

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

FILE COPY

SF-00006-05 (4/86)

DEPARTMENT : ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

DATE : December 4, 1989

TO : M. Jacqueline Regis
Special Assistant Attorney General
525 Park Street, Suite 500

FROM : Charlene Hatcher
Special Assistant Attorney General
525 Park Street, Suite 500

PHONE :

SUBJECT : In the Matter of the Adopted Rule Relating to State Highway Market Artery System

The above-referenced rule has been approved as to its legality by the Attorney General on December 1, 1989.

Enclosed is your copy of the approved rule. This office has already filed two copies with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submissions or comments along with any extra copies of documents which you submitted to the Attorney General.

Your next step is to arrange for publication of the Notice of Adoption in the State Register. In a day or two, you should receive from the Revisor's Office three copies of tne notice of adoption of your rule. You should submit two copies of the Notice of Adoption to the State Register for publication. A permanent rule without a hearing does not become effective until five days after a notice of adoption is published in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

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

Enclosures
cc: William Brown, Chief Judge
MaryAnn Hruby
Jonette Kreideweis, Mgr.
Highway Planning Unit

Hold W/ the cover

RULE REVIEW CHECKLIST

File No. 1641 — Docket No. 05.0009.0775

DATE RECEIVED 11-17-89 — ADOPTED W/O HEARING X

REVIEW DATE 11-27-89 — EMERGENCY RULE _____

DUE DATE 12-1-89 — TO REVISOR ON 11-17-89

REVISOR APPROVED Yes

APPROVED 12-1-89 — REVISOR DISAPPROVED _____

DISAPPROVED _____ — FILED W/SEC. OF STATE 12-4-89

WITHDRAWN _____ — RETURNED TO AGENCY 12-4-89

✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion (if applicable)
- Sept 1, 1986 Date published in State Register
- ✓ Comments 3 and 1 phone call

NA Petition for Adoption of a Rule (if applicable)

NA Board's Authorizing Resolution
- _____ Date adopted

✓ Proposed Rule
- _____ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
- 169.832 subd 13 Statutory Authority Laws 1986, Chapter 398, Article 13, Sect. 10
- ✓ Small Business Statement
- NA Expenditure of public money statement
- 8-7-89 Signature statement that no expenditure of public $

✓ Statement of Need and Reasonableness (if applicable)
- ✓ Small Business Statement notices published etc.
- NA Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
- Sept 1, 1989 Date (30)/25 days before adoption
- ✓ Notice attached
- Yes Copy of rule or summary attached

✓ Publication in State Register
- Aug 28, 1989 Date (30)/25 days before adoption - Aug 28, 1989

_____ 180-day deadline from: Charlene & have to ask Mary
- _____ Effective date of law requiring rule (14.12) (both rules) no effective date
- ✓ end of comment period (§ 14.26) (rules without hearing) Sept 1 - Nov 17
- _____ effective date of statutory authority (§ 14.29) (emergency rules)

~~✓ Resolution Adopting~~
- _____ ~~Date adopted~~

_____ Findings of Fact, Conclusions & Order Adopting
- ~~Nov 2~~, 1989 Date

Yes Written requests, submissions or comments

✓ Declaration of attorney
- Jacqueline Name of SAAG representing agency

NA Notice of Submission to Atty. Gen. (if applicable)

_____ Aff. of Mailing Notice to Atty. Gen. (if applicable)

Department of Transportation

Adopted Permanent Rules Relating to State Highway Market Artery System

Rules as Adopted

8815.0100 DEFINITIONS

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Transportation.

Subp. 3. **Emergency.** "Emergency" includes flood, tornado, fire, or other disaster that threatens loss of life or destruction or damage to property or crops of such magnitude as to seriously endanger the public health, safety, and welfare.

Subp. 4. **Manufacturing employees.** "Manufacturing employees" refers to the number of full-time, nonseasonal employees established by:

A. the most recent Census of Manufactures, Geographic Area Series, Minnesota, prepared by the United States Department of Commerce, Bureau of the Census, referred to in this chapter as the Census of Manufactures, which is incorporated by reference. The publication is subject to change every five years, upon completion of a new census, and is available at most public libraries and through the Minitex interlibrary loan system at Minnesota public libraries; or

B. information submitted to the commissioner that demonstrates that a city has a business or combination of businesses within its jurisdiction engaged in manufacturing, as described in the Census of Manufactures, that employs over 450 full-time, nonseasonal employees.

Subp. 5. **Population.** "Population" refers to the population established by:

A. the most recent Census of Population, Characteristics of the Population, Minnesota, prepared by the

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B. a special census conducted under contract with the United States Bureau of the Census.

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system at Minnesota public libraries.

8815.0200 TEMPORARY EMERGENCY SERVICE; WHEN ALLOWED.

"Temporary emergency service" means service that is provided on a trunk highway route on which seasonal weight restrictions are in effect; or provided on a highway route designated by the commissioner under Minnesota Statutes, section 161.25, when service on an identified market artery route is interrupted by an emergency. Temporary emergency service may be provided only under all of the following limitations:

A. to respond to sudden unanticipated circumstances that create an urgent and immediate need to move loads that exceed the posted seasonal weight restrictions, but do not exceed the maximum gross vehicle weight permitted in Minnesota Statutes, section 169.825;

B. to provide service to a particular shipping or receiving point on a market artery during an emergency or during the initial stages of recovery;

C. to preserve public health or welfare or to avert or alleviate the effect of natural disasters;

D. to provide service only to move specific products or commodities needed to avert or alleviate the emergency; and

E. to provide service only when to do so does not create an undue hazard to traffic safety.

8815.0300 SIGNIFICANT CENTERS OF POPULATION AND COMMERCE.

"Significant centers of population and commerce" means:

A. cities inside Minnesota that have any one of the following:

(1) population of 5,000 or more persons;

(2) $50,000,000 or more in retail sales;

(3) 450 or more manufacturing employees; or

(4) $50,000,000 or more in wholesale sales; or

B. cities in surrounding states or Canadian provinces that have a population of 50,000 or more persons.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

DEC 4 1989

Joan Anderson Growe
Secretary of State

11:35 AM

APPROVED AS TO LEGALITY
December 1, 1989
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY Charlene H. Hatcher
SPECIAL ASSISTANT ATTORNEY GENERAL

D.O.T - State Highway Market Artery System

Stat Auth. 169.832, Sub 13 (cited in Notice of Intent)

169.832 Sub 13 (c)
The commissioner shall adopt rules under Chapter 14 defining "significant centers of population and commerce" and "temporary emergency service" Commissioner shall consult with major highway users etc.

Laws 1986, Chapter 398 Article 13, section 10
MN Stat 1984, sec 169.832 is amended by adding:
Definitions of market artery
- (i) - (iv)
(b) Commissioner may impose seasonal load restrictions . . .

(c) Commissioner shall adopt rules under Chapter 14 defining "significant centers of population and commerce and "temporary emergency service

Small Bus. Statement - Notice of Intent

proposed rule may have an impact on the transportation activities of small businesses located in the cities or rural areas

- statement that D.O.T has considered the impact of the rule on small businesses in compliance with MN Stat. Sect. 14.115 Sub 2.

- lists DOT actions to encourage business participation in rulemaking
  pages 7-8

D.O.T recieved many comments nothing was modified

Office of the Revisor of Statutes
Administrative Rules

Ron Ray
Assistant Revisor
296-0945



700 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1297

March 7, 1989

Jonette Kreideweis
Department of Transportation
807 Transportation Building
Saint Paul, Minnesota 55155

RE: File No. 1180

Dear Ms. Kreideweis:

I am enclosing six copies of your rules, approved as to form. Please submit two copies to the State Register for publication.

Please notice that we did not underscore the publications incorporated by reference. While underscoring certain publications may be the correct form under English textbook citation rules, this form is inappropriate for laws and rules. Our editorial policy reserves underscoring to indicate the addition of new material into old statutory or rule text. This policy is an extension of joint rule 2.01 of the legislature.

If you have any questions, please call me.

Very truly yours,

Ron Ray
Ron Ray

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to State Highway Market Artery System

AGENCY: Department of Transportation

MINNESOTA RULES: Chapter 8815

Incorporations by Reference

Part 8815.0100:

Subpart 4, Census of Manufacturers
Subpart 5, Census of Population
Subpart 6, Census of Retail Trade
Subpart 9, Census of Wholesale Trade

The publications in part 8815.0100 are prepared by the U.S. Department of Commerce

The attached rules are approved for publication in the State Register

Ron Ray
Assistant Revisor

Department of Transportation

Proposed Permanent Rules Relating to State Highway Market Artery System

Rules as Proposed (all new material)

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B. information submitted to the commissioner that demonstrates that a city has a business or combination of businesses within its jurisdiction engaged in manufacturing, as described in the Census of Manufactures, that employs over 450 full-time, nonseasonal employees.

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(3) 450 or more manufacturing employees; or

(4) $50,000,000 or more in wholesale sales; or

B. cities in surrounding states or Canadian provinces that have a population of 50,000 or more persons.

Approved
by Revisor _____

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Approved
by Revisor _____

STATE OF MINNESOTA

Department of Transportation

O F F I C E M E M O R A N D U M

TO : Ron Ray
Assistant Revisor

March 2, 1989

FROM : Jonette R. Kreideweis, Manager
Highway Planning Unit

(612)296-8477

SUBJECT : Rule for the Trunk Highway Market Artery System

We have now made our final corrections to the market artery rule. The biggest problem we encountered was determining the proper citation for the federal census publications which are incorporated by reference. We believe that the attached changes represent the correct form for citing these documents.

We are ready to ask for your certification of the rule. Please review the attached changes and prepare approved copies for publication in the State Register.

Thank you for all your help on this. If you have any questions please contact me.

Attachment

bcc: Merritt Linzie
Jon Bloom
Betsy Parker

Department of Transportation

Proposed Permanent Rules Relating to the State Highway Market Artery System

Rules as Proposed (all new material)

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B. information submitted to the commissioner that demonstrates that a city has a business or combination of businesses within its jurisdiction engaged in manufacturing, as described in the Census of Manufactures, that employs over 450 full-time, nonseasonal employees.

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Office of the Revisor of Statutes
Administrative Rules

Ron Ray
Assistant Revisor
296-0945

700 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1297

October 24, 1988

Jonette Kreideweis
Department of Transportation
807 Transportation Building
Saint Paul, Minnesota 55155

RE: File No. 1180

Dear Ms. Kreideweis:

I am enclosing two copies of your rules.

In order to give you an opportunity to check the language, these copies are only preliminary drafts and are not yet approved for publication.

If you want to make changes, please return a copy with your instructions for redrafting. If you do not need changes, let me know and I will prepare approved copies ready for publication in the State Register.

If you have any questions, please call me.

Very truly yours,

Ron Ray

Department of Transportation

Proposed Permanent Rules Relating to State Highway Market Artery System

Rules as Proposed (all new material)

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B. cities in surrounding states or Canadian provinces that have a population of 50,000 or more persons.

DEPARTMENT : TRANSPORTATION

STATE OF MINNESOTA

Office Memorandum

DATE : October 10, 1988

TO : Ron Ray
Assistant Revisor

FROM : Jonette Kreideweis, Manager
Highway Planning Unit

PHONE : 296-8477

SUBJECT : Rule for the State Highway Market Artery System

Please prepare a preliminary draft of the attached rule for defining "significant centers of population and commerce" and "temporary emergency service". The attached rule includes proposed revisions to your September 23, 1987 working draft of the rule. At that time, three alternative definitions were being considered. The third definition (RD1180-C) has now been selected. Therefore, you may delete RD1180-A and RD1180-B which are no longer under consideration.

Thank you for your help with this. If you have any questions, please contact me.

cc: Elizabeth M. Parker

Insert 1

, Geographic Area Series, Minnesota, U. S. Department of Commerce, Bureau of the Census, which is incorporated by reference; (The publication is subject to change every five years, upon completion of a new census. The publication is available at most public libraries and through the state inter-library system) or

Insert 2

, Characteristics of the Population, Minnesota, U. S. Department of Commerce, Bureau of the Census, which is incorporated by reference; (The publication is subject to change every ten years, upon completion of a new census. The publication is available at most libraries and through the state inter-library loan system)

Insert 3

, Geographic Area Series, Minnesota, U. S. Department of Commerce, Bureau of the Census, which is incorporated by reference,

Insert 4

The publication is subject to change every five years, upon completion of a new census. The publication is available in most libraries and through the state inter-library loan system.

