other authorized employee of the Department is notified within 24 hours of such killing and before any pelting is begun.

Regulations governing payment of pelting fees are outlined in Commissioner's Order No. 2117 or superseding orders.

Sec. 23. None of the provisions of this order shall be construed as modifying or superseding any order establishing game refuges within the state nor as permitting the taking of any wild animals within such refuges or within state parks.

Sec. 24. Except as expressly provided herein, this order thall not be construed to limit the number of any furbearing animals that may lawfully be possessed, transported, or sold by any licensed furbuyer.

Sec. 25. This order shall remain in effect until amended, superseded or rescinded.

Commissioner's Order No. 2100 is hereby superseded.

Dated at Saint Paul, Minnesota, this 2nd day of September, 1982.

Joseph N. Alexander, Commissioner
Department of Natural Resources

Department of Natural Resources Commissioner's Order No. 2128

Regulations for the Taking of Ducks, Geese, Coots and Gallinules, and for the Taking of Migratory Game Birds by Falconry, Superseding Commissioner's Order No. 2101

Pursuant to authority vested in me by law, I, Joseph N. Alexander, Commissioner of Natural Resources, hereby prescribe the following regulations for the taking of ducks, geese, coots and gallinules, and for the taking of migratory game birds by falconry.

Section 1. DUCKS, COOTS AND GALLINULES.

a. **Season length and hours.** Ducks, coots and gallinules may be taken during the 50 day period beginning the Saturday nearest October 1 during the following hours: from 12:00 noon to 4:00 p.m. on the opening day, from one-half hour before sunrise to 4:00 p.m. between the second day of the season and the Friday nearest October 19, both dates inclusive; and from one-half hour before sunrise to sunset for the remainder of the season, except that canvasbacks may not be taken at any time in the areas described below:

Canvasback closed areas:

(1) Douglas, Mahnomen, Polk, Pope and Sibley Counties. Where the county line of any of the above counties crosses any portion of a lake, that entire lake is closed.

(2) All land in Section 13, Township 130 North, Range 41 West (land between Lake Christina, Douglas County and Pelican Lake, Grant County).

(3) Beginning at the intersection of the midline of the Mississippi River and U.S. Highway 61 at Hastings, thence southerly along U.S. Highway 61 to U.S. Highway 16 at LaCrescent, thence southerly along U.S. Highway 16 to State Trunk Highway 26, thence southerly along State Trunk Highway 26 to the southern boundary of the state; thence along the southern and eastern boundaries of the state to the confluence of the St. Croix and Mississippi Rivers, thence along the midline of the Mississippi River to the point of beginning.

b. **Daily limit.** No person shall in any one day take more than five ducks other than mergansers, five mergansers, and a total of fifteen coots and gallinules. The daily limit of ducks other than mergansers shall not include more than three mallards of which not more than two may be female mallards, one black duck and two wood ducks. The daily limit on canvasbacks and redheads is one canvasback daily and one redhead daily. The daily limit of mergansers shall not include more than one hooded merganser.

c. **Possession limit.** No person shall have in possession more than 10 ducks other than mergansers, 10 mergansers, and a total of thirty coots and gallinules. The possession limit of ducks other than mergansers shall not include more than six mallards of which not more than four may be female mallards, two black ducks and four wood ducks. The possession limit on

canvasbacks and redheads is two canvasbacks and two redheads. The possession limit of mergansers shall not include more than two hooded mergansers.

Sec. 2. GEESE, INCLUDING BRANT.

a. **Season length and hours.**

1. Geese may be taken statewide during the 50 day period beginning the Saturday nearest October 1, during the following hours: from 12:00 noon to 4:00 p.m. on the opening day; from one-half hour before sunrise to 4:00 p.m. between the second day of the season and the Friday nearest October 19, both dates inclusive; and from one-half hour before sunrise to sunset for the remainder of the season.

2. Geese may be taken during the 20 day period beginning the day after the close of the statewide season, from one-half hour before sunrise to sunset each day in the following described area:

Beginning at the intersection of the southern boundary of the state and U.S. Highway 218; thence along U.S. Highway 218 to U.S. Highway 14; thence along U.S. Highway 14 to Interstate Highway 35; thence along Interstate Highway 35 to State Trunk Highway 50; thence along state Trunk Highway 50 to U.S. Highway 61; thence along U.S. Highway 61 to U.S. Highway 63; thence along U.S. Highway 63 to the eastern boundary of the state; thence along the eastern and southern boundaries of the state to the point of beginning.

3. The hunting of Canada geese is prohibited in parts of Anoka, Dakota, Ramsey and Washington Counties as prescribed by Commissioner's Order No. 2126.

b. **Daily limit.** No person shall in any one day take more than five geese. The daily limit shall not include more than two white-fronted geese and two Canada geese or subspecies except in the Lac qui Parle zone where the daily limit of Canada geese is one.

c. **Possession limit.** No person shall have in possession at any time more than 10 geese. The possession limit shall not include more than four white-fronted geese and four Canada geese or subspecies.

d. In the area known as the Lac qui Parle zone and described below the season on geese shall be closed prior to the last day of the season for that area if and when the kill of Canada geese in the zone reaches 5500 as determined by the Commissioner. For the purpose of notifying the public of such closing, no less than forty-eight hours prior to the effective time thereof the Commissioner shall (1) issue a news release specifying the time of closing and describing the zone, and (2) post written notices including the same information as the news release at the headquarters of the Lac qui Parle Game Refuge and at four other points chosen by him around the perimeter of the zone. The Lac qui Parle zone is the area lying within the following boundary:

Beginning at the intersection of U.S. Highway 212 and County State Aid Highway (CSAH) 27, Lac qui Parle County; thence along CSAH 27 to CSAH 20, Lac qui Parle County; thence along CSAH 20 to State Trunk Highway (STH) 40; thence along STH 40 to STH 119; thence along STH 119 to CSAH 34, Lac qui Parle County; thence along CSAH 34 to CSAH 19, Lac qui Parle County; thence along CSAH 19 to CSAH 38, Lac qui Parle County; thence along CSAH 38 to U.S. Highway 75; thence along U.S. Highway 75 to STH 7; thence along STH 7 to CSAH 6, Swift County; thence along CSAH 6 to County Road 65, Swift County; thence along County Road 65 to County Road 34, Chippewa County; thence along County Road 34 to CSAH 12, Chippewa County; thence along CSAH 12 to CSAH 9, Chippewa County; thence along CSAH 9 to STH 7; thence along STH 7 to Montevideo; thence along the municipal boundary of Montevideo to U.S. Highway 212; thence along U.S. Highway 212 to the point of beginning.

Sec. 3. SPECIAL FALCONRY SEASON.

Woodcock, rails and snipe may be taken by falconry during the 107 day period beginning September 1. Ducks, geese, coots and gallinules may be taken by falconry during the 107 day period beginning on the Saturday nearest October 1. Bag limits are three daily in the aggregate and six in possession in the aggregate. Falconry hours are one-half hour before sunrise to sunset except during the regular waterfowl season when falconry hours are the same as waterfowl shooting hours. No person shall hunt by falconry while in possession of, or having under control, any firearm.

Sec. 4. AIRBOATS PROHIBITED ON DESIGNATED LAKES.

The use of airboats is prohibited at all times on the following lakes which have been designated for wildlife management

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purposes by the Commissioner: Cottonwood Lake, Eagle Lake, Rice Lake and Perch Lake, all in Blue Earth County; Rice Lake in Faribault County; Bear Lake, Lake Geneva, Lower Twin Lake and Upper Twin Lake, all in Freeborn County; Heron Lake in Jackson County; Pierce Lake in Martin County; Swan Lake in Nicollet County; Buffalo Lake and Goose Lake in Waseca County; Pelican Lake in Wright County; and Patterson Lake in Carver County.

Sec. 5. OPENING DAY POSSESSION LIMIT.

No person shall have in possession on the opening day of each of the above established seasons more than a single daily limit. Thereafter the possession limits shall apply.

Sec. 6. FEDERAL REGULATIONS.

Nothing in this order shall be construed as allowing any hunter to hunt or take any migratory game birds in violation of applicable federal regulations.

Sec. 7. GAME REFUGES AND STATE PARKS.

None of the provisions of this order shall be construed as modifying or superseding any order establishing game refuges within the state nor as permitting the taking of any wild animals within such refuges or within state parks.

Sec. 8. STEEL SHOT REGULATION.

While possessing shotshells loaded with shot made of any material other than steel or such material as may be approved by the Director of the U.S. Fish and Wildlife Service, it shall be unlawful to take ducks, geese or coot:

1. On all land and waters within the boundaries of all state wildlife management areas and all federal waterfowl production areas.

2. On the waters of Swan and Middle Lakes in Nicollet County, North and South Heron Lakes in Jackson County, Pelican Lake in Wright County, Bear Lake in Freeborn County, and Christina Lake in Douglas and Grant Counties and within a 150-yard zone of land adjacent to the margins of the above lakes.

3. Within the area along the Mississippi River described below:

Beginning at the intersection of the midline of the Mississippi River and U.S. Highway 61 at Hastings, thence southerly along U.S. Highway 61 to U.S. Highway 16 at LaCrescent, thence southerly along U.S. Highway 16 to State Trunk Highway 26, thence southerly along State Trunk Highway 26 to the southern boundary of the state; thence along the southern and eastern boundaries of the state to the confluence of the St. Croix and Mississippi Rivers, thence along the midline of the Mississippi River to the point of beginning.

4. Within the Lac qui Parle zone described in Sec. 2(d).

5. On the Tamarac National Wildlife Refuge in Becker County, and the Sherburne National Wildlife Refuge in Sherburne County.

Sec. 9. BLINDS ON PUBLIC LANDS AND PUBLIC WATERS.

Any blind on public land or in public waters when not in use is deemed public and not the sole property of the person or persons that constructed it. Any use of threat or force against another to gain possession of said blind shall be unlawful.

Sec. 10. MINNESOTA MIGRATORY WATERFOWL STAMP.

Except for residents under the age of 18 and over the age of 65 years, no person who is otherwise required to possess a Minnesota small game license shall hunt or take migratory waterfowl within this state without first purchasing a stamp and having the stamp in possession while hunting or taking migratory waterfowl. Each stamp shall be validated by the signature of the licensee written across its face. People who are hunting on their own property shall not be required to possess a Minnesota waterfowl stamp.

Sec. 11. This order shall remain in effect until amended, superseded or rescinded.

Commissioner's Order Number 2101 is hereby superseded.

Dated at Saint Paul, Minnesota, this 2nd day of September, 1982.

Joseph N. Alexander, Commissioner
Department of Natural Resources

Department of Natural Resources

Commissioner's Order No. 2124

Regulations for the Use of Snares, Superseding Commissioner's Order No. 2082

Pursuant to authority vested in me by law, I, Joseph N. Alexander, Commissioner of Natural Resources, hereby prescribe the following regulations for the use of snares.

Section 1. Except as provided in Sections 2, 3, and 4, snares may be used by licensed trappers for the taking of all species of protected wild quadrupeds which may be taken by the use of steel traps. Such use of snares will be subject to the provisions of this order and all regulations pertaining to the use of steel traps for taking such species, to the extent they are not inconsistent with the provisions of this order.