Insert 5

, Geographic Area Series, Minnesota, U. S. Department of Commerce, Bureau of the Census, which is incorporated by reference.

Insert 6

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Department of Transportation

Proposed Permanent Rules Relating to State Highway Market Artery System

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A. the most recent ~~Federal~~ Census of Manufactures; or

B. information submitted to the commissioner that demonstrates that a city has a ~~particular~~ business or combination of businesses engaged in manufacturing (as described in the Census of Manufactures) within its jurisdiction that employs over 450 full-time, nonseasonal employees.

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B. a special census conducted under contract with the United States Bureau of the Census.

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~~A. urbanized areas as defined by the most recent United States Department of Commerce Census of Population; or~~

A. cities in Minnesota ~~located outside an urbanized area~~ that have ~~more than~~ any one of the following:

(1) ~~5,000 in~~ population of 5,000 or more persons;

(2) $50,000,000 or more in retail sales;

(3) 450 or more manufacturing employees; or

(4) $50,000,000 or more in wholesale sales.

B. Cities in surrounding states or Canadian provinces that have a population of 50,000 or more persons.

Office of the Revisor of Statutes

700 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1297 Phone: 296-2868

DATE: September 23, 1987

TO: Jonette Kreideweis
Department of Transportation
807 Transportation Building

FROM: Ron Ray
Assistant Revisor
296-0945

RE: RD1180 Relating to State Highway Market Artery System

We are enclosing two copies of each version of your rule.

In order to give you an opportunity to check the language, these copies are only working drafts and are not yet approved for publication.

If you want to make changes, please return a copy with your instructions for redrafting. If you do not need changes, let us know and we will prepare approved copies ready for publication in the State Register.

You will need to provide additional information on several incorporations by reference for the final proposed draft for publication in the State Register, including:

A. Whether the incorporation is conveniently available to the public and where it may be found;

B. Whether the incorporation is subject to frequent change; and

C. A complete bibliographic description, as applicable, which may include:

(1) the exact, official title of the publication (e.g., are "United States Department of Commerce Census of Population" and "Federal Census of Population" two different publications?);

(2) the author, editor, and/or publisher and its place (and date?) of publication; and

(3) other applicable identifying information (such as title of chapter or article, series name or number, etc.).

While incorporating the "most recent" publications relating to census information may involve a constitutional question relating to the delegation doctrine, to do so probably passes constitutional muster as being auxiliary in nature, a reasonable deference to another government body with expertise in the area, and having a rational basis. However, I strongly suggest that you confer with the department's attorney general representative before returning a draft for certification.

If you have any questions, please do not hesitate to call.

Department of Transportation

Proposed Permanent Rules Relating to State Highway Market Artery System

Rules as Proposed (all new material)

8815.0100 DEFINITIONS

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Transportation.

Subp. 3. **Emergency.** "Emergency" includes flood, tornado, fire, or other disaster that threatens loss of life or destruction or damage to property or crops of such magnitude as to seriously endanger the public health, safety, and welfare.

Subp. 4. **Manufacturing employees.** "Manufacturing employees" refers to the number of full-time, nonseasonal employees established by:

A. the most recent Federal Census of Manufacturers; or

B. information submitted to the commissioner that demonstrates that a city has a particular business within its jurisdiction employing over 450 full-time, nonseasonal employees.

Subp. 5. **Population.** "Population" refers to the population established by:

A. the most recent ~~Federal~~ Census of Population; or

B. a special census conducted under contract with the United States Bureau of the Census.

Subp. 6. **Retail sales.** "Retail sales" has the meaning given it by the most recent ~~Federal~~ Census of Retail Sales, as measured in dollar value.

Subp. 7. **Seasonal weight restrictions.** "Seasonal weight restrictions" means vehicle weight prohibitions or restrictions determined and imposed by the commissioner under Minnesota Statutes, section 169.87.

Subp. 8. **Temporary.** "Temporary" means a specified time period determined by the commissioner for the duration of an emergency or in the initial stages of recovery from the emergency.

Subp. 9. **Wholesale sales.** "Wholesale sales" has the meaning given it by the most recent Federal Census of Wholesale Trade, as measured in dollar value.

8815.0200 TEMPORARY EMERGENCY SERVICE; WHEN ALLOWED.

"Temporary emergency service" means service that is provided on a trunk highway route on which seasonal load restrictions are in effect; or provided on a highway route designated by the commissioner under Minnesota Statutes, section 161.16, when service on an identified market artery route is interrupted by an emergency. Temporary emergency service may be provided only under all of the following limitations:

A. to respond to sudden unanticipated circumstances that create an urgent and immediate need to move loads that exceed the posted seasonal load restrictions, but do not exceed the maximum gross vehicle weight permitted in Minnesota Statutes, section 169.825;

B. to provide service to a particular shipping or receiving point on a market artery during an emergency or during the initial stages of recovery;

C. to preserve public health or welfare or to avert or alleviate the effect of natural disasters;

D. to provide service only to move specific products or commodities needed to avert or alleviate the emergency; and

E. to provide service only when to do so does not create an undue hazard to traffic safety.

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A. urbanized areas as defined by the most recent United States Department of Commerce Census of Population; or

B. cities located outside an urbanized area that have more than:

Department of Transportation

Proposed Permanent Rules Relating to State Highway Market Artery System

Rules as Proposed (all new material)

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B. cities located outside an urbanized area that have more than 450 manufacturing employees.

Department of Transportation

Proposed Permanent Rules Relating to State Highway Market Artery System

Rules as Proposed (all new material)

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(1) 5,000 in population;

(2) $50,000,000 in retail sales;

(3) 450 manufacturing employees; and

(4) $50,000,000 in wholesale sales.

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C. to preserve public health or welfare or to avert or alleviate the effect of natural disasters;

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(1) 5,000 in population;

(2) $50,000,000 in retail sales;

(3) 450 manufacturing employees; or

(4) $50,000,000 in wholesale sales.

Minnesota Department of Transportation

Transportation Building, St. Paul, MN 55155

Phone 296-8040

January 20, 1987

Honorable Carl W. Kroening
Chair, Legislative Commission to
Review Administrative Rules
55 State Office Building
St. Paul, Minnesota 55155

Dear Senator Kroening:

The purpose of this letter is to comply with the requirements of Minnesota Statutes, section 14.12. In the 1986 legislative session, 3 bills were passed that either directed or authorized the Department of Transportation to adopt rules.

1. Minnesota Statutes, section 169.07, was amended by the Legislature to allow auctioneers to place up to 4 signs on the right of way of the highway to advertise an auction. The law says that "the signs must conform to standards...promulgated by the commissioner of transportation." The department is working on the standards.

2. Minnesota Statutes, section 169.832, directed the department to define the terms "significant centers of population and commerce" and "temporary emergency service" for purposes of determining which trunk highways are "market arteries." The department has published a Notice of Intent to Seek Outside Information on the adoption of rules defining those terms. Public meetings to receive public opinion on this subject will held this spring. We expect to proceed with the rulemaking as quickly as we can.

3. A new section, Minnesota Statutes, section 160.81, was enacted requiring the Commissioner of Transportation in consultation with the Commissioner of Natural Resources to prepare a plan for the recreational uses of trunk highway right of way and adjacent public lands in areas of unusual scenic interest. The department has been meeting with the Department of Natural Resources and has published a Notice of Intent to Seek Outside Information. The department has also published an informational brochure and has

mailed it out. We are seeking comments on the proposal of the department to prepare a plan prescribing the use of scenic areas adjacent to trunk highways. We expect to proceed with rules by this summer.

The rules for granting small gasoline tank truck variances authorized by Minnesota Statutes, section 221.033, which was amended in March 1986, were adopted on September 9, 1986 and took effect on October 21. That project is completed.

It has been our experience that it is very difficult for the agency to take all the steps required by the Administrative Procedure Act and publish a Notice of Intent to Adopt Rules within 180 days after the effective date of a law requiring the adoption of rules. We feel that in cases where there is any public controversy about the need for or the content of the proposed rules that it would be reasonable to allow the agency a longer period of time to conduct this activity. If you have questions about the department's rulemaking activity please feel free to call Betsy Parker at 297-2913.

Sincerely,

Douglas H. Differt
Deputy Commissioner

cc: Governor Perpich
House Transportation Committee
Senate Transportation Committee

DEPARTMENT OF TRANSPORTATION
STATE OF MINNESOTA

In the Matter of the Proposed Adoption
of a Rule Relating to the Definitions of
"Significant Centers of Population and Commerce"
and "Temporary Emergency Service."

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING AND
NOTICE OF INTENT TO ADOPT A RULE WITH A PUBLIC HEARING IF
TWENTY-FIVE OR MORE PERSONS REQUEST A HEARING

(1) Notice is hereby given that the State Department of Transportation intends to adopt the above entitled rule without a public hearing following the procedures for adopting rules without a public hearing set forth in Minnesota Statutes, Sections 14.22 to 14.28. The specific statutory authority to adopt the rule is Minnesota Statutes, Section 169.832, Subdivision 13, and Laws 1986, Chapter 398, Article 13, Section 10.

(2) All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged.(3) Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

(4) Any person may make a written request for a public hearing on the rule within the 30 day comment period. If 25 or more persons submit a written request for a public hearing within the 30 day comment period, a public hearing will be held unless a sufficient

number withdraw their request in writing. (6) Any person requesting a public hearing should state his or her name and address and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed.

(7) If a public hearing is required, the agency will proceed pursuant to Minnesota statutes, Section 14.131 to 14.20. PLEASE NOTE THAT (4) IF 25 OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITHIN 30 DAY COMMENT PERIOD, A HEARING WILL BE HELD ON TUESDAY, OCTOBER 10, 1989, THROUGH WEDNESDAY OCTOBER 11, 1989, IN THE COUNCIL CHAMBERS, CITY HALL, 400 SECOND STREET, SOUTH, ST. CLOUD, MINNESOTA. THE HEARING WILL COMMENCE AT 9:30 A.M. ON OCTOBER 10, 1989 AND CONTINUE ON TO OCTOBER 11, 1989, IF ADDITIONAL TIME IS NECESSARY TO PROVIDE INTERESTED OR AFFECTED PERSONS WITH AN OPPORTUNITY TO PARTICIPATE. THE HEARING WILL BE CANCELLED IF SUFFICIENT NUMBER WITHDRAW THEIR REQUEST, IN ACCORDANCE WITH THE NOTICE OF PUBLIC HEARING ON THESE SAME RULES, PUBLISHED IN THIS ISSUE OF THE STATE REGISTER AND MAILED TO PERSONS REGISTERED WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION. TO VERIFY WHETHER OR NOT A HEARING WILL BE HELD, YOU MUST CALL THE DEPARTMENT OF TRANSPORTATION BETWEEN OCTOBER 5, 1989 AND OCTOBER 9, 1989, AT 612-296-8477 OR 612-296-1635.

(5) Comments or written requests for a public hearing must be submitted to:

Jonette Kreideweis
Minnesota Department of Transportation
Room 807, Transportation Building
St. Paul, Minnesota 55155
(612) 296-8477

Comments or requests for a public hearing must be received by the Department by 4:30 p.m. on October 4, 1989.

(8) The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

(11) A copy of the proposed rule is attached to this notice. A free copy of the rule is available upon request from Jonette Kreideweis at the address noted above.

The terms will be used to assist in determining which state trunk highways will serve as market artery routes. State trunk highways designated as market arteries will represent priority routes for the elimination of seasonal truck axle-weight load restrictions.

Data from the most recent population and economic censuses published by the United States Department of Commerce, Bureau of the Census, were utilized to determine which cities met the

criteria for defining "significant centers of population and commerce".

In addition to defining "significant centers of population and commerce", the proposed rule will permit the department to designate "temporary emergency service" routes to particular shipping or receiving points on market artery routes. Under the proposed rule, "temporary emergency service" could be provided for a limited and specified period of time on trunk highways with seasonal weight restrictions or on alternate routes when service on a trunk highway market artery has been disrupted.

The department will allow trunk highways designated for "temporary emergency service" to be used by heavier trucks to move specific commodities to particular shipping and receiving points on market arteries during unanticipated emergencies which threaten the loss of life or significant property damage.

(12) A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Jonette Kreideweis upon request.

(13) The adoption of the rule will not require the expenditure of money by local public bodies within the meaning of Minnesota Statutes, Section 14.11. The proposed rule will not have an effect on agricultural land. The rule will not impose "costs

mandated by the state," or require a local agency or school district to take action that incurs costs mandated by the state within the meaning of Minnesota Statutes, Section 3.982. The rule imposes no fees.

(14) The proposed rule may have an impact on the transportation activities of small businesses located in the cities or rural areas that do not meet the criteria included in the rule for defining "significant centers of population and commerce".

This rule specifies the criteria for defining which cities in Minnesota will be identified as "significant centers of population and commerce" for the purposes of Minnesota Statutes, Section 169.832, Subdivision 13. The rule is designed to identify Minnesota cities which are major regional centers and businesses which are large truck traffic generators.

Businesses located on trunk highway market arteries that connect cities defined as "significant centers of population and commerce" may achieve some shipping advantage over businesses which are located on routes which have not been identified as market arteries. This situation may result because of the priority that will be given to eliminating seasonal weight restrictions on market artery routes.

The department has considered the impact of the rule on small businesses in compliance with Minnesota Statutes, Section 14.115, Subdivision 2.

The proposed rule does not establish compliance or reporting requirements or performance standards. It imposes no requirements on any business large or small.

The rule offers cities alternative ways to show that they are "significant centers of population and commerce". These provisions will minimize impacts of the rule on small businesses located in cities that might otherwise be unable to show that they are "significant centers of population and commerce" due to:

-- a lack of available published population or commerce data due to data privacy or census reporting provisions; or

-- population or commerce changes that have occurred during the time period between traditional census reporting periods.

Small business needs have also been considered in defining "temporary emergency service". For example, the Minnesota Department of Transportation will respond to requests for the designation of a temporary emergency service market artery route within twenty-four hours of receiving the request. The department's rapid response to such requests is intended to minimize delays and costs for shippers that find themselves faced with an immediate and urgent need to move commodities at weights up to the 80,000 pound maximum allowable vehicle load during unanticipated emergency situations.

Many opportunities have been provided for small business to participate in this rulemaking process. The Notice of Intent to Solicit Outside Opinion made special reference to the potential impact of the rule on small business. In addition, throughout the public involvement activities surrounding this rulemaking, special efforts have been undertaken to encourage small business involvement in public meetings and in the review and comment of draft criteria for defining "significant centers of population and commerce" and "temporary emergency services".

The following actions were taken by the department to encourage business participation in the rulemaking:

a) Twelve public information meetings were held at various locations throughout the state to explain the rulemaking and solicit comments on alternative draft definitions for the rule.

b) Public notices stating the dates, time and locations of the public information meetings and the potential effects of the rule on small businesses were prepared.

Copies of the notice were:

- published in the State Register on September 7, 1987
- forwarded to all weekly and daily newspapers in the state
- mailed to several hundred businesses, shippers, trucking companies and private citizens identified by the regional development commissions and the department's nine district offices.
- forwarded to the major agricultural and business associations in Minnesota

(9) If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent that the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit a written request to Jonette Kreideweis at the address indicated above.

Leonard W. Levine

LEONARD W. LEVINE
Commissioner
Minnesota Department of Transportation

8-7-89
Dated:

SF-00006-05 (4/86)

DEPARTMENT : TRANSPORTATION - Room 807

STATE OF MINNESOTA

Office Memorandum

DATE : November 6, 1989

TO : Jackie Regis
Attorney General's Office

FROM : Jonette Kreideweis, Manager
Highway Planning Unit

PHONE : 296-8477

SUBJECT : Market Artery Rules

Attached for your review is a complete file of all of the correspondence and notices related to the Minnesota Department of Transportation (Mn/DOT) market artery rules.

Approximately three weeks ago, I received a verbal approval from you on the draft version of our Findings of Fact and Order Adopting a Rule Without a Public Hearing. By mistake, I went ahead and had this notice signed by our Commissioner. I have since learned that the Order should not have been signed until you had an opportunity to review the whole file and approve the Order for signature.

Please let me know how you would like me to proceed with this matter. I apologize for any confusion this has caused. Thank you for your patience in working with us on this rule.

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

Exhibit F

AFFIDAVIT OF MAILING

In the Matter of the Solicitation of)
Outside Opinion Regarding Definitions)
of "Significant Centers of Population)
and Commerce" and "Temporary Emergency)
Service".)

- -

Kenneth H. Bjork, being first duly sworn deposes and says:

That on the 28th day of August, 1986, at the City of St. Paul, County of Ramsey, State of Minnesota, he served the attached Notice of Intent to Solicit Outside Opinion Regarding the Definitions of "Significant Centers of Population and Commerce" and "Temporary Emergency Service" by depositing in the Minnesota Central Mail System for United States mailing at said City of St. Paul, 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 Commissioner of Transporation for the purpose of receiving notices concerning proposals for or proposed rules of the Department of Transportation.

AFFIANT

Kenneth H. Bjork, Manager
Administrative Procedures &
Documentation Section
Office of Systems &
Support Services

Subscribed and sworn to before me

this 28th day of August, 1986.

Colette E. Prokop
Notary Public

Ramsey County, Minnesota.

My Commission expires 9-13-86.

COLETTE E. PROKOP
NOTARY PUBLIC—MINNESOTA
RAMSEY COUNTY
My Comm. Expires Sep. 13, 1986

STATE OF MINNESOTA

Exhibit E

DEPARTMENT OF TRANSPORTATION

In the Matter of the Solicitation of Outside Opinion Regarding Definitions of "Significant Centers of Population and Commerce" and "Temporary Emergency Service."	CERTIFICATE AS TO COMPLETENESS OF MAILING LIST FOR RULE - MAKING

- -

I, Kenneth H. Bjork, Manager - Administrative Procedures and Documentation Section, do certify that attached and included in the Affidavit of Mailing of the Notice to all persons on the Department of Transportation mailing list, there is a complete and accurate list of persons, associations, and other interested groups who as of August 28, 1986 requested pursuant to Minn. Stat. Chapter 14 that their names be placed on file with the Commissioner of Transportation for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

Dated this 28th day of August, 1986.

AFFIANT

Kenneth H. Bjork, Manager
Administrative Procedures &
Documentation Section
Office of Systems &
Support Services

Subscribed and sworn to before me
this 28th day of August 1986.

Colette E. Prokop
Notary Public

Ramsey County, Minnesota.

My Commission expires 9-13-86

COLETTE E. PROKOP
NOTARY PUBLIC—MINNESOTA
RAMSEY COUNTY
My Comm. Expires Sep. 13, 1986

Date 27AUG86

State of Minnesota
Department of Transportation
Crossfile Listing
All records for Distribution 031
****

Last	First	M	Key	Title	Organization	Address
City	St	Zip-Code	C	Dst	Cpy	Cost	Mailed	Paid	Update			
							1135	LIBRARY		BUREAU NATL AFFAIRS INC	1231 25TH STREET NW
WASHINGTON	DC	20037		3	031	1	00.00		072586		
							1045			CRYSTAL SHAMROCK, INC.	6000 DOUGLAS DRIVE NOR
TH MINNEAPOLIS	MN	55429		3	031	1	00.00		860114		
							9429			HAVEN HOMES	930 WEST 16TH STREET
HASTINGS	MN	55033		3	031	1	00.00		860114		
							4475			HIGHWAY USERS FEDERATION	386 N WABASHA ST-STE 1
025 ST PAUL	MN	55102		3	031	1	00.00		841022		
							1050	MINNESOTA DIVISION		IZAAK WALTON LEAGUE OF AM	PO BOX 24070
EDINA	MN	55424		3	031	1	00.00		860115		
							9424	ADMINISTRATOR		KNUTE NELSON MEMORIAL HME	420 - 12TH AVENUE E
ALEXANDRIA	MN	56308		3	031	1	00.00		860114		
							1078	MESABA AIRLINES		MESABA AVIATION INC.	6201 - 34TH AVENUE S
MINNEAPOLIS	MN	55450		3	031	1	00.00		841022		
							1077	DIRECTOR OF ENGINEERING		METRO WASTE CONTROL COMMN	350 METRO SQUARE BLDG
ST. PAUL	MN	55101		3	031	1	00.00		860114		
							0403	COMMUNICATION DISTRIBUTOR		OFC CONSTRUCTION	G-4 TRANSPORTATION BLD
G ST. PAUL	MN	55155		1	031	2	00.00		850820		
							0420	COMMUNICATION DISTRIBUTOR		OFC TRAFFIC ENGINEERING	309 TRANSPORTATION BLD
G ST. PAUL	MN	55155		1	031	1	00.00		082186		
							1039			PHILLIPS LEGISLATIVE SERV	459 RICE STREET
ST. PAUL	MN	55103		3	031	1	00.00		860114		
							1095	MANAGER REGULATORY REPTNG		S & F A REPORTING SVCS	1110 VERMONT AVE NW #1
110 WASHINGTON	DC	20005		3	031	1	00.00		860114		
							1140	CLERK-TREASURER		TOWN OF WHITE BEAR	1281 HAMMOND ROAD
WHITE BEAR	MN	55110		3	031	1	00.00		860114		
ADOLFSON	RAYMOND		A	0078	MGR GEOTECHNICAL ENGRNG					OFC MTLS RESEARCH & STDS	132 TRANSPORTATION BLD
G ST PAUL	MN	55155		1	031	1	00.00		072586		
FOOTE	LAWRENCE		E	0052	DIR ENVIRONMENTAL SECTION					OFC TECHNICAL SUPPORT	704 TRANSPORTATION BLD
G ST. PAUL	MN	55155		1	031	1	00.00	28MAR86	071786		
FREDRICKSON	NEIL		G	0122	MGR SURVEYING/MAPPING SEC					OFC R/W AND SURVEYS	711 TRANSPORTATION BLD
G ST. PAUL	MN	55155		1	031	1	00.00	28MAR86	071786		
SMILONICH	DAVID		G	0113	DIRECTOR					OFC TECHNICAL SUPPORT	612F TRANSPORTATION BL
DG ST. PAUL	MN	55155		1	031	1	00.00		080886		
AHMANN	DELORES			1168	CITY CLERK					CITY OF CRYSTAL	4141 DOUGLAS DRIVE
CRYSTAL	MN	55422		3	031	1	00.00		860114		
ALLEN	M RUSSELL			9210	EXECUTIVE VICE PRESIDENT					MINN TIMBER PRODUCERS	208 PHOENIX BUILDING

	DULUTH		MN 55802	3 031	1	00.00		860114							
		ANDERSON		HERB		K	1147							418 - 8TH ST S	
	VIRGINIA		MN 55792	3 031	1	00.00		860114							
		ANDERSON		LOUIS		C	0012	AREA MAINTENANCE ENGR 6A		MINN DEPT TRANSPORTATION				N HWY 52 - PO BOX 6177	
	ROCHESTER		MN 55903	1 031	1	00.00		072186							
		ANDERSON		REX			4469	CENTRAL TRAFFIC REGION		MOBIL OIL CORPORATION				3225 GALLOWS ROAD	
	FAIRFAX		VA 22037	3 031	1	00.00		860114							
		ANDERSON		C GARY			4468	ERAD		NORTHERN STATES POWER CO				414 NICOLLET MALL	
	MINNEAPOLIS		MN 55401	3 031	1	00.00		860114							
		ANDERSON		DAVID			4842	ATTORNEY		PETERSON BELL & CONVERSE				1800 AMERICAN NATL BAN	
K	ST. PAUL		MN 55101	3 031	1	00.00		841022							
		ARCHER		JOAN		M	1185	EXECUTIVE VICE PRESIDENT		MINN MFGD HOUSING ASSN				222 E LITTLE CANADA RD	
	ST. PAUL		MN 55117	3 031	1	00.00		051986							
		ASHBY		JON		L	9402	GENERAL MANAGER		FLEETLINE TRANSP SVCS INC				11405 CENTURY BLVD	
	CINCINNATI		OH 45246	3 031	1	00.00		860114							
		ASLESON		RICHARD		G	1041	CITY ADMINISTRATOR		CITY OF APPLE VALLEY				14200 CEDAR AVENUE	
	APPLE VALLEY		MN 55124	3 031	1	00.00		860114							