Sec. 2. Snares may not be used for the taking of fox in the southern furbearer zone as established by Commissioner's Order. Snares may be used by licensed trappers for the taking of fox in the northern furbearer zone as established by Commissioner's Order pursuant to a snaring permit issued by a conservation officer in the county where the snares are to be set. Such permits shall be effective for the duration of the regular fox trapping season. The use of snares for the taking of fox shall be subject to the provisions of this order and all regulations pertaining to the use of steel traps for taking fox, to the extent they are not inconsistent with the provisions of this order.

Sec. 3. Bobcat, lynx, bear and timber wolf shall not be taken by the use of snares.

Sec. 4. In the southern furbearer zone, as established by the Commissioner's Order regulating the taking of furbearers, no person shall set, place or operate any snare except as a waterset.

Sec. 5. No person shall set, place, or operate a snare in a culvert, except as a completely submerged waterset.

Sec. 6. Snares may be used in the northern furbearer zone for the taking of unprotected wild quadrupeds pursuant to a snaring permit issued by a conservation officer in the county where the snares are to be set. Such permits shall specify the period of time for which they are effective, except that such permits shall be valid only between the opening of the fox trapping season and March 31, both dates inclusive.

Sec. 7. No snare set pursuant to Sections 1 or 2 of this order shall be left in place after the close of the trapping season. No snare set pursuant to Section 6 of this order shall be left in place after the expiration of the applicable permit.

Sec. 8. Snares shall not be set in deer trails.

Sec. 9. Snares shall not be used with spring poles or other devices whereby an animal caught in the snare will be wholly or partly lifted from the ground.

Sec. 10. No snare shall be set such that the top of the loop is more than sixteen inches above the ground or, when the ground is snow-covered, more than sixteen inches above the bottom of a man's footprint made in the snow beneath the snare with full body weight on the foot.

Sec. 11. The diameter of the snare loop shall not exceed ten inches.

Sec. 12. All snare cable or wire shall have a diameter not exceeding one-eighth (⅛) inch.

Sec. 13. All snares shall have a metal tag not less than 30 gauge in thickness securely attached with a tightly twisted wire or solid metal ring to the anchor end, legibly bearing the owner's name and either his address or driver's license number. No person shall place, set, operate, possess or transport in the field, any snare unless it is tagged and marked as indicated.

Sec. 14. All snares not capable of drowning the captured animal shall be tended at least once every 36 hours.

Sec. 15. Certified predator controllers may use snares statewide at any time while acting in compliance with Commissioner's Order 1899 or superseding orders governing the predator control program.

Commissioner's Order No. 2082 is hereby superseded.

Dated at Saint Paul, Minnesota, this 1st day of September, 1982.

Joseph N. Alexander, Commissioner
Department of Natural Resources

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Department of Natural Resources

Commissioner's Order No. 2125

Regulations for the Taking of Deer During 1982

Pursuant to authority vested in me by law, I, Joseph N. Alexander, Commissioner of Natural Resources, hereby prescribe the following regulations for the taking of deer during 1982.

Section 1. DEFINITIONS.

a. **Legal Firearms:** Firearms described as legal for the taking of big game by Minn. Stat. § 100.29, Subd. 9, may be used for taking deer within the "all legal firearms" zone described in Section 10(c). Within the shotgun zone as described in Section 10(b) only shotguns loaded with single slug shells and legal muzzleloaders may be possessed uncased out-of-doors for the purpose of taking deer except that a person suffering from a physical disability rendering him or her incapable of using a gun fired from the shoulder and possessing a medical doctor's statement to this effect may possess out-of-doors a legal handgun for the purpose of taking deer. Telescopic sights shall not be used on muzzleloaders during the special muzzleloader season.

b. **Legal bow and arrow:** Bows must have a pull of no less than 40 pounds at or before full draw.

c. **Legal buck:** A legal buck is any deer having at least one antler not less than three inches in length.

d. **Antlerless deer:** Antlerless deer are all deer including fawns, other than legal bucks.

e. **November firearms season:** The November firearms season is the statewide deer season beginning November 6, as described in Sec. 3.a. through 3.d. of this order.

f. **Muzzleloader season:** The muzzleloader season is the deer season from November 27 to December 12, 1982, both dates inclusive, when deer may be taken by legal muzzleloaders in specified areas as described in Sec. 3.f. of this order.

Sec. 2. BOW AND ARROW SEASON REGULATIONS.

a. Antlerless deer and legal bucks may be taken statewide from September 25 to November 30, 1982, both dates inclusive, from one-half hour before sunrise to sunset with the following provision: only legal bucks may be taken during the November firearms season within a zone when there is an open firearms deer season therein.

b. Antlerless deer and legal bucks may be taken by legal bow and arrow in the December Archery Zone as described in Section 10.a. from December 1 to December 12, 1982, both dates inclusive, from one-half hour before sunrise to sunset.

c. Bow and arrow areas open by special permit.

(1) Lake Shetek State Park in Murray County is open to deer hunting by bow and arrow during three separate time periods. Thirty (30) permits will be issued to take only legal bucks on November 6 to 8, 1982, thirty (30) permits will be issued to take either-sex deer on November 9 to 12, 1982, and thirty (30) permits will be issued to take only legal bucks on November 13 and 14, 1982, all dates inclusive. Hunters in the first and third period must meet the requirements for red/orange clothing. Applications must be addressed to Lake Shetek State Park, Route 1, Currie, MN. 56123. The deadline for applications is September 15, 1982. Permittees must register at the park office before hunting.

(2) The area known as the Louisville Swamp and Carver Rapids State Wayside, in Scott County, is open to deer hunting by legal bow and arrow during two separate time periods. Four hundred (400) permits will be issued for the September 25 to October 31, 1982 period and 600 permits will be issued for the November 1 to December 12, 1982 period, all dates inclusive. This area is bounded by National Wildlife Refuge and State Wayside signs. Applications must be addressed to the Minnesota Valley National Wildlife Refuge, 4101 East 78th Street, Bloomington, MN. 55420. The deadline for applications is September 1, 1982. During the November firearms season hunters are restricted to bucks only and must meet the red/orange clothing requirement.

(3) Special permit application procedure.

(a) Applications must be mailed in one envelope and sent to the address provided above. Up to four persons may apply as a party by mailing all applications in one envelope. Either the entire party will be selected by the drawing or none will be selected.

(b) A separate application for each person must be made on a self-addressed (please print) postal card purchased from the U.S. Post Office. All other forms of application will be rejected.

(c) On the opposite side of the postal card from the applicant's address the following must be listed:

(i) The name of the special bow hunt permit area;

(ii) A choice of the available time periods;

(iii) Applicant's signature as it appears on his/her driver's license.

Sec. 3. FIREARMS SEASON REGULATIONS.

Every firearms deer hunter must select one of the seven choices from the zone and date options contained in this section. This choice will be indicated by a hole punched in the license at the time of purchase. No person is permitted to hunt deer by firearms except within limits of the choice indicated by the punched hole.

a. Zone 1 (as described in Section 8.a.). Legal bucks may be taken from November 6 to November 21, 1982, both dates inclusive, from one-half hour before sunrise to sunset. Antlerless deer may be taken only by permit throughout this season, but only within the permit area specified on each hunter's permit.

b. Zone 2 (as described in Sec. 8.b.). Legal bucks may be taken from November 6 to November 14, 1982, both dates inclusive, from one-half hour before sunrise to sunset. Antlerless deer may be taken only by permit throughout this season, but only within the permit area specified on each hunter's permit.

c. Zone 3 (as described in Sec. 8.c.). Hunters must select either the early or the late season.

(1) **Early Season:** Legal bucks may be taken from November 6 to November 14, 1982, both dates inclusive, from one-half hour before sunrise to sunet.

(2) **Late Season:** Legal bucks and antlerless deer may be taken from November 20 to November 22, 1982, both dates inclusive, from one-half hour before sunrise to sunset. Antlerless deer may be taken only by permit and only within the permit area specified on each hunter's permit.

d. Zone 4 (as described in Sec. 8.d.). Hunters must select either the early or the late season.

(1) **Early Season:** Legal bucks may be taken from November 6 to November 8, 1982, both dates inclusive, from one-half hour before sunrise to sunset.

(2) **Late Season:** Legal bucks and antlerless deer may be taken on November 13 and November 14, 1982, from one-half hour before sunrise to sunset. Antlerless deer may be taken only by permit and only within the permit area specified on each hunter's permit.

e. Additional areas are open to a limited number of hunters during the November firearms season as described in Sec. 5.b.

f. **Muzzleloader Season:** Antlerless deer and legal bucks may be taken by legal muzzleloader from November 27 to December 12, 1982, both dates inclusive, from one-half hour before sunrise to sunset, on public land in the areas described below. Persons selecting this season may not hunt during the November firearms season. Persons selecting this season must have the Special Muzzleloader Season block punched out on their license. In addition to the areas listed below, additional areas are open to a limited number of hunters as described in Sec. 5.a.

(1) Carlos Avery Wildlife Management Area (WMA) in Anoka and Chisago Counties;

(2) Elm Lake and Eckvol WMA's in Marshall County;

(3) McCarthy Lake WMA in Wabasha County;

(4) Meadowbrook WMA in Cass County;

(5) Mille Lacs WMA in Kanabec and Mille Lacs Counties;

(6) Moose-Willow WMA in Aitkin County;

(7) Red Lake WMA and Beltrami Island State Forest in Beltrami, Lake of the Woods, and Roseau Counties;

(8) Roseau River WMA in Roseau County;

(9) Thief Lake WMA in Marshall County;

(10) Whitewater WMA in Olmsted, Wabasha, and Winona Counties; and

(11) The following recreational areas within the Richard J. Dorer Memorial Hardwood Forest and posted as State Forest are open:

(a) Hay Creek near Red Wing;

(b) Krueger Trail near Wabasha;

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(c) Snake Creek near Kellogg;

(d) Trout Valley near Minneiska;

(e) Reno Trail near Reno.

Sec. 4. ANTLERLESS PERMIT PROCEDURE FOR NOVEMBER FIREARMS SEASON.

a. An official antlerless permit application form (card) must be used to apply for an antlerless deer permit. No person shall apply for an antlerless deer permit without first purchasing a 1982 firearms deer license. No person shall submit more than one application for an antlerless permit nor shall any person apply for an antlerless permit in more than one antlerless permit area. No person shall apply for a muzzleloader special permit area or a firearms special permit area who has applied for an antlerless permit and no person shall apply for an antlerless permit who has applied for a muzzleloader special permit area or a firearms special permit area.

After the application has been completed, it must be either mailed or delivered to:

Department of Natural Resources
License Center
625 North Robert Street
St. Paul, MN. 55101

Applications which are mailed must be postmarked no later than September 15, 1982. Applications which are delivered must be delivered no later than 4:30 p.m., September 15, 1982. Applications postmarked or delivered after these specified times will not be accepted.