Key	First	M	Last	Address	City	St	Zip-Code	C	Dist	Cpy	Cost Paid	Update
			ASMUS	DONALD	J 5142	CITY ENGINEER		5			CITY OF MINNETONKA	14600 MINNETONKA BLVD
	MINNETONKA		MN 55345	3 031	1	00.00		860114				
			BACK	R. CHARLES	1907	DIRECTOR-GOVT RELATIONS					RYDER TRUCK RENTAL INC.	3600 NW 82ND AV-BX 520
816	MIAMI		FL 33152	3 031	1	00.00		072586				
			BACKHAUS	DALLAS	M 5789	AREA MANAGER					BRAD RAGAN INC	5110 SERVICE DRIVE
	WINONA		MN 55987	3 031	1	00.00		841022				
			BAILEY	AMY	L 1026	PHYSICAL PLANNING SPECLST					SW REGIONAL DEVEL COMMN	2524 BROADWAY/ PO BOX
265	SLAYTON		MN 56172	3 031	1	00.00		860115				
			BALDWIN	JEROME	C 0017	MGR INFORMATION SVS SECT					OFC EMPLOYEE & ORG DEVEL	404 TRANSPORTATION BLD
G	ST PAUL		MN 55155	1 031	1	00.00		860128				
			BARKERS	R	B 1096	INDUSTRY RELATIONS MGR					BOISE CASCADE-WOODLANDS	PO BOX 1152
	INTERNATIONAL FALLS		MN 56649	3 031	1	00.00		841022				
			BATES	MARVIN	G 0057	AREA MAINTENANCE ENGR 2B					MINN DEPT TRANSPORTATION	1301 S MAIN ST-PO BOX
617	CROOKSTON		MN 56716	1 031	1	00.00		851014				
			BENNETT	JOEL	D 1105	VICE PRESIDENT					UNITED STOCKYARDS CORP	204 LIVESTOCK EXCHANGE
BL	SOUTH ST. PAUL		MN 55075	3 031	1	00.00		860114				
			FLEMMING	DONALD	J 0020	ENGINEER					OFC BRIDGES & STRUCTURES	610D TRANSPORTATION BL
DG	ST. PAUL		MN 55155	1 031	1	00.00	28MAR86	080886				
			BERGMAN	PAUL	M 0027	MGR CONTRACT ADMIN					OFC CONTRACT ADMIN-MAINT	G-20 TRANSPORTATION BL
DG	ST. PAUL		MN 55155	1 031	1	00.00	28MAR86	071786				
			BERNHARDSON	MARK	E 1200	CITY ADMINISTRATOR					CITY OF ORONO	PO BOX 66
	CRYSTAL BAY		MN 55323	3 031	1	00.00		860114				
			BERTELSEN	DUANE	9421	DIRECTOR - CHEMICAL DEPEN					MOUNDS PARK HOSPITALS	200 EARL STREET

| | | |

TY ST. PAUL MN 55155 2 031 1 00.00 072586

CHRISTIE CURTIS W 0037 ASST DIV DIR-CONT AD/MNTC OPERATIONS DIVISION G-20 TRANSPORTATION BL
DG ST. PAUL MN 55155 1 031 1 00.00 860211

CLARKE EDWIN O 0210 MGR MANAGEMENT ANALYSIS OFC SYSTEMS & SUPPORT SVC 308 TRANSPORTATION BLD
G ST. PAUL MN 55155 1 031 1 00.00 860108

CLARKSON J B 1022 MOSS & BARNETT, P.A. 1200 PILLSBURY CENTER
MINNEAPOLIS MN 55402 3 031 1 00.00 860114

COHOON EDWIN H 0040 DIRECTOR OFC FINANCIAL MANAGEMENT 408 TRANSPORTATION BLD
G ST. PAUL MN 55155 1 031 1 00.00 851231

COX RICHARD P 9263 STAFF ATTORNEY ASSOCIATION MINN COUNTIES SUITE 300, 555 PARK ST
ST. PAUL MN 55103 3 031 1 00.00 841022

CRAWFORD WILLIAM M 0042 DISTRICT ENGINEER DIST 5 MINN DEPT TRANSPORTATION 2055 N LILAC DRIVE
GOLDEN VALLEY MN 55422 1 031 1 00.00 28MAR86 080886

CRIST LAWRENCE J 1190 STATE LEGISLATIVE DIR UNITED TRANSPORTATION UN 317 E 5TH STREET #11
DES MOINES IA 50309 3 031 1 00.00 860114

CRUSOE ELIZABETH 9423 ADMINISTRATOR GOOD SAMARITAN CENTER 311 WASHBURNE AVENUE
PAYNSVILLE MN 56362 3 031 1 00.00 841022

DAILEY THOMAS M 1123 1312 S CLEVELAND AVENU
E SAINT PAUL MN 55116 3 031 1 00.00 860115

DANIELSON RODNEY 1143 FIN SEC CARPENTERS UNION 411 MAIN
ST. PAUL MN 55102 3 031 1 00.00 841022

DARLING DON F 1007 CLERK/ADMINISTRATOR CITY OF ROSEMOUNT 1367-145TH STREET E
ROSEMOUNT MN 55068 3 031 1 00.00 860115

DAVIS JACK C 0045 DIRECTOR OFC PERSONNEL 315 TRANSPORTATION BLD
G ST. PAUL MN 55155 1 031 1 00.00 851119

DAWSON JEAN L 1055 PRESS ROOM MINN GOVERNMENT REPORT B-59 CAPITOL BUILDING
ST. PAUL MN 55155 2 031 1 00.00 860115

2 031 1 00.00

DEMBOUSKI DIANE 0409 COMMUNICATION DISTRIBUTOR ACCTNG & FINANCE SECTION DOT ANNEX - 461 RICE S
T ST. PAUL MN 55155 1 031 1 00.00 851021

DENN JAMES N 1178 PRESIDENT MINN MOTOR TRANSPORT ASSN 1821 UNIVERSITY AVE #1
34N ST. PAUL MN 55104 3 031 1 00.00 860115

DIETHELM PAUL J 0046 ENG PHYSICAL RESEARCH SEC OFC MTLS RESEARCH & STDS B-9 TRANSPORTATION BLD
G ST. PAUL MN 55155 1 031 1 00.00 071786

DIFFERT DOUGLAS H 0047 ASSISTANT COMMISSIONER PROGRAM MANAGEMENT DIVN 413 TRANSPORTATION BLD
G ST PAUL MN 55155 1 031 1 00.00 28MAR86 851119

DINNEEN RICHARD J 0048 DIRECTOR OFC R/W & SURVEYS 511B TRANSPORTATION BL
DG ST. PAUL MN 55155 1 031 1 00.00 28MAR86 071786

DOLENTZ JOHN L 5162 CITY ENGINEER 3 CITY OF ST. CLOUD 400 - 2ND STREET SOUTH
ST. CLOUD MN 56301 3 031 1 00.00 860115

DONAHUE DANIEL J 1018 CITY MANAGER CITY OF NEW HOPE 4401 XLYON AVENUE N
NEW HOPE MN 55428 3 031 1 00.00 860115

DRESS ANTHONY M 9433 VICE PRESIDENT HANDICAPPED TRANSPORT SYS PO BOX 281

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	WHITE BEAR LAKE	MN 55110	3	031	1	00.00		860115					
		GERMUNDSON	OMER			M	1128	SUPT - TRANSPORTATION		OTTER TAIL POWER CO		2115 S CASCADE	
	FERGUS FALLS	MN 56537	3	031	1	00.00		860115					
		GETTY	R			F	1064	MANAGER REGULATORY SVCS		H B FULLER CO		3530 LEXINGTON AVENUE	
N	ST. PAUL	MN 55126	3	031	1	00.00		860115					
		GIESEKE	MARVIN			G	0070	MAINTENANCE ENGR DIST 8		MINN DEPT TRANSPORTATION		2505 TRANSPORTATION RO	
AD	WILLMAR	MN 56201	1	031	1	00.00		851017					
		GIPP	RONALD			W	0071	DIR AUDIT SECTION		OFFICE OF COMMISSIONER		419 TRANSPORTATION BLD	
G	ST. PAUL	MN 55155	1	031	1	00.00		860129					
		GOEKEN	WAYNE			R	1081			NORTHWESTERN RDC		425 WOODLAND AVE	
	CROOKSTON	MN 56716	3	031	1	00.00		860115					
		GOLDBERG	SALLY				9426	LICENSING		MINN DEPT HUMAN SERVICES		CENTENNIAL BUILDING	
	ST PAUL	MN 55155	2	031	1	00.00		841022					
		GRABER	SHERMAN				1157	OWNER		WORTHINGTON AVIATION		AIRPORT ROAD	
	WORTHINGTON	MN 56187	3	031	1	00.00		841022					
		GRABOW	RICHARD				1188	CITY ADMINISTRATOR		CITY OF DETROIT LAKES		1025 ROOSEVELT AV-POB	
647	DETROIT LAKES	MN 56501	3	031	1	00.00		860115					
		GRAVEN	DAVID			L	1173					470 PILLSBURY CENTER	
	MINNEAPOLIS	MN 55402	3	031	1	00.00		860115					
		GRINDEN	JOHN			C	1184	EXECUTIVE DIRECTOR		DULUTH AIRPORT AUTHORITY		DULUTH INTL AIRPORT	
	DULUTH	MN 55811	3	031	1	00.00		072586					
		GRUBBS	MARY				0423	COMMUNICATION DISTRIBUTOR		OFC TRANS DATA RES & ANAL		813 TRANSPORTATION BLD	
G	ST. PAUL	MN 55155	1	031	6	00.00		071786					
		GURTIN	SANDRA			D	0447	COMM DISTRIB DIST 3		MINN DEPT TRANSPORTATION		PO BOX 978	
	BRAINERD	MN 56401	1	031	3	00.00		071786					
		GUSTAFSON	ROGER			M	5010	HIGHWAY ENGINEER	5	COUNTY OF CARVER		600 E 4TH ST / PO BOX	
6	CHASKA	MN 55318	3	031	1	00.00		860310					
		HACKING	EARL				4470					1700 NEW BRIGHTON BLVD	
	MINNEAPOLIS	MN 55413	3	031	1	00.00		860115					
		HAGEN	PAUL			N	9422	ADMINISTRATOR		CHRISTIAN CONCERN INC		PO BOX 3383-217 E WALN	
UT	MANKATO	MN 56001	3	031	1	00.00		860115					
		HAIDER	KENNETH			G	5138	DIRECTOR PUBLIC WORKS	9	CITY OF MAPLEWOOD		1902 E COUNTY ROAD B	
	ST. PAUL	MN 55109	3	031	1	00.00		860115					

Key	First	M	Last	Address	City	St	Zip-Code	C	Dist	Cpy	Cost Paid	Update
			HALLMAN	WES	A 1042 PRESIDENT-TARIFF BUREAU		ASSOCIATED MOTOR CARRIERS				1745 UNIVERSITY AVENUE	
	ST. PAUL		MN 55104	3 031 1 00.00	860115							
			HALVORSON	RANDALL	K 0164 DIRECTOR		OFC TRANSIT				815 TRANSPORTATION BLD	
G	ST. PAUL		MN 55155	1 031 1 00.00	850820							
			HAMMARGREN	DAVID	1460 ATTORNEY		FABYANSKE,SVOBODA,WESTRA				1000 MINN MUTUAL LIFE	
CTR	ST. PAUL		MN 55101	3 031 1 00.00	860114							
			HANKS	FRED	J 1000 FILLMORE COUNTY		MINN ASSN OF TOWNSHIPS					

LEROY MN 55951 3 031 1 00.00 860115

HANSON DOROTHY A 0402 COMMUNICATION DISTRIBUTOR OFC BRIDGES & STRUCTURES 610 TRANSPORTATION BLD
G ST. PAUL MN 55155 1 031 6 00.00 28MAR86 082186

HANSON GRETCHEN E 0413 COMMUNICATION DISTRIBUTOR OFC PERSONNEL 315 TRANSPORTATION BLD
G ST. PAUL MN 55155 1 031 1 00.00 850819

HARRY RICHARD 1186 1000 LAKESHORE DRIVE
MOOSE LAKE MN 55767 3 031 1 00.00 860115

HAUKEBO DUANE A 0081 DIRECTOR OFC AIRPORT DEVEL/ASSIST 417 TRANSPORTATION BLD
G ST. PAUL MN 55155 1 031 1 00.00 840723

HAVEN ROBERT L 1110 DIRECTOR TWIN TOWN TREATMENT CENTR 1706 UNIVERSITY AVENUE
ST. PAUL MN 55104 3 031 1 00.00 860115

HEDGES THOMAS A 1075 CITY ADMINISTRATOR CITY OF EAGAN 3830 PILOT KNOB ROAD
EAGAN MN 55123 3 031 1 00.00 860115

HENSLIN GLADYS 0404 OFFICE SUPPORT UNIT OFC TECHNICAL SUPPORT 609 TRANSPORTATION BLD
G ST. PAUL MN 55155 1 031 1 00.00 071886

HERZOG LYLE 0443 COMM DISTRIB AREA 1B MINN DEPT TRANSPORTATION HOOVER ROAD
VIRGINIA MN 55792 1 031 1 00.00 052086

HILL ROGER M 0100 MGR PROJ FACIL & MONITOR OFC CONSTR POLICY-SERVS 716 TRANSPORTATION BLD
G ST. PAUL MN 55155 1 031 1 00.00 28MAR86 851014

HIMMELMAN BLAINE F 0088 ENG MATERIALS ENGINEERING OFC MTLS RESEARCH & STDS 120A TRANSPORTATION BL
DG ST. PAUL MN 55155 1 031 1 00.00 28MAR86 071786

HODGINS DAVID M 0229 MGR EMPLOYE COMM SVS SECT OFC EMPLOYEE & ORG DEVEL 404 TRANSPORTATION BLD
G ST. PAUL MN 55155 1 031 1 00.00 062786

HOFFMAN FRANCIS J 5120 CITY ENGR/DIR PUB WKS 5 CITY OF EDINA 4801 W 50TH STREET
EDINA MN 55424 3 031 1 00.00 860114

HOFFMAN RONALD G 0204 DISTRICT ENGINEER DIST 4 MINN DEPT TRANSPORTATION 1000 W TH 10 - PO BOX
666 DETROIT LAKES MN 56501 1 031 1 00.00 28MAR86 080886

HOFFMAN CHARLES B 1181 PICKANDS MATHER & COMPANY 200 W SUPERIOR ST #811
DULUTH MN 55802 3 031 1 00.00 860115

HOILAND, ATTNY. DAVID J 1024 LEGAL ADVOCATE FOR BLIND GRIGGS-MIDWAY BLDG #389SO 1821 UNIVERSITY AVENUE
ST. PAUL MN 55104 3 031 1 00.00 860115

HOLEY GEORGE 1107 1509 SW 6TH ST
FARIBAULT MN 55021 3 031 1 00.00 860115

HOLLAND JERRY 0465 COMM DISTRIB MAINT DIST 9 MINN DEPT TRANSPORTATION 3485 HADLEY AVENUE N
NORTH ST. PAUL MN 55109 1 031 1 00.00 082186

HOLLIDAY WARD E 1136 ELMO AERO, INC PO BOX 833
LAKE ELMO MN 55042 3 031 1 00.00 860115

HOLTE GREG 4476 RED RIV VAL SUGAR BEET GR 336 5TH AVENUE E
HALSTAD MN 56550 3 031 1 00.00 841022

HONCHELL CHARLES V 5160 CITY ENGINEER 9 CITY OF ROSEVILLE 2660 CIVIC CENTER DRIV
E ROSEVILLE MN 55113 3 031 1 00.00 060986

HRUBY MARYANNE V 1028 EXEC DIR-LCRAR MINNESOTA LEGISLATURE 55 STATE OFFICE BUILDI
NG ST. PAUL MN 55101 2 031 1 00.00 860115

HUGHES MARY 2328 WILLOWS/GREATER THAN 50 1622 PARK AVENUE

	MINNEAPOLIS		MN 55404	3 031	1	00.00		860115								
		HYLTON		MARGARET			M	0407	COMMUNICATION DISTRIBUTOR		OFC MTLS RESEARCH & STDS	615 TRANSPORTATION BLD				
G	ST. PAUL		MN 55155	1 031	1	00.00		071886								
		IBACH		JAMES		5800					PEPSI COLA BOTTLING CO.	PO BOX 2465				
	FARGO		ND 58107	3 031	1	00.00		841022								
		JACK		JAMES			T	1150	CHAIRPERSON		MANKATO STATE UNIVERSITY	PO BOX 36				
	MANKATO		MN 56001	3 031	1	00.00		860115								
		JAEGER		BRUCE			D	1059	PRESIDENT		WILLMAR AIR SERVICE INC	PO BOX 1077				
	WILLMAR		MN 56201	3 031	1	00.00		841022								

Key	First	M	Last	Address	City	St	Zip-Code	C	Dist	Cpy	Cost Paid	Update
			JASZEWSKI	FRANK	J	2012	RESIDENT ENGINEER-DIST 6A				MINN DEPT TRANSPORTATION	W TRUNK HIGHWAY 61
	WINONA		MN 55987	1 031	1	00.00		050986				
			JENSEN, R D	GAYNOLD		1159	CONSULTANT DIETITIAN				HEALTH CARE FACILITIES	111 W 107TH STREET
	MINNEAPOLIS		MN 55420	3 031	1	00.00		860115				
			JOHANSEN	JIM		1161	PRESIDENT				JOHANSEN BUS SVC INC	11911 CAVELL AVENUE N
	CHAMPLIN		MN 55316	3 031	1	00.00		860115				
			JOHNSON	JOHN	A	1009						RR 2 - PO BOX 79
	SACRED HEART		MN 56285	3 031	1	00.00		841022				
			JOHNSON	ROBERT	B	5103	CITY ENGINEER			5	CITY OF ANOKA	2015 1ST AVENUE N
	ANOKA		MN 55303	3 031	1	00.00		860115				
			JOHNSON	LARRY		1070	PRESIDENT				FORD AVIATION, INC.	CRYSTAL AIRPORT
	MINNEAPOLIS		MN 55429	3 031	1	00.00		860115				
			JOHNSON	GENE	P	1093	ATTORNEY AT LAW				GENE P. JOHNSON, LTD	PO BOX 2471
	FARGO		ND 58108	3 031	1	00.00		860115				
			JOHNSON	ROBERT	D	1065	VICE PRESIDENT				INSURANCE FEDERATION/MINN	1310 PIONEER BUILDING
	ST. PAUL		MN 55101	3 031	1	00.00		860115				
			JOHNSON	GORDON	H	1010					LUTHERAN SOCIAL SERVICE	2414 PARK AVENUE
	MINNEAPOLIS		MN 55404	3 031	1	00.00		860115				
			JOHNSON	JANE	E	0444	COMM DISTRIB DIST 2				MINN DEPT TRANSPORTATION	P.O. BOX 490
	BEMIDJI		MN 56601	1 031	1	00.00		082186				
			JOHNSON	STEVE		1169	EXECUTIVE DIRECTOR-ASSN				MN-DAKOTAS RETAIL HARDWAR	3033 EXCELSIOR BLVD
	MINNEAPOLIS		MN 55416	3 031	1	00.00		841022				
			JONES	RAY		4465						10735 BERGLUND AVENUE
	CHISAGO CITY		MN 55103	3 031	1	00.00		841022				
			KACHELMYER	CLEMENT	P	0109	ACTG MGR DESIGN SERVS SEC				OFC TECHNICAL SUPPORT	612H TRANSPORTATION BL
DG	ST. PAUL		MN 55155	1 031	1	00.00	28MAR86	071786				
			KAUFMAN	BARBARA	W	1034	EXECUTIVE DIRECTOR				MINN VOL SOC AGENCY ASSN	1415 GRIGGS-MIDWAY BLD
G	ST. PAUL		MN 55104	3 031	1	00.00		860115				
			KEINZ	RICHARD	B	0004	ASSISTANT COMMISSIONER				FINANCE & ADMIN DIVISION	408 TRANSPORTATION BLD
G	ST. PAUL		MN 55155	1 031	1	00.00		080886				
			KIEFFER	GEORGE	L	0112	DIRECTOR				OFC SYSTEMS & SUPPORT SVC	308 TRANSPORTATION BLD

G	ST. PAUL		MN	55155	1	031	1	00.00			080886						
		KLEIN			ALLAN				1013					MINN OFC ADMIN HEARINGS		310 FOURTH AVE S #400	
	MINNEAPOLIS		MN	55415	3	031	1	00.00			860115						
		KLEINSCHMIDT			JAMES				5130	CITY ENGINEER			9	CITY OF HASTINGS		100 SIBLEY STREET	
	HASTINGS		MN	55033	3	031	1	00.00			860115						
		KLUG			JOHN				1029	V. PRESIDENT				RED BARON FLYERS INC		607 S 5TH STREET	
	LA CRESCENT		MN	55947	3	031	1	00.00			841022						
		KNAPP			JOHN			A	1878	ATTORNEY				WINTHROP-WEINSTINE-SEXTON		1800 CONWED TOWER	
	ST. PAUL		MN	55101	3	031	1	00.00			860115						
		KOERNER-MOORE			J				1012	LIBRARIAN				ERNEST K LEHMANN & ASSOC		1409 WILLOW STREET #30	
O	MINNEAPOLIS		MN	55403	3	031	1	00.00			860115						
		KORTH			LEO			A	0117	DEPUTY DIVISION DIRECTOR				TECHNICAL SERVICES DIVN		612D TRANSPORTATION BL	
DG	ST. PAUL		MN	55155	1	031	1	00.00	28MAR86		071786						
		KREUTZER			GERALD			N	0194	AREA MAINTENANCE ENGR 3A				MINN DEPT TRANSPORTATION		301 LAUREL ST PO BOX 9	
78	BRAINERD		MN	56401	1	031	1	00.00			851017						
		KROEGER			CHARLES			A	1025					QSS, INC.		PO BOX 838	
	FARIBAULT		MN	55021	3	031	1	00.00			860115						
		KROGMAN			ROBERT			S	1208					N W PETROLEUM ASSOCIATION		2345 RICE STREET STE 1	
73	ST. PAUL		MN	55113	3	031	1	00.00			841022						
		KRUPA			DENNIS				1016	SUPVR LICENSE DEPT				ANDERSON TRUCKING SERVICE		203 COOPER AVENUE N	
	ST. CLOUD		MN	56301	3	031	1	00.00			860115						
		LARSON			EDWARD				5190	CITY MANAGER			4	CITY OF MORRIS		609 OREGON AVENUE	
	MORRIS		MN	56267	3	031	1	00.00			061086						
		LARSON			JOHN			W	4472	CAPTAIN-CAPITOL SECURITY				MINN DEPT PUBLIC SAFETY		RM B-4 STATE CAPITOL B	
LDG	ST. PAUL		MN	55155	2	031	1	00.00			850813						
		LARSON			ROY			J	0123	DISTRICT ENGINEER DIST 6				MINN DEPT TRANSPORTATION		N HWY 52 - PO BOX 6177	
	ROCHESTER		MN	55903	1	031	1	00.00	28MAR86		080886						
		LARSON			BRUCE			A	0043	AREA MAINTENANCE ENGR 1A				MINN DEPT TRANSPORTATION		1123 MESABA AVENUE	
	DULUTH		MN	55801	1	031	1	00.00			860305						

Key	First	M	Last	Address	City	St	Zip-Code	C	Dist	Cpy	Cost Paid	Update
			LEIER	BRUCE	1139 EXECUTIVE DIRECTOR		MINN SOCIAL SERVICE ASSN		614 PORTLAND AVE			
	ST. PAUL		MN 55104	3 031 1 00.00	860115							
			LEUZINGER	DIANE	0428 COMMUNICATION DISTRIBUTOR		OFC FINANCIAL MANAGEMENT		408 TRANSPORTATION BLD			
G	ST. PAUL		MN 55155	1 031 1 00.00	850916							
			LICKE	W	J 1130 GENERAL COUNSEL		BLANDIN PAPER COMPANY		115 FIRST STREET SW			
	GRAND RAPIDS		MN 55774	3 031 1 00.00	860115							
			LINZIE	MERRITT	H 0126 DIRECTOR		OFC HIGHWAY PROGRAMS		807 TRANSPORTATION BLD			
G	ST. PAUL		MN 55155	1 031 1 00.00	850813							
			LOFTHUS	MARK	W 1074		COUNTRYSIDE COUNCIL		PO BOX 78			
	MARSHALL		MN 56258	3 031 1 00.00	841022							
			LUNDER	MANDA	J 9436 ADMINISTRATOR		HILLTOP NURSING HOME		ROUTE 1 / PO BOX H			

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WATKINS MN 55389 3 031 1 00.00 860114