The application must be for one of the antlerless permit areas described in Sec. 9. Minnesota residents and nonresidents are eligible for antlerless permits. If the number of applications for permits in any area exceed the quota, a computerized drawing will be held to determine who will be issued permits. Hunters who did not receive a permit in 1981 will be given preference. Hunters who are successful in obtaining either an antlerless permit or a special area deer permit in 1982 will have no preference in 1983.

b. A valid antlerless permit is the computer generated document printed on erasure-destructive paper and mailed to applicants successful in the respective permit area drawings. Only successful applicants will be notified. A successful applicant must have purchased a firearms deer license for a zone and dates to match the permit received in order to use the permit to take an antlerless deer.

c. Antlerless quotas for 1982 are as follows:

Area	No. Permits	Area	No. Permits	Area	No. Permits	Area	No. Permits
112	500	307	800	404	350	435	850
113	1000	308	350	405	500	440	850
121	1000	309	450	406	400	445	1500
131	2500	310	500	407	700	446	375
132	3000	321	600	408	400	447	325
133	2500	322	600	409	1100	448	300
134	3000	323	1000	410	2500	449	300
135	500	325	2500	411	2500	450	350
143	3000	326	2500	412	1200	451	150
152	500	335	350	413	1200	452	100
211	3000	336	750	414	1000	453	250
214	0	337	400	415	500	454	600
236	4500	338	400	416	650	455	200
241	4000	339	400	417	1600	456	400
246	1000	341	1250	418	600	457	300
247	450	342	850	419	450	458	300
248	100	343	1400	420	500	459	400
249	300	344	1250	421	500	461	450
251	700	345	1000	422	250	462	400
296	200	346	1400	423	500	463	150
301	600	347	750	424	250	464	150
302	700	348	850	425	100	465	100
303	1000	349	1800	426	450	466	450

Area	No. Permits	Area	No. Permits	Area	No. Permits	Area	No. Permits
304	1200	401	250	427	450	467	100
305	1100	402	300	428	450		
306	1200	403	225	430	1000		
					TOTAL: 89,925		

Sec. 5. SPECIAL FIREARMS PERMIT AREA DEER HUNTS.

The areas wherein the number of persons allowed to hunt deer by muzzleloaders, or by regular firearms is controlled by randomly selected special permits are listed in this section. Permittees are allowed to take deer of either sex. Applications for any of these areas must be made according to instructions in Sec. 6. of this order.

a. **Muzzleloader Special Permit Areas.**

(1) The Lac qui Parle WMA and the Big Stone National Wildlife Refuge in Big Stone, Chippewa, Lac qui Parle and Swift Counties and the Federal Waterfowl Production Area located in Section 4, Township 119N., and Range 43W., are open to deer hunting by legal muzzleloader during the muzzleloader season, except the area posted as "No Trespass from September 20 to December 1" and Rosemoen Island are not open at any time except by special authorization. Three hundred permits (300) will be issued for the period from November 27 to December 3, 1982, and 300 permits will be issued for the period from December 4 to December 12, 1982, all dates inclusive. Permittees must register at the headquarters before hunting in the refuge portion of the WMA. Applications must be sent to the Lac qui Parle WMA, Watson, MN 56295. The special area number is 432.

(2) The Lake Shetek State Park in Murray County is open to deer hunting by legal muzzleloader during the muzzleloader season. Fifteen (15) permits will be issued for the period from November 27 to December 1, 1982, 15 permits will be issued for the period from December 2 to December 6, 1982, and 15 permits will be issued for the period from December 7 to December 12, 1982, all dates inclusive. Permittees must register at the park headquarters before hunting. Applications must be sent to the Lake Shetek State Park, Route 1, Currie, MN 56123. The special area number is 495.

(3) The Talcot Lake WMA in Cottonwood and Murray Counties is open to deer hunting by legal muzzleloaders during the muzzleloader season. Forty (40) permits will be issued for the period from November 27 to December 3, 1982, and 60 permits will be issued for the period from December 4 to December 12, 1982, all dates inclusive. Permittees must register at the headquarters before hunting. Applications must be sent to Talcot Lake WMA, Dundee, MN 56126. The special area number is 455.

(4) The Walnut Lake WMA in Faribault County is open to deer hunting by legal muzzleloader during the muzzleloader season. Fifteen (15) permits will be issued for the period from November 27 to December 3, 1982, and 15 permits will be issued for the period from December 4 to December 12, 1982, all dates inclusive. Applications must be sent to the Area Wildlife Manager, Box 491, Mankato, MN 56001. The special area number is 489.

(5) The Danvers WMA in Swift County is open to deer hunting by legal muzzleloader during the muzzleloader season. Fifteen (15) permits will be issued for the period from November 27 to December 12, 1982, all dates inclusive. Applications must be addressed to Muzzleloader Hunt, Wildlife Office, Civic Center, Appleton, MN 56208. The special area number is 488.

(6) The Glacial Lakes State Park and the Waterfowl Production Area in Sections 25 and 26, T. 124 N., R. 39 W., in Pope County, is open to deer hunting by legal muzzleloader during the muzzleloader season. Forty (40) permits will be issued for the period from November 27 to December 1, 1982, 40 permits will be issued for the period from December 2 to December 6, 1982, and 40 permits will be issued for the period from December 7 to December 12, 1982, all dates inclusive. Applications should include first and second choice of permit periods. Applications must be addressed to Glacial Lake Muzzleloader Hunt, DNR, Rt. 5, Box 41A, Bemidji, MN 56601. Permittees must register at park office before hunting. The special area number is 496.

b. **Firearms Special Permit Areas.**

(1) The Crow Wing State Park in Crow Wing County is open to deer hunting by all legal firearms on November 13 and 14, 1982. Forty (40) permits will be issued. This is special area number 299. Permittees must register at the park office before hunting. Applications must be sent to Crow Wing State Park, Rt. 3, Box 342, Brainerd, MN 56401.

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(2) The Glacial Lakes State Park (and the Waterfowl Production Area in Sections 25 and 26, T. 124N., R. 39W.) in Pope County is open to deer hunting by shotgun and slug and legal muzzleloader on November 13 and 14, 1982. Forty (40) permits will be issued. This is special area number 496. Permittees must register at the park office before hunting. Applications must be sent to Glacial Lakes State Park, DNR Headquarters, Rt. 5, Box 41A, Bemidji, MN 56601.

(3) The Helmer Myre State Park and Albert Lea State Game Refuge in Freeborn County are open to deer hunting by shotgun and slug and legal muzzleloader on November 13 and 14, 1982. Fifty (50) permits will be issued for November 13 and 50 permits will be issued for November 14. Applications must be sent to the Helmer Myre State Park, Rt. 3, Box 33, Albert Lea, MN 56007. This is special area number 499. Permittees must register at the park office before hunting.

(4) The Maplewood State Park in Otter Tail County is open to deer hunting by all legal firearms on November 13 and 14, 1982. Two hundred (200) permits will be issued. This is special area number 498. Permittees must register at the park office before hunting. Applications must be sent to Maplewood State Park, Rt. 3, Box 281, Pelican Rapids, MN 56572.

(5) The Nerstrand Woods State Park and Game Refuge in Rice County is open to deer hunting by shotgun and slug and legal muzzleloader on November 13 and 14, 1982. One hundred (100) permits will be issued for November 13 and 100 permits will be issued for November 14, 1982. Applications must be sent to the Nerstrand Woods State Park, Nerstrand, MN 55053. This is special area number 497. Permittees must register at park office before hunting.

(6) The Rice Lake National Wildlife Refuge in Aitkin County is open to deer hunting by all legal firearms from November 13 to November 15, 1982, both dates inclusive. One hundred (100) permits will be issued. Applications must be sent to the Rice Lake National Wildlife Refuge, Rt. 2,, McGregor, MN 55760. The special area number is 151.

(7) The St. Croix State Park in Pine County is open to deer hunting by all legal firearms on November 6 and 7, 1982. Six hundred (600) permits will be issued. Permittees must register at the park office before hunting. Applications must be sent to the St. Croix State Park, Rt. 3, Box 174, Hinckley, MN 55037. This is special area number 153.

(8) The Sherburne National Wildlife Refuge in Sherburne County is open to deer hunting by shotgun and slug and muzzleloader from November 20 to 22, 1982, both dates inclusive. Seven hundred (700) permits will be issued for Areas A, B and C combined. Applications must be sent to the Sherburne National Wildlife Refuge, Rt. 2, Zimmerman, MN 55398. This is special area number 324.

Sec. 6. SPECIAL FIREARMS PERMIT AREA APPLICATION PROCEDURE.

a. Purchase of a deer hunting license is required prior to applying for a special permit area listed in Sec. 5. A firearms deer license validated for the muzzleloader season is required to hunt deer in the muzzleloader special permit areas and a firearms deer license validated for the proper zone and time period is required to hunt deer in the regular firearms special permit areas. An official antlerless permit application form (card) must be used to apply for a special area permit.

b. No person shall apply for a muzzleloader special permit area or a firearms special permit area who has applied for an antlerless permit and no person shall apply for an antlerless permit who has applied for a muzzleloader special permit area or a firearms special permit area.

c. No person shall apply more than once for any one special permit area and no person who applies for any muzzleloader special permit area or any firearms special permit area shall apply for any other muzzleloader special permit area or firearms special permit area.

d. Applications for all Special Permit Area hunts shall be made as follows:

(1) Each person must apply on an official antlerless permit application form.

(2) The applicant should cross out the address for the antlerless permit drawing.

(3) The application form must be completed with the number of the special permit area hunt written in the space where the antlerless permit area is requested and the words "Special Permit Area" should be written in the adjacent blank space.

(4) The application must be submitted in an envelope addressed to the special area hunt as described in Sec. 5.

(5) All applications must be postmarked or delivered to the designated address no later than September 15, 1982.

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

e. Incomplete or improperly completed applications will be rejected.

f. Both Minnesota residents and nonresidents are eligible for special firearms area permits.

g. If the number of applications for any special permit area exceeds the quota, a random selection will be held to determine who will be issued permits.

h. The quota of permits listed for any special permit area may be modified in order to accommodate party members if the last applicant to be drawn for a special permit area is a member of a party.

i. Only successful applicants will be notified.

j. Permits are not transferable between persons or between special permit areas.

k. Unsuccessful applicants for special muzzleloader areas may be given a second choice for undersubscribed special muzzleloader areas.

Sec. 7. BAG LIMIT.

No person shall take more than one deer during any calendar year whether by firearms or bow and arrow, said deer to be the age and sex permitted under the license and permit obtained.