LYNCH FRANCES 9417 504 ADVISORY COMMITTEE 4323 LONGFELLOW AVENUE
MINNEAPOLIS MN 55407 3 031 1 00.00 860115

LYNGEN CAROLINE L 1014 PRESIDENT LAKE COUNTRY ENTERPRISES HCR #1
HACKENSACK MN 56452 3 031 1 00.00 860115

HUGHES PATRICK C 0129 DISTRICT ENGINEER DIST 8 MINN DEPT TRANSPORTATION 2505 TRANSPORTATION RO
AD WILLMAR MN 56201 1 031 1 00.00 28MAR86 080886

MARSHALL FRANCIS C 0008 ASSISTANT TO COMMISSIONER OFFICE OF COMMISSIONER 716 TRANSPORTATION BLD
G ST. PAUL MN 55155 1 031 1 00.00 28MAR86 061986

MARTIN DONALD E 1111 MGR DIST PLANNING ECONOMICS LABORATORY INC 370 WABASHA ST
ST. PAUL MN 55102 3 031 1 00.00 841022

MARTIN DAVID A 1182 EXECUTIVE DIRECTOR RDC3-ED 330 SOUTH 1ST AVENUE E
AST DULUTH MN 55802 3 031 1 00.00 860115

MATTHIAS HOWARD 1089 DIR CENTER DR ED & SAF ST CLOUD STATE UNIVERSITY WHITNEY HOUSE
ST. CLOUD MN 56301 3 031 1 00.00 841022

MCDONALD ROBERT J 0002 DEPUTY COMMISSIONER OFFICE OF COMMISSIONER 408 TRANSPORTATION BLD
G ST. PAUL MN 55155 1 031 1 00.00 28MAR86 072986

MCINERNEY, JR. DANIEL J 9352 ASSISTANT COMMISSIONER MINN DEPT HEALTH 717 DELAWARE ST. SE
MINNEAPOLIS MN 55440 2 031 1 00.00 860115

MCINTOSH ANDREW 5098 270 GRAIN EXCHANGE N B
LDG MINNEAPOLIS MN 55415 3 031 1 00.00 860115

MCLAUGHLIN LAVERNE E 0453 COMM DISTRIB DIST 5 MINN DEPT TRANSPORTATION 2055 N LILAC DRIVE
GOLDEN VALLEY MN 55422 1 031 1 00.00 082186

MCNAMARA LAWRENCE F 0005 ASSISTANT COMMISSIONER OPERATIONS DIVISION 413 TRANSPORTATION BLD
G ST. PAUL MN 55155 1 031 1 00.00 28MAR86 851119

MCRAE KERMIT K 0137 DISTRICT ENGINEER DIST 9 MINN DEPT TRANSPORTATION 3485 HADLEY AVENUE NOR
TH NORTH ST PAUL MN 55109 1 031 1 00.00 28MAR86 080886

MEDIN GARY R 1205 MANAGER-PUBLIC RELATIONS MINN STATE AUTO ASSOC 7 TRAVELERS TRAIL
BURNSVILLE MN 55337 3 031 1 00.00 860115

MEISSNER CARL F 1085 CITY ADMINISTRATOR CITY OF COTTAGE GROVE 7516-80TH STREET S
COTTAGE GROVE MN 55016 3 031 1 00.00 860115

MELBY ERNEST R 0222 MGR PURCHSNG/SUPPLIES/INV OFC SYSTEMS & SUPPORT SVC B-20 TRANSPORTATION BL
DG ST. PAUL MN 55155 1 031 1 00.00 28MAR86 080886

MERRILL THOMAS E 1119 PRESIDENT FARIBAULT TRANSPORTATION 2615 1ST AVE NW/BOX 16
3 FARIBAULT MN 55021 3 031 1 00.00 841022

MEYER HERBERT W 1112 CODE CONSULTANT 10824 ZENITH AVE S
BLOOMINGTON MN 55431 3 031 1 00.00 860115

MILLER BRUCE 9419 UNITED HANDICAPPED FEDN 1821 UNIVERSITY AVE #2
845 ST PAUL MN 55104 3 031 1 00.00 072586

MILLER WILLIAM C 1776 ASST ENGR COORD-- FHWA US DEPT TRANSPORTATION METRO SQUARE BLDG #490
ST. PAUL MN 55101 1 031 1 00.00 062786

MILLER BEVERLY 4477 WEST METRO COORD TRANSPTN 3614 BRYANT AVENUE S
MINNEAPOLIS MN 55409 3 031 1 00.00 860115

MONK WILLIAM 5194 CITY ENGINEER 5 CITY OF CHANHASSEN 690 COULTER DR-BOX 147

INTERNATIONAL FALLS MN 56649 3 031 1 00.00 860115

ZELENKA ROBERT 1197 EXECUTIVE DIRECTOR MINN FARMERS ELEVATOR ASN 852 GRAIN EXCHANGE BLD

G MINNEAPOLIS MN 55415 3 031 1 00.00 860115

G ST. PAUL MN 55155 1 031 1 00.00 860221

Key	First	M	Last	Address	City	St	Zip-Code	C	Dist	Cpy	Cost Paid	Update
			SHAW	DALE	N 0121 AREA MAINTENANCE ENGR 6B		MINN DEPT TRANSPORTATION				1010 21 AV NW-PO BOX 3	
07	OWATONNA		MN 55060	1 031 1 00.00	850819							
			SHELDRUP	MARLYN	E 0024 AREA MAINTENANCE ENGR 7A		MINN DEPT TRANSPORTATION				POB 4039-501 S VICTORY	
DR	MANKATO		MN 56001	1 031 1 00.00	060286							
			SHOL	LUCKY	1104 PRESIDENT		WEST CENTRAL AIRWAYS INC				PO BOX 432	
	FERGUS FALLS		MN 56537	3 031 1 00.00	860115							
			SIGGERUD	CHARLES	A 5179 DIRECTOR PUBLIC WORKS	9	CITY OF BURNSVILLE				1313 E HIGHWAY 13	
	BURNSVILLE		MN 55337	3 031 1 00.00	851126							
			SLETTOM	EDWARD	E 0436 EXECUTIVE DIRECTOR		MINN ASSN OF COOPERATIVES				480 CEDAR ST # 380	
	ST. PAUL		MN 55101	3 031 1 00.00	860115							
			SMITH	BARBARA	0455 COMMUNCATN DISTRIB DIST 6		MINN DEPT TRANSPORTATION				PO BOX 6177 - N HWY 52	
	ROCHESTER		MN 55903	1 031 1 00.00	082186							
			SOBOLEWSKI	MICHAEL	0007 PUBLIC AFFAIRS MGR		OFFICE OF COMMISSIONER				408 TRANSPORTATION BLD	
G	ST. PAUL		MN 55155	1 031 1 00.00	860211							
			SODER	ALAN	D 0240 DIR ADMINISTRATION SECT		OFC MOT CARR SAF & CPLNCE				416 TRANSPORTATION BLD	
G	ST. PAUL		MN 55155	1 031 1 00.00	851015							
			SOTEBEER	ANDREW	L 0171 AREA MAINTENANCE ENGR 7B		MINN DEPT TRANSPORTATION				COUNTY RD 26 - PO BOX	
427	WINDOM		MN 56101	1 031 1 00.00	851017							
			SPARTZ	GREGORY	G 9428 ASSISTANT ADMINISTRATOR		WILLMAR STATE HOSPITAL				PO BOX 1128	
	WILLMAR		MN 56201	3 031 1 00.00	860115							
			SPURRIER	H	R 5109 CITY ENGINEER	5	CITY OF BROOKLYN CENTER				6301 SHINGLE CREEK PKW	
Y	BROOKLYN CENTER		MN 55430	3 031 1 00.00	860115							
			STANAWAY	SHEILA	0410 COMMUNICATION DISTRIBUTOR		OFC CONTRACT ADMIN-MAINT				G-20 TRANSPORTATION BL	
DG	ST. PAUL		MN 55155	1 031 1 00.00	860307							
			STEHR	RICHARD	A 0174 DIRECTOR		OFC TRANS DATA RES & ANAL				820 TRANSPORTATION BLD	
G	ST. PAUL		MN 55155	1 031 1 00.00	860103							
			STROM	KURT	E 1115		COUNCIL FOR HANDICAPPED				208 METRO SQUARE BLDG	
	ST. PAUL		MN 55101	3 031 1 00.00	860115							
			SULLIVAN	RICHARD	H 0178 DIRECTOR		OFC MATLS RESEARCH & STDS				612E TRANSPORTATION BL	
DG	ST. PAUL		MN 55155	1 031 1 00.00 22JUL86	071786							
			SWANSON	RICHARD	R 0180 DIR ACCOUNTING & FINANCE		OFC FINANCIAL MANAGEMENT				DOT ANNEX - 461 RICE S	
T	ST. PAUL		MN 55103	1 031 1 00.00 22JUL86	860129							
			SWANSON	ROBERT	G 0181 DIR RAIL ADMIN SECT		OFC RAILROADS & WATERWAYS				810 TRANSPORTATION BLD	
G	ST. PAUL		MN 55155	1 031 1 00.00 22JUL86	860110							
			TESSMAN	GERALD	F 0185 DIRECTOR		OFC EMPLOYEE & ORG DEVEL				404 TRANSPORTATION BLD	
G	ST. PAUL		MN 55155	1 031 1 00.00	860103							
			THOMPSON	RUSSELL	C 4474 DIRECTOR OF DISTRIBUTION		CENEX				PO BOX 64089	
	ST PAUL		MN 551640089	3 031 1 00.00	860115							
			THOMPSON	MARLYS	A 0450 COMM DISTRIB DIST 4		MINN DEPT TRANSPORTATION				1000 W TH 10 - PO BOX	

| | | |

EDEN PRAIRIE MN 55344 3 031 1 00.00 860115

RIEDL, JR JOHN C 1058 AIRPORT MANAGER BRAINERD/CROW WING CTY AIRPORT-RT.#2-BOX 251B
BRAINERD MN 56401 3 031 1 00.00 860115

RIPPENTROP GARY D 9222 EXECUTIVE VICE PRESIDENT MINN AUTO DEALERS ASSOC 277 UNIVERSITY AVENUE
ST. PAUL MN 55103 3 031 1 00.00 860115

ROMBERG CHRIS 4119 VETERANS SERVICE OFFICER COUNTY OF BROWN COURT HOUSE
NEW ULM MN 56073 3 031 1 00.00 841022

ROSENTHAL ABE 1038 PRESIDENT MINN TRANSPORT SERVICES 1821 UNIVERSITY AVE #3
10 ST. PAUL MN 55104 3 031 1 00.00 860115

ROSS ALFRED 1033 6356 WARE ROAD
LINO LAKES MN 55014 3 031 1 00.00 860115

ROUGHT RAYMOND J 0003 ASSISTANT COMMISSIONER AERONAUTICS DIVISION 417 TRANSPORTATION BLD
G ST. PAUL MN 55155 1 031 1 00.00 860207

RUBENSTEIN SAMUEL 4471 6960 MADISON AVENUE W
GOLDEN VALLEY MN 55427 3 031 1 00.00 860115

RUTZEN DALE L 0458 COMM DISTRIB DIST 7 MKTO MINN DEPT TRANSPORTATION POB 4039-501 S VICTORY
DR MANKATO MN 56001 1 031 1 00.00 061986

SALEWSKI BENNO 1019 ASST VICE PRESIDENT MINN ASSN HEALTH CARE FAC 2850 METRO DRIVE #429
MINNEAPOLIS MN 55420 3 031 1 00.00 850812

SALLSTROM CRAIG 3999 MN PLANT FOOD & CHEM ASSN 1821 UNIVERSITY AVE
ST. PAUL MN 55104 3 031 1 00.00 860115

SANDAHL JOHN E 0153 DISTRICT ENGINEER DIST 1 MINN DEPT TRANSPORTATION 1123 MESABA AVENUE
DULUTH MN 55811 1 031 1 00.00 28MAR86 080886

SANFORD S M 1082 7000 PORTLAND AVE
RICHFIELD MN 55423 3 031 1 00.00 860115

SATHER GERALD 3867 WEBERS AERO REPAIR, INC. PO BOX 264
ALEXANDRIA MN 56308 3 031 1 00.00 072586

SCANLAN JOYCE 9425 PRESIDENT NATL FED OF BLIND MINN 15 S FIFTH ST #715
MINNEAPOLIS MN 55402 3 031 1 00.00 860115

SCHADE BARRY C 1187 DIR-WATER QUALITY DIV MINN POLLUTION CONTROL AG 1935 W COUNTY ROAD B2
ROSEVILLE MN 55113 2 031 1 00.00 860115

SCHENKELBERG ALLAN J 0193 DIR HWY PROGRAMMING SECT OFC HIGHWAY PROGRAMS 807 TRANSPORTATION BLD
G ST. PAUL MN 55155 1 031 1 00.00 28MAR86 850708

SCHMIT MICHAEL C 1100 CITY-CLERK TREASURER CITY OF WILLMAR 333 SW 6TH ST/PO BOX 7
55 WILLMAR MN 56201 3 031 1 00.00 860115

SCHMITT WILLIAM L 1152 CITY OF ALBERT LEA 221 EAST CLARK ST
ALBERT LEA MN 56007 3 031 1 00.00 860115

SCHUMANN HENRY 1191 OLMSTED COUNTY MINN ASSN OF TOWNSHIPS ROUTE 1 - BOX 245
STEWARTVILLE MN 55976 3 031 1 00.00 860115

SCHWENINGER RONALD J 5108 CITY ENGINEER 3 CITY OF BRAINERD CITY HALL
BRAINERD MN 56401 3 031 1 00.00 860115

SECOR JANET 0416 COMMUNICATION DISTRIBUTOR OFC RIGHT OF WAY 511 TRANSPORTAION BLDG
ST. PAUL MN 55155 1 031 1 00.00 851010

SELNESS CECIL 0166 DIRECTOR OFC RAILROADS & WATERWAYS 810 TRANSPORTATION BLD

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

FIFTH FLOOR, FLOUR EXCHANGE BUILDING
310 FOURTH AVENUE SOUTH
MINNEAPOLIS, MINNESOTA 55415
(612) 341-7600

October 19, 1989

Leonard W. Levine, Commissioner
Minnesota Department of Transportation
Transportation Building
St. Paul, Minnesota 55155

Re: In the Matter of the Proposed Rules Relating to the Definition of Significant Centers of Population and Commerce and Temporary Emergency Service; OAH Docket No. 9-3000-3711-1.

Dear Commissioner Levine:

On October 11, 1989, I was notified by Jonette Kreideweis, Manager of the Highway Planning Unit that the hearing in the above-entitled matter scheduled for October 10 through October 11, 1989 was cancelled because fewer than 25 persons submitted written requests for a public hearing within the comment period.

Accordingly, this rulemaking proceeding will proceed pursuant to the procedure applicable to rules adopted without public hearing, Minn. Stat. §§ 14.22 - 14.28. The services of the Office of Administrative Hearings and my services as an Administrative Law Judge are no longer necessary. Accordingly, I am with this letter closing our file and returning the official record in this matter to you.

Sincerely,

Phyllis A. Reha
by JH

PHYLLIS A. REHA
Administrative Law Judge

Telephone: 612/341-7611



PAR:vh
Enclosures

Minnesota
Department of Transportation
Transportation Building
St. Paul, Minnesota 55155

Office of Commissioner

(612) 296-3000

9-3000-3711-1

September 1, 1989

RECEIVED
SEP 1 1989
ADMINISTRATIVE
HEARINGS

Honorable William G. Brown
Chief Administrative Law Judge
310 Fourth Avenue South
5th Floor Summit Bank Building
Minneapolis, Minnesota 55415

Dear Judge Brown:

Herewith please find the following documents needed, pursuant to Minnesota Rule, Part 1400.0600, should it prove necessary for the Minnesota Department of Transportation to initiate a hearing on its proposed rules relating to the definition of significant centers of population and commerce and temporary emergency service; which documents must be filed with the Administrative Law Judge at least 25 days prior to the date and time of the hearing.

✓* notice of hearing, as mailed;

✓* certification as to the completeness and accuracy of the mailing list used for the hearing notice;

✓* affidavit of mailing notice to all persons on agency list;

✓* affidavit of mailing additional discretionary notice given pursuant to M. S. Sec. 14.14, subd. 1a;

✓* all materials received following notice made pursuant to M. S. Sec. 14.10 and a copy of the State Register containing the notice;

✓* names of agency personnel who will represent Mn/DOT at the hearing together with the names of any other witness solicited by Mn/DOT to appear on its behalf;

* copy of the State Register in which the notice and proposed rules or amendments were published.

-more-

I trust this file is in order, and that we may proceed to hearing, if so required. It is my understanding that Ms. Phyllis Reha, Administrative Law Judge has been assigned to this proceeding.

Sincerely,

LEONARD W. LEVINE
Commissioner

Enclosure (1)

STATE OF MINNESOTA

DEPARTMENT OF TRANSPORTATION

In the matter of the Proposed Adoption
of a Rule Relating to the Definitions of
"Significant Centers of Population and
Commerce" and "Temporary Emergency Service."

FINDINGS OF FACT, CONCLUSIONS,
AND ORDER ADOPTING RULE
WITHOUT PUBLIC HEARING

(1) Notice of the Commissioner's intent to adopt the above-entitled rule was published in the State Register on August 28, 1989 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, section 14.14, subdivision 1(a) and 14.22 on September 1, 1989. Additional discretionary public notice of the proposed adoption of the rule was also sent by United States mail to the active Regional Development Commissions in Minnesota on September 1, 1989. (2) The statement of need and reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public.

(4) All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. The agency received one (1) request for a public hearing; no other written comments were received. Therefore, the agency did not receive requests for a public hearing from 25 or more persons.

(5) No requests for notice of submission to the attorney general were received by the agency.

(6) No modifications have been made to the rule as proposed.

(7)(8) Based on the comments and evidence in the record before the agency, I find the Rule Relating to the Definitions of "Significant Centers of Population and Commerce" and "Temporary Emergency Service" is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the Rule Relating to the Definitions of "Significant Centers of Population and Commerce" and "Temporary Emergency Service" is adopted this (9) 2nd day of November 1989, pursuant to authority vested in me by Minnesota Statutes, section 169.832, subdivision 13, and Laws 1986, chapter 398, article 13, section 10.

(9)

LEONARD W. LEVINE
Commissioner
Minnesota Department of Transportation

In the matter of the Adoption
of the Rule of the Minnesota
Department of Transportation
Relating to State Highway
Artery System

DECLARATION
OF COUNSEL

I, M. Jacqueline Regis, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. For Attorney General billing purposes, the four-digit docket client code is 0775.

M. Jacqueline Regis

M. JACQUELINE REGIS
Special Assistant
Attorney General

Dated: November 17th, 1989.

STATE OF MINNESOTA
COUNTY OF RAMSEY

BEFORE THE MINNESOTA
COMMISSIONER OF
TRANSPORTATION

In the Matter of Proposed Rules
Relating to the Definition of
Significant Centers of Population
and Commerce and Temporary
Emergency Service

STATEMENT OF NEED AND
REASONABLENESS

The Commissioner of Transportation, pursuant to Minnesota Statutes, section 169.832, subdivision 13, presents facts establishing the need for and reasonableness of proposed rules for defining "significant centers of population and commerce" and "temporary emergency service". These terms will be used to assist in determining which state trunk highways will serve as market artery routes. State trunk highways designated as market arteries will represent priority routes for the elimination of seasonal truck axle-weight load restrictions.

I. Statutory Authority

Minnesota Statutes, section 169.832 directs the Commissioner of Transportation to adopt rules defining "significant centers of population and commerce" and "temporary emergency service". Minnesota Statutes, section 169.832 states:

> "Subd. 13. **RESTRICTIONS ON TRUNK HIGHWAYS** (a) For purposes of this section a "market artery" is a trunk highway or segment thereof that:
>
> (i) connects significant centers of population or commerce;
>
> (ii) connects highways described in clause (i);
>
> (iii) provides access to a transportation terminal; or
>
> (iv) provides temporary emergency service to a particular shipping or receiving point on a market artery.

(b) The commissioner may impose seasonal load restrictions under section 169.87 on a market artery only after giving 30 days' notice to the chairs of the transportation and appropriations committees of the house of representatives, and the chairs of the transportation and finance committees of the senate. The commissioner shall provide with each notice a plan to improve the market artery within the next three years so that seasonal load restrictions will not be necessary on it.

(c) The commissioner shall adopt rules under chapter 14 defining "significant centers of population and commerce" and "temporary emergency service" for purposes of this section. In drafting the rules, the commissioner shall consult with major highway users, representatives of manufacturing, retail trade and agriculture, local government and regional development commissions. The commissioner shall consider the importance of manufacturing, retailing, agricultural and natural resources in promulgating the rule, and shall hold at least four public meetings in various parts of the state prior to preparing the final draft of the rule. Between July 1, 1986, and the effective date of the rule, "significant centers of population and commerce" means all home rule charter or statutory cities that had total retail sales of at least $50,000,000 as reported in the 1982 census of retail trade of the United States Department of Commerce."

II. **Meaning of Terms**

This Statement of Need and Reasonableness deals with the definition of two terms, "significant centers of population and commerce" and "temporary emergency service". Those definitions will be used to help determine which state trunk highways will serve as market artery routes. The designation of the market artery system will influence how the Minnesota Department of Transportation manages seasonal truck axle-weight restrictions on trunk highways under its jurisdiction.

Certain technical terms are used in this Statement of Need and Reasonableness. They are explained here for the convenience of the reader.

A. Minnesota Statutes, section 169.832, subdivision 13 states that the rule applies to "trunk highways". Minnesota Statutes, section 160.02 states that "trunk highways includes all roads established or to be established under the provisions of article 14, section 2 of the Constitution of the state of Minnesota".

There are approximately 12,100 miles of trunk highways in Minnesota under the jurisdiction of the Minnesota Department of Transportation.

B. "Truck", as it is used in this document, means a five-axle tractor semi-trailer truck combination.

C. "Maximum allowable vehicle loads" means the gross vehicle weights permitted in Minnesota Statutes, section 169.825. As stated in Minnesota Statutes, section 168.011, subdivision 16, the term gross weight applied to a truck used for towing a trailer or semi-trailer means the unloaded weight of the truck, fully equipped for service, plus the weight of the maximum load which the applicant has elected to carry on such truck, including the weight of such part of the trailer and its load as may rest upon the truck. In Minnesota, the current "maximum allowable vehicle load" for a five-axle, tractor-semi-trailer combination is 80,000 pounds gross vehicle weight. The weight of loads that may be transported on highways is discussed in greater detail in Part IV of this Statement of Need and Reasonableness.

Minnesota Statutes, section 169.832, subdivision 11, gives the commissioner the authority to designate routes to carry the gross weights permitted under section 169.825. Section 169.832, subdivision 11 states:

> "Designation of routes. The commissioner may designate any street or highway route or segment of a route to carry the gross weights permitted under section 169.825. Any designation of a route pursuant to this subdivision, other than a trunk highway route, is subject to the approval of the local authority having jurisdiction over the route. A route may not be designated if the commissioner finds that designation
>
> (a) creates an undue hazard to traffic safety; or
>
> (b) is inconsistent with structural capacity of the route, including consideration of the volume of traffic expected to occur on the route after designation.

Notwithstanding any finding under clause (b), the commissioner shall designate any route which is needed to provide

(i) a connection between significant centers of population or commerce, or between other designated routes; or

(ii) access to a transportation terminal; or

(iii) temporary emergency service to a particular shipping or receiving point on the route."

D. "Seasonal load restrictions" have the meaning used in Minnesota Statutes, section 169.87. Section 169.87 gives the Commissioner the authority to reduce the vehicle weights permitted on highways when such restrictions are necessary to protect the highways from serious damage or destruction because of deterioration, rain, snow or other climatic conditions. Seasonal weight restrictions have historically been used during the three month spring season (March-May) when moisture saturation in underlying soils leaves roadways in their weakest condition. Notice of seasonal weight restrictions is given by signs on the roadway.

III. Statement of Compliance With Chapter 14

A. Notice of Intent to Solicit Outside Opinion

The Minnesota Department of Transportation published a Notice of Intent to Solicit Outside Opinion on September 1, 1986, in the State Register. The notice stated the intent of the department to promulgate rules defining "significant centers of population and commerce" and "temporary emergency service".

The Minnesota Department of Transportation received three letters and one telephone call in response to the notice from:

a) Mid-Minnesota Development Commission

Requested the department to expand the interim definition of "significant centers of population and commerce" so that major regional centers and important highways such as Trunk Highway 212 are included.