Sec. 8. DEER ZONES—1982.

a. **Deer Zone 1.**

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

Beginning on State Trunk Highway (STH) 72 at the northern boundary of the state, thence along STH 72 to the Tamarac River, Beltrami County; thence along the southerly shore of the Tamarac River to Upper Red Lake; thence along the easterly and southerly shores of Upper Red Lake to the easterly boundary of the Red Lake Indian Reservation; thence along the easterly boundary of the Reservation to STH 1; thence east along STH 1 to STH 72; thence along STH 72 to U.S. Highway 71; thence along U.S. Highway 71 to County State Aid Highway (CSAH) 39, Beltrami County; thence along CSAH 39 to the north boundary of the Leech Lake Indian Reservation; thence along the north and west boundaries of said Reservation to STH 200; thence along STH 200 to STH 371; thence along STH 371 to STH 84, thence along STH 84 to CSAH 2, Cass County; thence along CSAH 2 to CSAH 1, Crow Wing County; thence along CSAH 1 to STH 6; thence along STH 6 to STH 18; thence along STH 18 to U.S. Highway 169; thence due east from said junction to the west shore of Mille Lacs Lake; thence along the westerly and southerly shores of said lake to a point due north of the junction of U.S. Highway 169 and STH 27; thence due south to said junction; thence along U.S. Highway 169 to STH 23; thence along STH 23 to STH 65; thence along STH 65 to STH 70; thence along STH 70 to the east boundary of the state; thence along the easterly and northerly boundary of the state to the point of beginning.

b. **Deer Zone 2.**

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

Beginning on State Trunk Highway (STH) 72 at the northern boundary of the state; thence along STH 72 to the Tamarac River, Beltrami County; thence along the southerly shore of the Tamarac River to Upper Red Lake; thence along the easterly and southerly shores of Upper Red Lake to the easterly boundary of the Red Lake Indian Reservation; thence along the easterly boundary of the Reservation to STH 1; thence east along STH 1 to STH 72; thence along STH 72 to U.S. Highway 71; thence along U.S. Highway 71 to County State Aid Highway (CSAH) 39, Beltrami County; thence along CSAH 39 to the north boundary of the Leech Lake Indian Reservation; thence along the north and west boundaries of said Reservation to STH 200; thence along STH 200 to STH 371; thence along STH 371 to STH 84; thence along STH 84 to CSAH 2, Cass County; thence along CSAH 2 to CSAH 1, Crow Wing County; thence along CSAH 1 to STH 6; thence along STH 6 to STH 18; thence along STH 18 to U.S. Highway 169; thence due east from said junction to the west shore of Mille Lacs Lake; thence along the westerly and southerly shores of said lake to a point due north of the junction of U.S. Highway 169 and STH 27; thence due south to said junction; thence along STH 27 to STH 25; thence along STH 25 to CSAH 48, Morrison County; thence along CSAH 48 to STH 371; thence along STH 371 to U.S. Highway 10; thence along U.S. Highway 10 to U.S. Highway 71; thence along U.S. Highway 71 to STH 87; thence along STH 87 to U.S. Highway 10; thence along U.S. Highway 10 to U.S. Highway 59; thence along U.S. Highway 59 to the south boundary of the White Earth Indian Reservation; thence along the south, west, and north boundaries of said Reservation to STH 92; thence along STH 92 to CSAH 5, Clearwater County; thence along CSAH 5 to the south boundary of the Red Lake Indian Reservation; thence along the south and west boundary of said Reservation to the west boundary of Beltrami County; thence along said boundary to the northwest corner of said county; thence along CSAH 9, Roseau County, to CSAH 2, Roseau County; thence along CSAH 2 to the southeast corner of Section 36, T. 162 N., R. 36 W.; thence due east to the intersection with STH 11; thence along STH 11 to STH 72; thence along STH 72 to the point of

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beginning. In addition, that part of the State lying north of the 49th parallel of North Latitude commonly known as the Northwest Angle is included.

c. **Deer Zone 3.**

Those two portions of the state lying within the following described boundaries:

(1) Beginning on U.S. Highway 59 at the north boundary of the state; thence along U.S. Highway 59 to the north boundary of the White Earth Indian Reservation; thence along the north boundary of said Reservation to State Trunk Highway (STH) 92; thence along STH 92 to County State Aid Highway (CSAH) 5, Clearwater County; thence along CSAH 5 to the south boundary of the Red Lake Indian Reservation; thence along the south and west boundary of said Reservation to the west boundary of Beltrami County; thence along said boundary to the northwest corner of said county; thence along CSAH 9, Roseau County, to CSAH 2, Roseau County; thence along CSAH 2 to the southeast corner of Section 36, T. 162 N., R. 36W; thence due east to the intersection with STH 11; thence along STH 11 to STH 72; thence along STH 72 to the north boundary of the state; thence along said boundary to the 49th parallel of North Latitude; thence westerly along said parallel to the north boundary of the state; thence along said boundary to the point of beginning.

(2) Beginning on State Trunk Highway (STH) 70 on the east boundary of the state; thence along STH 70 to STH 65; thence along STH 65 to STH 23; thence along STH 23 to U.S. Highway 169; thence along U.S. Highway 169 to STH 27; thence along STH 27 to STH 25; thence along STH 25 to County State Aid Highway (CSAH) 48, Morrison County; thence along CSAH 48 to STH 371; thence along STH 371 to U.S. Highway 10; thence along U.S. Highway 10 to the Mississippi River; thence along the westerly shore of the Mississippi River to the mouth of the Crow River; thence along the easterly bank of the Crow River to the mouth of the South Fork of the Crow River; thence along the easterly bank of the South Fork of the Crow River to STH 25; thence along STH 25 to the Minnesota River; thence along the easterly bank of the Minnesota River to STH 19; thence along STH 19 to U.S. Highway 52; thence along U.S. Highway 52 to STH 57; thence along STH 57 to the municipal boundary of Kasson; thence along the municipal boundary of Kasson to CSAH 13, Dodge County; thence along CSAH 13 to STH 30; thence along STH 30 to U.S. Highway 63; thence along U.S. Highway 63 to the south boundary of the state; thence along the southerly and easterly boundaries of the state to the point of beginning.

d. **Deer Zone 4.**

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

Beginning on U.S. Highway 59 at the north boundary of the state; thence along U.S. Highway 59 to the north boundary of the White Earth Indian Reservation; thence along the north, west and south boundaries of said Reservation to U.S. Highway 59; thence along U.S. Highway 59 to U.S. Highway 10; thence along U.S. Highway 10 to State Trunk Highway (STH) 87; thence along STH 87 to U.S. Highway 71; thence along U.S. Highway 71 to U.S. Highway 10; thence along U.S. Highway 10 to the westerly bank of the Mississippi River; thence along the westerly bank of the Mississippi River to the mouth of the Crow River; thence along the easterly bank of the Crow River to the mouth of the South Fork of the Crow River; thence along the easterly bank of the South Fork of the Crow River to STH 25; thence along STH 25 to the Minnesota River; thence along the easterly bank of the Minnesota River to STH 19; thence along STH 19 to U.S. Highway 52; thence along U.S. Highway 52 to STH 57; thence along STH 57 to the municipal boundary of Kasson; thence along the municipal boundary of Kasson to CSAH 13, Dodge County; thence along CSAH 13 to STH 30; thence along STH 30 to U.S. Highway 63; thence along U.S. Highway 63 to the south boundary of the state; thence along the southerly and westerly boundaries of the state to the point of beginning.

Sec. 9. ANTLERLESS PERMIT AREAS.

A series of Deer Registration Blocks is established by Commissioner's Order No. 2099 and amendments. Permit areas are comprised of single or grouped Registration Blocks as listed below or as otherwise described herein:

a. **Antlerless Permit Areas in Zone 1.**

Permit Area 152 consists of Registration Block 73.

Permit Area 112 consists of Registration Blocks 22, 23 and 24.

Permit Area 113 consists of Registration Blocks 25, 26, 27 and 28.

Permit Area 121 consists of Registration Blocks 29 and 30.

Permit Area 131 consists of Registration Blocks 51, 52 and 53.

Permit Area 132 consists of Registration Blocks 50, 60, 61, 62 and 63.

Permit Area 133 consists of Registration Blocks 45, 46, 47, 48 and 49.

Permit Area 134 consists of Registration Blocks 64, 65, 66, 67 and 199.

Permit Area 135 consists of Registration Blocks 197 and 198.

Permit Area 143 consists of Registration Blocks 68, 70, 71, 72, 74 and 76.

b. Antlerless Permit Areas in Zone 2.

Permit Area 211 consists of Registration Blocks 19, 20 and 21.

Permit Area 214 consists of Registration Block 154.

Permit Area 236 consists of Registration Blocks 54, 55, 56, 57 and 59.

Permit Area 241 consists of Registration Blocks 58 and 78.

Permit Area 246 consists of Registration Block 79.

Permit Area 247 consists of Registration Block 80.

Permit Area 248 consists of Registration Block 81.

Permit area 249 consists of Registration Block 82.

Permit Area 251 consists of Registration Block 77 (Tamarac National Wildlife Refuge).

Permit Area 296 consists of Registration Block 196.

c. Antlerless Permit Areas in Zone 3.

Permit Area 301 consists of Registration Block 9.

Permit Area 302 consists of Registration Block 10.

Permit Area 303 consists of Registration Block 11.

Permit Area 304 consists of Registration Block 12.

Permit Area 305 consists of Registration Block 18.

Permit Area 306 consists of Registration Block 14.

Permit Area 307 consists of Registration Block 13.

Permit Area 308 consists of Registration Block 15.

Permit Area 309 consists of Registration Block 16.

Permit Area 310 consists of Registration Block 17.

Permit Area 321 consists of Registration Block 87.

Permit Area 322 consists of Registration Block 88.

Permit Area 323 consists of Registration Block 96.

Permit Area 325 consists of Registration Block 98.

Permit Area 326 consists of Registration Block 99.

Permit Area 335 consists of Registration Block 100.

Permit Area 336 consists of Registration Block 101.

Permit Area 337 consists of Registration Block 102.

Permit Area 338 consists of Registration Block 103.

Permit Area 339 consists of Registration Block 104.

Permit Area 341 consists of Registration Block 144.

Permit Area 342 consists of Registration Block 145.

Permit Area 343 consists of Registration Block 146.

Permit Area 344 consists of Registration Block 147.

Permit Area 345 consists of Registration Block 148.

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Permit Area 346 consists of Registration Block 149.

Permit Area 347 consists of Registration Block 150.

Permit Area 348 consists of Registration Block 151.

Permit Area 349 consists of Registration Block 152.

d. Antlerless Permit Areas in Zone 4.

Permit Area 401 consists of Registration Block 1.

Permit Area 402 consists of Registration Block 2.

Permit Area 403 consists of Registration Block 8.

Permit Area 404 consists of Registration Block 7.

Permit Area 405 consists of Registration Block 5.

Permit Area 406 consists of Registration Block 6.

Permit Area 407 consists of Registration Block 3.

Permit Area 408 consists of Registration Block 4.

Permit Area 409 consists of Registration Block 84.

Permit Area 410 consists of Registration Block 83.

Permit Area 411 consists of Registration Block 85.

Permit Area 412 consists of Registration Block 89.

Permit Area 413 consists of Registration Block 90.

Permit Area 414 consists of Registration Block 86.

Permit Area 415 consists of Registration Block 93.

Permit Area 416 consists of Registration Block 91.

Permit Area 417 consists of Registration Block 92.

Permit Area 418 consists of Registration Block 94.

Permit Area 419 consists of Registration Block 95.

Permit Area 420 consists of Registration Block 105.

Permit Area 421 consists of Registration Block 106.

Permit Area 422 consists of Registration Block 107.

Permit Area 423 consists of Registration Block 108.

Permit Area 424 consists of Registration Block 110.

Permit Area 425 consists of Registration Block 120.

Permit Area 426 consists of Registration Block 121.

Permit Area 427 consists of Registration Block 122.

Permit Area 428 consists of Registration Block 123.

Permit Area 430 consists of Registration Blocks 109, 111, 112 and 153.

Permit Area 435 consists of Registration Blocks 113, and 114.

Permit Area 440 consists of Registration Blocks 115 and 116.

Permit Area 445 consists of Registration Blocks 117, 118 and 119.

Permit Area 446 consists of Registration Block 124.

Permit Area 447 consists of Registration Block 125.

Permit Area 448 consists of Registration Block 126.

Permit Area 449 consists of Registration Block 127.

Permit Area 450 consists of Registration Block 130.

Permit Area 451 consists of Registration Block 128.

Permit Area 452 consists of Registration Block 129.

Permit Area 453 consists of Registration Block 133.

Permit Area 454 consists of Registration Block 131.

Permit Area 455 consists of Registration Block 155.

Permit Area 456 consists of Registration Block 134.

Permit Area 457 consists of Registration Block 132.

Permit Area 458 consists of Registration Block 135.

Permit Area 459 consists of Registration Block 141.

Permit Area 461 consists of Registration Block 136.

Permit Area 462 consists of Registration Block 137.

Permit Area 463 consists of Registration Block 138.

Permit Area 464 consists of Registration Block 139.

Permit Area 465 consists of Registration Block 140.

Permit Area 466 consists of Registration Block 142.

Permit Area 467 consists of Registration Block 143.

Sec. 10. WEAPON ZONES.

a. **December Archery Zone.**

The December Archery Zone consists of the southeast block of firearms deer zone 3 described in Section 8.c.(2) and that part of firearms deer zone 1 lying south of U.S. Highway 2.

b. **Shotgun Zone.**

The Shotgun Zone is that portion of the state lying within the following described boundary:

Beginning on the north boundary of the state at U.S. Highway 75; thence along U.S. Highway 75 to Crookston; thence along U.S. Highway 2 to State Trunk Highway (STH) 9; thence along STH 9 to STH 102; thence along STH 102 to Fertile; thence along County State Aid Highway (CSAH) 1, Polk County, to Winger; thence along U.S. Highway 59 to Detroit Lakes; thence along U.S. Highway 10 to STH 32; thence along STH 32 to STH 34; thence along STH 34 to Interstate Highway 94 (I-94); thence along I-94 to CSAH 40, Douglas County; thence along CSAH 40 to CSAH 82, Douglas County; thence along CSAH 82 to CSAH 22, Douglas County; thence along CSAH 22 to CSAH 6, Douglas County; thence along CSAH 6 to CSAH 63, Otter Tail County, thence along CSAH 63 to STH 235; thence along STH 235 to Parkers Prairie; thence along CSAH 46, Otter Tail County, to CSAH 22, Todd County; thence along CSAH 22 to Eagle Bend; thence along U.S. Highway 71 to Long Prairie; thence along STH 27 to Little Falls; thence along the east bank of the Mississippi River to St. Cloud; thence along STH 23 to STH 95; thence along STH 95 to U.S. Highway 8; thence along U.S. Highway 8 to the eastern boundary of the state; thence along the eastern, southern, western and northern boundaries of the state to the point of beginning.

c. **All Legal Firearms Zone.** The all Legal Firearms Zone is that part of the state lying outside of the shotgun zone.

Sec. 11. DEER REGISTRATION.

a. **Bow and arrow deer registration.**

Every person taking a deer with bow and arrow shall, within 48 hours after taking, present the deer to a conservation officer or authorized agent, who, if he finds that the deer was lawfully taken, shall affix a locking seal to the carcass in the same manner as is required for the metal locking seal. No part of the carcass except entrails shall be removed until after the possession tag has been affixed.

b. **Firearms deer registration.**

Every person taking a deer with firearms during the regular firearms season shall present the deer for registration at an

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official deer registration station and obtain a Big Game Possession Tag **before any of the following occur**: before the deer is removed from the zone in which it is taken; before the deer is processed either privately or commercially; or before 48 hours after the expiration of his firearms deer hunting license.

(1) the head must remain attached to the carcass until the deer is registered.

(2) The Possession Tag must be attached around the leg of the deer in the same manner as described for the tag in Section 13(g).

(3) No person may process a deer unless it has been registered as evidenced by an attached Possession Tag.

(4) Residents of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington Counties may transport and possess deer outside the zone where taken in order to register at one of the "last chance" registration stations listed below.

Anoka	Rum River Bait Shop 401 West Main
Blaine	Tecto Sports 8575 Central Avenue N. E.
Bloomington	Gasport Standard I-494 at Portland Avenue South
Brooklyn Park	Gross Taxidermy 1720-73rd Avenue No.
Forest Lake	Stu's Standard I-35 and W. Broadway
Minnetonka	"Q" Petroleum & Superette State Trunk Highway #7 and Williston Rd. (0.8 mile west of I-494)
North St. Paul	Larry's Live Bait 2626 White Bear Avenue

(5) Official registration stations located within the village or city limits through which a zone boundary passes or an official registration station across the road but adjacent to the zone in which a deer is legally taken meet the requirement for registration within a zone.

(6) All deer taken in Firearms Special Permit Areas must be registered at the headquarters office for the area but may be transported outside the Special Area prior to registration in order to reach the headquarters provided the most direct route is used.

c. **Big Game Possession Tags shall be issued according to the following procedure:**

(1) The serial number of the Big Game Possession Tag to be issued shall be recorded at the bottom of the registration slip which is attached to the license after the registration information has been obtained.

(2) The deer license number and the year for which the Possession Tag is being issued shall be recorded in the appropriate place on the Possession Tag by means of a ballpoint pen. If a mistake is made in writing the license number, the agent making the mistake must take such incorrect Possession Tag back and issue a correct one.

d. **Muzzleloader deer registration.**

Every person taking a deer with a muzzleloader in the following listed units during the special muzzleloader season shall register his deer at the respective specified location listed below:

Carlos Avery WMA	Headquarters Office
Danvers WMA	Danvers, Ron's Mobil Service
Glacial Lakes State Park	Headquarters Office
Lac qui Parle WMA	Headquarters Office
Lake Shetek State Park	Headquarters Office
McCarthy Lake WMA	Weaver—Weaver Tavern State Highway 74
Meadowbrook WMA	Leader—Elmer's Country Store
Mille Lacs WMA	Headquarters Office
Moose-Willow WMA	Hill City—Sportsman's Corner U.S. 169 and Hwy. 200

Red Lake WMA and Beltrami Island State Forest muzzleloader deer must be registered at one of the following stations:

FAUNCE	— Red Lake WMA
BAUDETTE	— DNR—Wildlife Office
WASKISH	— Hudec's Resort
CLEAR RIVER	— Clear River Forestry Station
FOURTOWN	— Fourtown Store
HAYES LAKE STATE PARK	— D & G PRO—at Park entrance, 2 mi. E. of Roseau on Co. Rd. 9
WILLIAMS	— Tim's Service
Richard J. Dorer Memorial Hardwood Forest	— Authorized deer registration stations at Elba, LaCrescent and Red Wing
Roseau River WMA	— Headquarters Office
Talcot Lake WMA	— Headquarters Office
Thief Lake WMA	— Headquarters Office
Walnut Lake WMA	— Bricelyn—Midland Coop
Whitewater WMA	— Headquarters Office

Sec. 12. MILITARY PERSONNEL.

Any resident on leave or furlough from the armed forces of the United States who is entitled to a free deer license under provisions of Minn. Stat. § 98.47, Subd. 2, may hunt deer under the following conditions:

a. The free license and seal must be obtained from the County Auditor.

b. The Auditor must punch the zone and the date option selected by the applicant.

c. Such a license entitles the holder to take a deer in the zone and during the date option selected. Antlerless deer may be taken in that portion of the zone where quotas are prescribed in Section 4(c), but the taking of antlerless deer must be confined to the dates when antlerless deer permits are valid within the zone selected. Such a license is not valid in the special areas described in Section 5.

d. If the muzzleloader season is selected (Nov. 27-Dec. 12), hunting must be confined to those areas described in Sections 3.f. and 5.a. and is subject to all other provisions applying to the muzzleloader hunt.

e. The license and official leave or furlough papers must be carried on the person of the licensee while hunting deer and transporting any deer taken.

f. All persons hunting deer pursuant to this section must comply with all provisions of this order not inconsistent with this provision.

Sec. 13. SPECIAL PROVISIONS.

a. No license to take deer with firearms (including muzzleloader) or with bow and arrow may be issued after the day prior to the first day of the regular rifle season.

b. A license to take deer with bow and arrow issued after the opening of the bow and arrow deer season shall not be valid until the fifth day after it is issued.

c. No person who has a valid license to take deer shall operate a snowmobile, three-wheel cycle or any other all-terrain vehicle in any area open for the taking of deer by firearms during legal shooting hours except for the period from 11 a.m. to 2 p.m. on any day when the person is licensed to take deer within that area. All-terrain vehicles include trail bikes, Cushman 6-wheelers, Cushman Tracksters, Bombadier J 5's and all other similarily manufactured and homemade vehicles. Not included are trail bikes licensed and being legally operated on a public road or highway, four wheel drive road vehicles, farm tractors, motorcycles and similar vehicles. This regulation applies on all lands and waters regardless of ownership except that anyone using an all-terrain vehicle while pursuing his or her occupation on their own land and not in possession of a firearm is exempt.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

A permit to operate these restricted vehicles during the restricted hours may be issued by a conservation officer in the event of an emergency or other unusual conditions.

d. No person who is a member of a party which is party hunting for deer shall take or kill more deer than the total number of valid licenses held by members of the party.

e. A group of hunters who are hunting as a party may be comprised of licensed hunters without antlerless permits, licensed hunters with antlerless permits or a combination thereof. Anyone who shoots at or kills an antlerless deer must have an antlerless permit for the permit area in which the antlerless deer is taken. Anyone who tags an antlerless deer must have an antlerless permit for the permit area in which the antlerless deer is taken.

f. All deer must be transported in such a manner that inspection by registration agents or enforcement officers is readily accomplished.

g. No deer taken in this state shall be transported or possessed unless a locking seal bearing the license number of the owner and the year of its issue has been affixed to its carcass between the tendon and the bone and around the bone of a hind leg so such seal cannot be removed without breaking the lock.

h. Every person taking a deer must retain the required license, permit, seal, and big game possession tag as long as any part of the meat is in possession.

i. No deer shall be taken in any manner in any area of the state except as herein expressly provided or as otherwise provided by statute or Commissioner's Order.

j. All animals taken pursuant to this order must be killed before being removed from the site where taken.

k. Except as specifically authorized none of the provisions of this order shall be construed as modifying or superseding any order establishing game refuges within the state nor as permitting the taking of any wild animals within such refuges or within State parks.

l. State park vehicle permits are required on all vehicles taken into Minnesota State Parks by hunters.

m. All licensed big game hunters who are hunting with bow and arrow shall have their bows unstrung or cased during the time they are licensed to take big game while in the field from one-half hour after sunset to one hour before sunrise. No licensed bow hunter shall occupy any elevated deer stand between sunset and one hour before sunrise.

Sec. 14.

Itasca State Park in Becker, Clearwater and Hubbard Counties is open to the hunting of deer, except where posted as closed, during the established firearms deer season therefor in the zones in which it is located.

Dated at Saint Paul, Minnesota, this 7th day of September, 1982.

Joseph N. Alexander, Commissioner
Department of Natural Resources

SUPREME COURT

Decisions Filed Friday, September 17, 1982

Compiled by John McCarthy, Clerk

81-1278 Gloria Kopet Axelson, as Trustee for the Heirs of Patricia Kopet, Decedent, Appellant, v. David Williamson. Mower County.

The jury's answers to the special verdict were logically inconsistent and contrary to the law of the case where it found: (1) the respondent negligent in the entrustment of his automobile to the appellant's decedent; (2) the appellant's decedent negligent in her operation of the automobile; and (3) the respondent's negligence not the proximate cause of appellant's decedent's injuries.

Reversed and remanded. Amdahl, C. J. Took no part, Kelley, J., and Coyne, J.

81-827 In Re the Matter of the Commodore Hotel Fire and Explosion Cases. Ramsey County.

Evidence of estimated cost of restoration of a commercial building damaged by fire made by adjustors for owner and fire insurer were admissible where there was then existing no dispute between the parties in a subsequent action against a tortfeasor, notwithstanding such estimates were made during negotiation and settlement of the fire insurance claim.

Trial court did not abuse its discretion in excluding evidence of actual repair and restoration costs when the building, as restored, differed in function from its pre-fire use and structure where relevance of the evidence was outweighed by its tendency to confuse the jury.

Damages for loss of use of a commercial building during the period of restoration includes reimbursement of fixed on-going and unabatable overhead costs that would have been payable totally or in part by gross income which would have been realized during the period of restoration, notwithstanding the fact that the gross income did not produce a net profit.

Affirmed in part, reversed in part and remanded for a new trial on loss-of-use damages. Kelley, J. Took no part, Coyne, J.

Decision Filed Wednesday, September 8, 1982

82-64 State of Minnesota v. David M. Herberg, Appellant. Todd County and Stearns County.

Presence of severe aggravating circumstances justified durational departure of greater than two times the presumptive sentence established by Sentencing Guidelines, but use of consecutive sentencing was barred by Minn. Stat. § 609.035 (1980), which prohibits multiple punishment for multiple offenses committed during a unitary course of conflict.

Affirmed as modified. Amdahl, C. J. Took no part, Coyne, J.

Decisions Filed Tuesday, August 31, 1982

81-1003, 81-1287 Gate Company v. 81-1003 Midwest Federal Savings and Loan Association, Appellant, and William C. Smith, Jr., *et al.*, v. 81-1287 Twin City Federal Savings and Loan Association, Appellant. Hennepin County.

Due-on-sale clause requiring action by borrower before lender has right to accelerate loan may not be enforced by lender where owner of vendor's interest in contract for deed who is not a borrower under the mortgage transfers that interest to another.

Due-on-sale clause providing for acceleration of loan by federally chartered savings and loan association upon vesting of fee title in person other than borrower is enforceable under federal law where owner of vendor's interest in contract for deed transfers that interest.

Transfer of property to third party without lender's permission by buyer who assumed mortgage with lender's permission gives lender the right pursuant to federal law to call the loan due.

Affirmed in part; reversed in part. Amdahl, C. J. Took no part, Simonett, J.

81-547 State of Minnesota v. Joseph Micael McGee, Appellant. Swift County.

In a prosecution for criminal sexual conduct in the third degree Minn. Stat. § 609.344(c) (1980) the admission into evidence of expert testimony identifying complainant's behavior as consistent with "rape trauma syndrome" was reversible error.

Reversed and remanded. Otis, J. Dissenting, Wahl, J., and Peterson, J.

81-1133 Arnold Holm, Appellant, v. Sponco Mfg., Inc., *et al.* Hennepin County.

The latent-patent danger rule which relieves a manufacturer from liability if the dangers in the design of his product are obvious to the user is rejected and a "reasonable care" balancing test is substituted therefor.

Reversed and remanded. Yetka, J. Concurring in part, dissenting in part, Simonett, Kelley, Peterson, JJ., and Amdahl, C. J.

48620, 81-735 State of Minnesota v. Donald Wayne Howard, Appellant. Winona County.

Appellant was not denied his due-process right to a fair and impartial jury where there was no showing that the jury was predisposed to convict appellant.

Appellant did not clearly express his desire to deal with police only through counsel, and even assuming he did and his confession was therefore improperly admitted, the admission was harmless error.

Appellant's conspiracy to commit murder was not yet complete while the fee was unpaid; consequently, the statements made by appellant's co-conspirator were not hearsay.

The admission of items seized during the search of appellant's home was harmless error, if error at all.

The consent given by Raymond Riniker to have his conversation with appellant taped was freely given, and the conversation was properly admitted.

Affirmed. Scott, J. Concurring specially, Peterson, J., and Amdahl, C. J.

SUPREME COURT

81-549 State of Minnesota v. Camilo Saldana, Appellant. Watonwan County.

In a first-degree criminal sexual conduct prosecution where the defendant claimed consent, admission of expert testimony concerning typical post-rape symptoms and behavior of rape victims and the expert's opinion that the complaining witness was a victim of rape and had not fantasized the rape was reversible error.

Reversed and remanded. Scott, J. Concurring specially, Peterson, J. Took no part, Wahl, J.

82-271 State of Minnesota, Plaintiff, v. Marshall Donald Murphy, Defendant. Hennepin County.

Where probation agent interrogating defendant probationer had substantial reason to believe that answers to her questions would incriminate defendant and where defendant as a condition of probation was required to meet with her and to respond to her questions truthfully, agent should, as a matter of due process, have warned defendant of his privilege against compelled self-incrimination before questioning him and agent's failure to do so bars use of resulting confession against defendant at trial.

Reversed and remanded for further proceedings. Scott, J. Dissenting, Peterson and Yetka, JJ.

STATE CONTRACTS

Pursuant to the provisions of Minn. Stat. § 16.098, subd. 3, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over $2,000.

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

Department of Economic Security
Vocational Rehabilitation Division
Social Security Disability Determination Services

Notice of Request for Proposals for Medical Teledictation Service

The Social Security Disability Determination Services Section is seeking the services of a contractor to receive by telephone, transcribe, and deliver medical reports dictated by consulting and treating physicians. Three telephone lines and (3) sets of telerecording equipment are to be used exclusively by this section. Dictation recording equipment is to be provided by the contractor. Compensation is based on a 12-14 (elite type) word line. The contract will run 11/16/82 through 9/30/83 and is not expected to exceed 745,000 lines.

Inquiries and formal expression of interest should be directed to:

Irene L. Suddard
Assistant Director for Medical Services
Disability Determination Services Section
Division of Vocational Rehabilitation
Dept. of Economic Security
Suite #460—Metro Square Bldg.
Seventh and Robert Sts.
St. Paul, MN 55101
(612) 296-4419

Contact above for Request for Proposal form. All proposals must be received by 10/15/82.

Department of Energy, Planning and Development Governor's Council on Rural Development—Planning Division

Notice of Request for Proposals for Agricultural Land Protection Curriculum Project

The Minnesota Department of Energy, Planning and Development/Governor's Council on Rural Development (DEPD/GCRD) is requesting proposals from qualified individuals interested in working with DEPD/GCRD on a project to develop an agricultural land protection curriculum package for students in grades K through 6.

The curriculum package will focus on the importance of soil conservation, agricultural land preservation, and the role in agricultural land as both an economic and natural resource in Minnesota. Proposals are being requested to complete the following major project activities:

A. Literature search and review.

B. Draft curriculum package development.

C. Teacher in-service training plan.

The formal RFP may be requested and inquiries should be directed to:

Glynnis Jones
Minnesota Department of Energy, Planning and Development
Governor's Council on Rural Development—Planning Division
480 Cedar Street, Room 100
St. Paul, Minnesota 55101
Phone: (612) 297-3546

Funds presently available for the services requested are in the amount of $12,300.00. The deadline for completed proposals will be 4:30 p.m., October 15, 1982.

OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

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

Department of Energy, Planning and Development Office of Local Government

Notice of Closing Date for Applications for Community Development Grant Funds

Under the Housing and Community Development Act of 1974, as amended, the State of Minnesota is pleased to invite competitive applications for grant funds as provided for in 10 MCAR §§ 1.500-1.565. To be considered for funding, applications must be postmarked on or before February 1, 1983.

Applications should be submitted to the Department of Energy, Planning and Development, Office of Local Government, 480 Cedar Street, St. Paul, Minnesota 55101.

Applications will be considered for funding from only the 1983 grant year. As provided for in 10 MCAR §§ 1.500, the Office of Local Government is not liable for grants until funds are received from the United States Department of Housing and Urban Development.

Department of Finance

Notice of Maximum Interest Rates for Municipal Obligations

Pursuant to Laws of Minnesota 1982, Chapter 523, Commissioner of Finance, Allan L. Rudell, announced today that the maximum interest rate for municipal obligations in the month of October will be twelve (12) percent per annum. Obligations which are payable wholly or in part from the proceeds of special assessments or which are not secured by general obligations of the municipality may bear an interest rate of up to thirteen (13) percent per annum.

The maximum interest rate for obligations authorized by resolution prior to April 1, 1982 shall be twelve (12) percent per annum.

September 17, 1982

Freeborn County

Notice of Filing Fees for the County Law Library

Pursuant to Laws of Minnesota 1982, Chapter 576 the Freeborn County Law Library Board of Trustees announces the law library fees to be collected in the district, county, municipal, probate and conciliation courts of Freeborn County.

Civil Suits	
Plaintiff/Petitioner	$10.00
Defendants/Respondents/Intervenors (jointly or separately)	$10.00
Probate Court	
Petitioner	$10.00
Criminal Convictions	
Defendant	$10.00
Conciliation Court	
Petitioner	$5.00
Respondent	$5.00

These fees shall be in effect from October 1, 1982 to June 30, 1983.

September 13, 1982

Department of Natural Resources

Petition(s) Concerning the Designation of Certain Public Waters and Wetlands in Mille Lacs County

Notice of and Order for Hearing

It is hereby ordered and notice is hereby given that a public hearing in the above-entitled matter pursuant to Minn. Stat. § 105.391, subd. 1 (1980) will be held in the Commissioner's Room, Court House, Milaca, MN, on October 21, 1982, commencing at 10:00 a.m. and continuing until all persons have had an opportunity to be heard. The hearing will be conducted by a three-person hearings unit consisting of County representative Fran Barg, 904 N. 2nd St., Princeton, MN 55371, Department of Natural Resources representative Maynard Nelson, Box 756, Highway 15 South, New Ulm, MN 56073, and County Soil and Water Conservation District representative Bob Hoffman, Route 3, Milaca, MN 56353.

Each of the waters listed in this notice is the subject of a petition for a hearing. The issue to be determined at the hearing is whether the following waters shall be designated public waters or wetlands pursuant to Minn. Stat. § 105.391 (1980) and the criteria contained in Minn. Stat. § 105.37, subds. 14 and 15 (1980). Please take notice that waters listed in para. A.2. may sometimes also be considered for designation, in the alternative, as wetlands.

A. PUBLIC WATERS

1. Watercourses.

Name	Section	From Township	Range	Section	To Township	Range
Unnamed to Rum River	27	40 (Dailey)	27	35	40 (Dailey)	27
Battle Brook	8 (Co. Rd. 36)	36 (Greenbush)	27	34	36 (Greenbush)	27
and	34	36 (Greenbush)	27	36	36 (Greenbush)	27

2. Preliminarily designated under section 105.37, subds. 14(a)-14(h).

Number and Name	Section	Township	Range
None			

B. WETLANDS

Number and Name	Section	Township	Range
None			

Within 60 days following completion of the hearing, the hearings unit shall issue its findings of fact, conclusions and an order, which shall be considered the decision of an agency in a contested case for purposes of judicial review pursuant to Minn. Stat. §§ 15.0424 and 15.0425 (1980).

Any activity that would change the course, current or cross-section of public waters or wetlands requires a permit from the Commissioner of Natural Resources. Minn. Stat. § 105.42, subd. 1 (1980). Designation as public waters or wetlands does not transfer ownership of the bed or shore, does not grant the public any greater right of access to those waters than was available prior to designation and does not prevent a landowner from utilizing the bed of those waters for pasture or cropland during periods of drought. Minn. Stat. § 105.391, subds. 10 and 12 (1980).

All petitioners may be represented by counsel or anyone else of their choosing and shall be given an opportunity to be heard orally, to present and cross-examine witnesses and to submit written data, statements or arguments. Petitioners should bring all evidence bearing on these matters including maps, records or other documents.

Failure to attend may result in the challenged waters being designated public waters or wetlands and may prejudice your rights in this and subsequent proceedings.

Questions concerning this Notice and Order may be directed to any member of the hearings unit or to

David B. Milles
DNR—Division of Waters
Third Floor, Space Center Building
444 Lafayette Road
St. Paul, MN 55101
Telephone: 612/297-2835.

September 20, 1982

Joseph N. Alexander, Commissioner
Department of Natural Resources

Pollution Control Agency

Water Quality Division

Behind-schedule and Substandard Projects Lists

Minnesota Statutes Section 115.83 (1980) requires the Minnesota Pollution Control Agency (''agency'') to issue an order incorporating lists of principal consulting engineers, contracting engineers, and principal contractors, who are responsible for behind-schedule or substandard municipal wastewater treatment projects, for publication in the *State Register*. A behind-schedule project is one which, due to failures of design or workmanship or other factors within the reasonable control of the contractor or engineer, the agency determines is more than 90 days behind schedule. A substandard project is one which, due to failures of design or workmanship or other factors within the reasonable control of the contractor or engineer, the agency determines to be a project which does not accomplish the purpose for which it was designed or constructed.

In accordance with the statute, the agency has issued an order incorporating the following engineering firm for publication in the *State Register*: this firm's name had been withheld from the final 1980 and 1981 lists of Behind Schedule Projects, pending the outcome of contested case hearings. As a result of those hearings, the firm shall be listed in the final 1980 list of Behind Schedule Projects, as shown in the attachment; however, the firm shall not be listed in the final 1981 list.

Louis J. Breimhurst
Executive Director

Behind Schedule Projects
1980 Final List-Addendum*

Firm	Municipality	Nature of Deficiency (Number of Days Behind Schedule)	Project Description
Robert J. Roberts and Associates, Inc.	Georgetown, Minnesota 56546	189 days	Facilities Plan

Office of the Secretary of State

Notice of Vacancies in Multi-member State Agencies

Notice is hereby given to the public that vacancies have occurred in multi-member state agencies, pursuant to Minn. Stat. § 15.0597, subd. 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul 55155-1299; (612) 296-2805. **Application deadline is October 19, 1982.**

SOLID WASTE MANAGEMENT ADVISORY COUNCIL has 1 position open immediately for a representative of local government units. Experience is desirable but not required in the following areas: solid waste collection, processing and disposal, and solid waste reduction and resource recovery. The council makes recommendations to the Waste Management Board on its solid waste management activities. Members are appointed for 2 year renewable terms by the chairperson of the Waste Management Board. The current appointment term expires 6/30/84. Meetings twice monthly in the metropolitan area; members are compensated for expenses. For specific information, contact Robert Dunn, Chairman, Waste Management Board, 7323-58th Ave. N., Crystal, MN 55428; (612) 536-0816.

ASSIGNED RISK PLAN REVIEW BOARD has 1 vacancy open for a member who holds a workers' compensation policy issued by the Assigned Risk Plan. The board is required to audit the reserves established by insurers for individual cases for workers' compensation policies issued and the total book of business pursuant to Minn. Stat. § 79.25, monitor the operation and periodically make recommendations to the Insurance Commissioner, the Governor and the Legislature for improvement in the operation of the Assigned Risk Plan. Members are appointed by the Commissioner of Insurance. Members receive $35/day compensation plus expenses. Meetings will be held at variable times at the Commerce Department Hearing Room. For specific information, contact the Assigned Risk Plan Review Board, 500 Metro Square Bldg., St. Paul 55101; (612) 296-2488.

ADVISORY COUNCIL FOR STEAMFITTING EXAMINATIONS has 1 vacancy open for a member. The council examines and licenses contracting and journeyman steamfitters; inspects the installation of all high pressure steam piping. Members are appointed by the Commissioner of Labor and Industry. Meetings are twice a year at 444 Lafayette Road; members receive $35 per diem. For specific information contact the Advisory Council for Steamfitting Examinations; Room 567, 444 Lafayette Road; St. Paul 55101; (612) 296-2193.

REHABILITATION REVIEW PANEL has 1 vacancy for a member from vocational rehabilitation, pursuant to Minn. Stat. § 176.102, subd. 3. The panel reviews rehabilitation plans and rules and advises Commissioner of Labor and Industry. Members are appointed by the Governor. Compensation for members governed by section 15.0575. For specific information, contact the Rehabilitation Review Panel, Space Center, 444 Lafayette Road; St. Paul 55101; (612) 297-2684.

ZOOLOGICAL BOARD has 1 vacancy open for a member. The board operates and maintains the Minnesota Zoological Garden. Members are appointed by the Governor and confirmed by the Senate; members must file with EPB. Meetings are monthly; members receive $35 per diem plus expenses. For specific information, contact the Zoological Board, 12101 Johnny Cake Road, Apple Valley 55123; (612) 432-9010.

MATERNAL AND CHILD HEALTH ADVISORY TASK FORCE to the Commissioner of Health has 1 vacancy open for a professional with expertise in maternal and child health services. No members shall be employees of the State Department of Health. The task force will advise the commissioner on general Maternal and Child Health (MCH) matters, review MCH grant awards, make recommendations on MCH grant priorities and make recommendations on a process to distribute (federal) MCH block grant funds after July 1, 1983. Members are appointed by the Commissioner of Health. Meetings are as needed; members receive expenses. For specific information, contact Community Services Division, Minnesota Department of Health, 717 Delaware S.E., Minneapolis 55440; (612) 296-5377.

COUNCIL ON AFFAIRS OF SPANISH-SPEAKING PEOPLE has 1 vacancy for a representative of state wide Spanish-speaking community. The council advises the Governor and legislature on issues affecting the Spanish-speaking community. Members are appointed by the Governor and confirmed by the Senate. Monthly meetings are held; members receive $35 per diem. For specific information, contact the Council on Affairs of Spanish-Speaking People, 504 Rice Street, St. Paul 55101; (612) 296-9587.

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* This entry had been withheld from the lists published on April 6, 1981 (5 S.R. 1591) and on April 12, 1982 (6 S.R. 1726), pending the outcome of a contested case hearing.

STATE OF MINNESOTA

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FOR LEGISLATIVE NEWS

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

Briefly/Preview—Senate news and committee calendar; published weekly during legislative sessions. Contact Senate Public Information Office, Room B29 State Capitol, St. Paul MN 55155, (612) 296-0504.

Perspectives—Publication about the Senate. Contact Senate Information Office.

Weekly Wrap-Up—House committees, committee assignments of individual representatives, news on committee meetings and action, House action and bill introductions. Contact House Information Office, Room 8 State Capitol, St. Paul, MN, (612) 296-2146.

This Week—weekly interim bulletin of the House. Contact House Information Office.

STATE OF MINNESOTA
DEPARTMENT OF ADMINISTRATION

In the Matter of the Proposed Adoption of Rules relating to the Licensing of Manufactured Home Dealers & Manufacturers

STATEMENT OF NEED AND REASONABLENESS

The above captioned proposed rules are extensions for enforcement of Mn. Statutes 327B.01 through 327B.12 of the 1982 Session Laws. These rules specify and clarify those requirements pertaining to the licensing of Dealers and Manfacturers of Manufactured Homes in this State.

2MCAR S1.8001 Authority: Needed to reference source of authority for these rules.

2MCAR S1.8002 Definitions: Needed to define terms used in the rules in Chapter 526 of the 1982 Session Laws in the Minnesota Manufactured Home Building Code, the Federal Regulations, and to clarify words subject to misinterpretation - i.e. "distributor".

2MCAR S1.8003 License Application - Dealer

A. Forms. All license application forms meet licensing requirements of the law (Chapter 526 of the Laws of 1982) and have been processed, checked, and printed accordingly.

B. Required Information. - Self explanatory.

1a. This rule specifies the acceptable type of proof of identity required by Sec. 4 327B.04 Subd. 3(a) which is not specific as to type of proof of identity.

b. Business name. Assumed names and corporations are required to be listed with the Secretary of State. These requirements protect the consumer by assuring that such documentation regarding Manufactured Home Dealers is filed with the Building Codes and Standards Division.

c. Type of business. By the applicant's checking the appropriate box, the application can be assessed and categorized to check that proper, complete, and necessary accompanying documents are included for processing.

d. Owners' Names - Sec. 4 Subd. 3(d). The submitted information satisfies the requirements of Sec. 4, 327B.04 Subd. 3(d) and is needed to contact parties involved in consumer complaints.

e. Signature for the application. To be valid, the applicant's notarized signature must be either that of owner, general partner, or corporate president.

f. Qualifications. The applicant's qualifications are required primarily for the protection of the consumer. Consumer complaint files of this Division indicate problems caused by lack of education, work experience, and/or business knowledge.

g. Other Licenses. The need to know of licenses held in other states is to determine whether the applicant has a history of business improprieties or a bad record in those states. This information is relevant in considering licensure and in assessing possible similar wrongs to consumers in this State.

h. Business History. This information is principally needed to protect the consumer by evaluation of applicant's history of performance and to anticipate possible problems which may be due to inexperience or other causes.

i. Surety Bond. The only legally acceptable bond is the original form furnished and approved by the Commissioner.

2. Application for Manufacturer's License.

a. Business name. Required by 327B.04(b).

b. List of Dealers. Franchise or written agreement is required by 327B.04 Subd. 4(b).

c. Manufactured Facilities - Needed to determine location of manufacturer of specific homes to facilitate action of consumer complaints.

d. Brand names. Unless brand names are provided by the manufacturer it is very difficult to determine what brands are manfactured by whom, especially when a brand name only is given when referring to a consumer complaint.

C. Fee. Fees are set to be approximately equal to expenses incurred during the fiscal biennium to administer and enforce the licensing provisions of Chapter 526 of the 1982 Session Laws. (Ref. Sec. 4 Subd. 7).

D. Copy of applicant's records. Retaining photocopies of application and documents permits dealer to check information on file in this Division which dealers may have forgotten, or to show possibe errors. This is part of required dealer record keeping pursuant to 327B.06 - Dealer's Records.

2MCAR S 1.8004 Establishment place of Business. A proof required. Per Stat. 327B.04 Subd. 4(a).

B. This rule explains what kinds of buildings and facilities are needed and reasonably acceptable according to type of business dealer is engaged in and specifies reasonable conditions for such activity.

It is not uncommon for a manufactured home to be used as an office. The conditions of this rule state requirements to qualify such office as an "established place of business" in accordance with Mn. Stat. 327B.04 Subd. 4(a).

Floor to ceiling walls & separate entrance doors within commercial office space provde privacy from adjoining business activity, avoiding confusion on the part of the consumer.

C. Unimproved lots and premises. Allows dealer latitude within reasonable limits to operate efficiently, without creating uncertainty or confusion to consumers. Photo will illustrate relationship of business location to location of premises.

D. Unimproved storage lots storage of manufactured homes on unimproved lots or premises. The Building Codes & Standards Division needs to be apprised of the location of such property to know where these homes are in order to include them in scheduling monitoring inspections.

E. Photo of business location. Verifies acceptability of business location.

F. Deed or Lease. Needed to substantiate "established place of business", showing evidence of intent to pursue business on a permanent, rather than temporary basis per 327B.04 Subd. 4(a).

G. One licensee per established place of business. Affords protection for consumer by eliminating likely confusion caused by two or more licensees sharing the same office space, and avoids the probability of salespersons working for two dealers simultaneously as prohibited under 327B.07 Subd. 2.

2MCAR S1.8005 Manufacturers Sales Agreement. Copies of same are necessary to confirm dealer compliance with requirements of 327B.04 Subd. 4(b) and assures consumer protection under dealer warranty obligations - Ref. 327.02 and 327.03.

Manufacturer may refuse to honor warranties on sale of new home if sale is made by unfranchised dealer. The dealer's notification of change of status of contract or franchise is to inform this Division so that dealer records are current and accurate.

2MCAR S1.8006 Trust Account. If dealers bank was not located in this State it would be difficult to obtain information from the bank if such account needed to be investigated. It is not unreasonable to expect a Minnesota licensed dealer to have a trust account in a Minnesota bank. Changes in trust account status neccesitate additional expense to this Division. The fee will defray administrative costs of further processing.

2MCAR S1.8007 Insufficient checks. A service charge is necessary to offset administrative costs required to process checks returned without payment.

2MCAR S1.8008 Issued Licenses. Clearly posted current licenses attest that the named dealer is bonafide. There have been numerous instances of dealers failing to post current licenses and at least one occassion of a dealer posting an expired license not corresponding to the address of that location.

2MCAR S1.8009 License reapplication. The provision to require resolution of a problem caused by a dealer violation or error is reasonable and needed for the protection of the citizens of this State, while observing the rights of the applicant. To permit reapplication without resolving the problem is to compound it.

2MCAR S1.8010 Return of License. There have been instances where dealers have gone out of business or moved to a new location without notifying this Division. This requirement maintains current records of dealer business status.

2MCAR S1.8011 Application for License Renewal. Application renewal forms furnished by the Commissioner establish uniform processing and record keeping procedures by this Division. Since 1975, experience shows that a large percentage of dealers fail to renew licenses on time, some being months late. This condition creates problems for the Division, requiring further written notices, letters, and follow-up calls, all of which are costly and time consuming. The deadline established encourages timeliness.

Automatic cancellation of license upon failure to renew invites promptness as does application for new license when dealer allows his existing license to expire.

2MCAR S1.8012 Dealers Records. There have been ocassions where dealers did not have their dealer records in subagency locations, saying that records are kept in principal place of business only. Consequently, because of intinerary, either the scheduled inspections had to be postponed by making an out of the way trip or by scheduling a visit to the principal place of business at a later date. The problem of extra travel is eliminated by requiring records to be kept at each location. The management of licensed subagencies should be as responsible as any other dealership. If examination of records indicate evidence requiring further investigation of practices at a subagency, the records of the principal business may show a pattern of possible violations throughout all subagency locations of that business. Sending copies of completed sales transactions made by subagencies to the principal place of business within 14 days is a reasonable period to maintain relatively up-to-date records at corporate office, ref. 327B.06 Subd. 1 & 2.

2MCAR S1.8013 Salespeople. A form provided by the Commissioner will be furnished to every dealer. This form provides for all salesperson information required by law. Such information will be fed into the Division computer so that a complete list of all dealer's salespersons are current (within 10 days of any changes). The salespersons employed by any dealer, or the location of any salesperson who has left a dealer's employ to work for another dealer will be instantly available, ref. 327B.07 Subd. 2.

2MCAR S1.8014 Fee Schedule. The new law, 327B.04 Subd. 7 requires that fees be established by rule.

2MCAR S1.8015 Trust Funds.

A. If a second dealer, who has an agreement with the listing dealer, sells the home and takes a downpayment, that money should be deposited in the trust account of the listing dealer who has a written contract with the seller. This eliminates possible confusion on the part of the consumer and makes the listing dealer responsible for the trust funds rather than the selling dealer who may be unknown to the owner.

B. Disbursements of monies from trust accounts have been delayed by dealers for whatever reason. This requirement assures prompt disbursement if conditions of transactions are silent.

2MCAR S1.8016 Notice to the Commissioner.

A. Requires Commissioner to be notified pursuant to B though E.

B. Change on License Application. The 10 day period specified is a reasonable time for dealer to notify the Division of business status so that dealer files are kept current.

C. The 10 day notification by dealer of civil judgements in which he is named as a defendant updates information required by Sec. 4 327B.04 Subd. 3(e).

D. Disciplinary Action in another State. If another State revokes or suspends a dealer's license, it is reasonable cause to suspect that such dealer may pose a potential problem to citizens of Minnesota. Notification alerts this Division of that dealer's performance in this State.

E. Criminal Offense. It is reasonable to inquire about past criminal activity of dealer relating to the type of business activity applicant is seeking to be licensed for to assess whether applicant should be licensed and, if so, to alert the Building Codes & Standards Division of possibe future problems which may harm consumers.

2MCAR S1.8017 Required Documents. Consumer complaints have arisen from problems involving documents. In some cases contracts were not signed or incomplete, or simply not furnished. Each party to a sale is entitled to all documents in connection with that sale. It is necessary that they be complete and clear. This requirement will tend to minimize consumer complaints involving sales documemts.

2MCAR 1.8018 Standard of Conduct. This rule is authorized by Sec. 5 327B.04 Subd. 1(t) and is needed to expand on dealer conduct as set forth in Rule 21.

2MCAR S1.8019 Responsiblity of Dealers.

A. It is reasonable to require that dealers supervise the sales activities of their personnel and review sales records. This provides better consumer protection and improves dealer service. Dealer failure to reasonably supervise employees is cause for denial, suspension, or revocation of license according to 327B.05 Subd. 1(t).

B. Preparation and safekeeping of documents. At least one dealer in the past has sought to avoid responsibility by attempting to assign responsibility to a salesperson. This clearly affixes responsbility on the dealer.

C. Resolution of complaints. If any employee of the dealer is engaging in questionable or other practices in connection with the sales of manufactured homes, which give rise to any consumer complaint, it is a reflection of that dealership. This rule is needed to help in the reduction of consumer complaints by eliminating or solving problems at the source.

D. Supervision, at multiple locations especially, is usually under the manager's direction. This rule stresses the importance of responsbility of and upon the dealer and manager.

2MCAR S1.8020 Salesperson disclosure in sales transactions. The consumer customer is entitled to know the name of the company the salesperson represents. This rule assures salesperson's compliance with requirement of 327.07 Subd. 2, not working for two dealers simultaneously.

2MCAR S1.8021 Length and Width. A number of consumer complaints originate in confusion involving these dimensions after purchase or misrepresentation of a manufactured home. Length and width are defined. These rules will be sent to every manufactured dealer who is responsible for dissemination of this information to all salespersons.

2MCAR S1.8022 Disclosure. This rule protects the buyer's rights before the sale when purchasing a manufactured home which may be over 15 years old, located within a park.

2MCAR S1.8023 Enforcement: These provisions are needed to identify the Commissioner as the administrative authority for these rules.

James J. Hiniker, Jr.
Commissioner

Date: September 13, 1982

In the Matter of the Proposed Adoption of Rules of the State Department of Administration Governing Licensing of Manfactured Home Dealers and Manufacturers.

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Special Assistant Attorney General Larry D. Starns, do hereby declare that I have examined the rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

Larry D. Starns
Special Assistant
Attorney General

Dated: November 17, 1982

In the Matter of the Proposed Adoption of Rules of the State of Minnesota Governing Licensing of Manufactured Home Dealers and Manufacturers

AFFIDAVIT OF MAILING NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY

Gloria S. Safford, being first duly sworn, deposes and says:

That on the 17th day of November, 1982 in the City of St. Paul, County of Ramsey, State of Minnesota she served the attached Notice of Submission to the Attorney General by depositing in the State of Minnesota Central Mail System for first class mailing at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, to all persons and associations who requested notice that the rules in the above-entitled matter have been submitted to the Attorney General.

Gloria S. Safford
Gloria S. Safford

Subscribed and sworn to before me this

17th day of November, 1982.

Mary A. Kahnke

MARY A. KAHNKE
NOTARY PUBLIC - MINNESOTA
DAKOTA COUNTY
My Commission Expires May 9, 1984

STATE OF MINNESOTA

DEPARTMENT OF ADMINISTRATION

In the Matter of the Proposed Adoption of Rules Governing Licensing of Manufactured Home Dealers and Manufacturers

NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

Pursuant to your request in accordance with Minnesota Statutes, Section 15.0412:

PLEASE TAKE NOTICE that the above-captioned rules have been submitted to the Office of the Attorney General on the date, November 17, 1982, for review as to form and legality. Pursuant to 1 MCAR § 1.206B., the Attorney General will not approve the rules for at least 10 calender days after receipt to allow any person or association time to comment on the legality of the rules, after which that Office will complete its review. If you desire to comment on the legality of the above-captioned rules, you should direct your comments to the Office of the Attorney General, 204 State Administration Building, 50 Sherburne Avenue, Saint Paul, Minnesota 55155, telephone (612) 296-7030. Please note that the above-cited rule of the Attorney General also provides that a copy of any written comments submitted to the Attorney General must be submitted simultaneously to this agency.

If you are interested in determing what changes, if any, were made in the proposed rules after publication in the State Register and before submission to the Attorney General, you may contact Richard I. Hauck, 408 Metro Square Building, 7th and Robert Streets, Saint Paul, Minnesota 55101, telephone (612) 296-4628.

Norman R Osterby

Norman R. Osterby
Director
Building Codes & Standards