The letter recommended the following criteria as alternatives for defining "significant centers of population and commerce":

-- cities with $50 million or more in retail sales;

-- cities with 450 or more persons working for operating manufacturing establishments and auxiliaries;

-- cities with $10 million or more receipts from service industry firms, subject to federal income tax.

b) Southwest Regional Development Commission

This letter was forwarded to the department with the letter from the Mid-Minnesota Development Commission.

The Southwest Regional Development Commission supported the alternative criteria identified by the Mid-Minnesota Development Commission. They also raised questions regarding:

-- how the department will handle cities that fall just short of the criteria thresholds; and

-- whether there is sufficient flexibility to allow for changes in population and commercial activity that occur between census reporting periods.

c) City of Montevideo

Requested the department to expand the definition of "significant centers of population and commerce" to include cities like Montevideo.

d) Kane Transport, Incorporated, Sauk Centre, Minnesota

Requested that a number of trunk highways be identified as important shipping corridors and priority market artery routes.

B. Fees, Mandated Costs or Public Expenditures

Promulgation of this rule will not result in the imposition of agency fees as described in Minnesota Statutes, section 16A.128. The rule will not require the expenditure of public monies by local public bodies as defined in Minnesota Statutes, section 14.11, subdivision 1. Additionally, the rule will not result in mandated costs for local agencies or school districts described in Minnesota Statutes, section 3.982.

C. Impacts on Agricultural Land

The proposed rule will have no effect on agricultural land.

D. Impact on Small Business

The proposed rule may have an impact on the transportation activities of small businesses located in cities or rural areas that do not meet the criteria included in the rule for defining "significant centers of population and commerce".

The intent of the legislation specifying this rulemaking is to eliminate seasonal weight restrictions on those trunk highways which are most important to trucking and shipping. This intent is accomplished by identifying "significant centers of population and commerce" and connecting them via a network of trunk highway market artery routes.

This rule specifies the criteria for defining which cities in Minnesota will be identified as "significant centers of population and commerce" for the purposes of Minnesota Statutes, section 169.832, subdivision 13. The rule is designed to identify Minnesota cities which are major regional centers and businesses which are large truck traffic generators.

Businesses located on trunk highway market arteries that connect cities defined as "significant centers of population and commerce" may achieve some shipping advantage over businesses which are located on routes which have not been identified as market arteries. This situation may result because of the priority that will be given to eliminating seasonal weight restrictions on market artery routes.

The department has considered the impact of the rule on small businesses in compliance with Minnesota Statutes, section 14.115, subdivision 2. The law requires the department to consider:

(a) the establishment of less stringent compliance or reporting requirements for small businesses;

(b) the establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;

(c) the consolidation or simplification of compliance or reporting requirements for small businesses;

(d) the establishment of performance standards for small businesses to replace design or operational standards required in the rule; and

(e) the exemption of small businesses from any or all requirements of the rule.

The proposed rule does not establish compliance or reporting requirements or performance standards. It imposes no requirements on any business large or small.

The rule offers cities alternative ways to show that they are "significant centers of population and commerce". These provisions will minimize impacts of the rule on small businesses located in cities that might otherwise be unable to show that they are "significant centers of population and commerce" due to:

-- a lack of available published population or commerce data due to data privacy or U.S. Department of Commerce, Bureau of the Census data reporting provisions; or

-- population or commerce changes that have occurred during the time period between traditional U.S. Department of Commerce, Bureau of the Census data reporting periods.

Small business needs have also been considered in defining "temporary emergency service". For example, the Minnesota Department of Transportation will develop administrative procedures to respond to requests for the designation of "temporary emergency service" on a market artery route within twenty-four hours of receiving the request. The department's rapid response to such requests is intended to minimize delays and costs for shippers that find themselves faced with an immediate and urgent need to move commodities at weights up to the 80,000 pound maximum allowable vehicle load during unanticipated emergency situations.

E. Small Business Participation in Rulemaking

Many opportunities have been provided for small business to participate in this rulemaking process. The Notice of Intent to Solicit Outside Opinion made special reference to the potential impact of the rule on small business. In addition, throughout the public involvement activities surrounding this rulemaking, special efforts have been undertaken to encourage small business involvement in public meetings and in the review and comment of draft criteria for defining "significant centers of population and commerce" and "temporary emergency service".

The following actions were taken by the department to encourage business participation in the rulemaking:

a) Twelve public information meetings were held at various locations throughout the state to explain the rulemaking and solicit comments on alternative draft definitions for the rule.

b) Public notices stating the dates, time and locations of the public information meetings and the potential effects of the rule on small businesses were prepared.

Copies of the notice were:

- published in the State Register on September 7, 1987

- forwarded to all weekly and daily newspapers in the state

- mailed to several hundred businesses, shippers, trucking companies and private citizens identified by the regional development commissions and the department's nine district offices.

- forwarded to the following business associations:

Agricultural Transportation Cooperative Association

Concrete Paving Association of Minnesota

Farm Equipment Association

Minnesota and Dakota Retail
and Hardware Association

Minnesota Chamber of Commerce
and Industry

Minnesota Grocers Association

Minnesota Independent Truckers
Association

Minnesota Public Transport
Association

Minnesota Retail Trade
Association

Minnesota Timber Products

Minnesota Wheat Growers
Association

Northwest Agri Dealers
Association

Northwest Lumber Association

Red River Valley Sugar Beet
Growers Association

IV. General Statement of Need and Reasonableness

Background

Today, a major portion of all farm, forest and manufacturing products are transported on highways during some stage of production and distribution. In fact, fourteen percent or more of a product's final price is determined by the cost of transportation.

The Minnesota Department of Transportation is responsible for the 12,100 mile state trunk highway system. This system is an essential link in the productivity of Minnesota farms and businesses.

In recent years, greater shipping efficiencies have been achieved through the use of larger and heavier tractor-semi-trailer combinations. The most phenomenal growth has occurred in the use of five-axle tractor-semi-trailer combinations. Currently, five

axle truck travel is growing in Minnesota at about four percent per year. At this rate, it will double in the state by the year 2000.

In Minnesota, the maximum gross vehicle weight permitted for five axle, tractor-semi-trailer combinations is 80,000 pounds. The use of 80,000 pound trucks can result in larger payloads, reduced trips for shippers and cost savings for producers and consumers. However, heavier trucks create added stress for highway pavements. This added stress accelerates pavement deterioration and increases roadway repair costs. This is particularly true for many of the state's older trunk highways that were built years ago and are not designed to carry 80,000 pound truck loads.

It is in the spring that roadways are subject to the most damage from heavy vehicle loads. In the spring, moisture in subgrade soils from thawing frost and spring rains leave roadbeds in their weakest condition. The weakness in subgrade soils reduces stability and strength in highway pavements. The result is accelerated deterioration and pavement breakup.

In order to reduce the damage caused by heavier trucks, the Minnesota Department of Transportation imposes seasonal (spring) weight restrictions on structurally weak trunk highways. The Commissioner's authority to impose seasonal weight restrictions is specified in Minnesota Statutes, section 169.87. Seasonal weight restrictions are generally in effect from March 15 to May 15. Notice of restrictions is given by signs on the roadway.

Seasonal weight restrictions can cause difficulties for shippers and producers who are required to reduce truck loads to comply with lower weight limits. The use of smaller trucks or the shipment of less than full loads result in economic inefficiencies. They also have the potential to diminish the state's competitive advantage in attracting new business development.

To enhance economic development opportunities and improve shipping efficiencies, the Minnesota Department of Transportation began reassessing its weight management policies in 1984. A "risk management philosophy" was implemented; many seasonal weight restrictions were removed and the signs taken down. The result has been a substantial increase in the miles of trunk highway open year around to 80,000 pound trucks. Since 1984, the number of trunk highway miles open year-around to 80,000 pound trucks has increased from eighteen percent (18%) of the trunk highway system to nearly seventy-four percent (74%) of the trunk highway system in 1989.

Taking down seasonal weight restrictions signs without strengthening highways to carry additional weight is an unacceptable long-term solution. Unfortunately, upgrading all 12,100 miles of state trunk highways to carry 80,000 pound trucks year-around is also unrealistic. For example, in 1985, a department report estimated that the short and long term costs of establishing a statewide 80,000 pound trunk highway system would be over $32 million per year. (Truck Weight Action Group Report, Minnesota Department of Transportation, January 1985)

Overview of Minnesota Statutes, Section 169.832, Subdivision 13

In 1986, the Minnesota Legislature took action to help focus and direct the department's truck weight management activities. Minnesota Statutes, section 169.832, subdivision 13, requires the Minnesota Department of Transportation to identify a trunk highway market artery system. Subdivision 13(a) states:

> "For purposes of this section a "market artery" is a trunk highway or segment there of that:
>
> (i) connects significant centers of population or commerce;
>
> (ii) connects highways described in clause (i);
>
> (iii) provides access to a transportation terminal;
>
> (iv) provides temporary emergency service to a particular shipping or receiving point on a market artery."

The market artery system will connect geographic areas of supply and demand and include those roads which are most important to Minnesota trucking and shipping activities. State trunk highways designated as market artery routes will be priority routes for the elimination of seasonal weight restrictions.

The department is required to adopt rules to define "significant centers of population and commerce" and "temporary emergency service". Public meetings and consultations with major highway users, representatives of manufacturing, retail trade, agriculture, local government and the regional development commissions are also required by the law.

The proposed rule will classify cities to distinguish between those cities which are "significant centers of population and commerce" from those which are not. The Minnesota Department of Transportation has not previously used population and commercial indicators to classify cities for the purposes of determining

which trunk highways should be able to carry heavier trucks year-around. In fact, it appears that there are no state agency rules or programs that use both population and commercial indicators to classify cities.

In addition to defining "significant centers of population and commerce", the proposed rule will permit the department to designate "temporary emergency service" routes to particular shipping or receiving points on market artery routes. Under the proposed rule, "temporary emergency service" could be provided for a limited and specified period of time on trunk highways with seasonal weight restrictions or on alternate routes when service on a trunk highway market artery has been disrupted.

The department will allow trunk highways designated for "temporary emergency service" to be used by heavier trucks to move specific commodities to particular shipping and receiving points on market arteries during unanticipated emergencies which threaten the loss of life or significant property damage.

The market artery system that will evolve from this rule is specifically intended to eliminate seasonal weight restrictions on trunk highways that are defined as market arteries. The Minnesota Department of Transportation is not authorized to use this rule or the resulting market artery system to address other highway issues such as congestion, system expansion, tourism related travel needs, community by-passes, or the upgrading of facilities to carry more lanes of traffic. The market artery system also does not address roadway jurisdiction or ownership issues.

General Statement of Need

Insufficient financial resources exist to upgrade all trunk highways so that seasonal weight restrictions are no longer necessary. Therefore, the proposed rule is needed to focus limited state resources on those roads which are most important to trucking and shipping activities. Additionally, since virtually every road is important to the individuals and businesses located on it, the rule provides the necessary criteria for defining which "significant centers of population and commerce" should be connected by market artery routes and which trunk highways should be designated for "temporary emergency service".

The remaining portion of this document presents the part by part statement of need and reasonableness to support the department's proposed rule for defining "significant centers of population and commerce" and "temporary emergency service".

V. Part by Part Statement of Need and Reasonableness

A. Part 8815.0100 DEFINITIONS

Subpart 1 states that the scope of the terms used in this chapter have the meanings given them in these definitions.

Subpart 2 states that "commissioner" means the commissioner of the Minnesota Department of Transportation.

Subpart 3 states that the term "emergency" includes flood, tornado, fire or other disaster that threatens loss of life or destruction or damage to property or crops of such magnitude as to seriously endanger the public health, safety, and welfare.

The proposed definition provides examples of situations that justify removing seasonal weight restrictions so that heavier loads can be moved during emergencies.

The proposed definition of "emergency" is consistent with other definitions of "emergency" in state statutes. For example, Minnesota Statutes, section 12.03, subdivision 3, states that "emergency" means "...an unforeseen combination of circumstances which calls for immediate action to prevent a disaster from developing or occurring.". Minnesota Statutes, section 12.03, subdivision 2, further states that "disaster" means "...a situation which creates an immediate and serious impairment to the health and safety of any person, or a situation which has resulted or is likely to result in catastrophic loss to property, and for which traditional sources of relief and assistance within the affected area are unable to repair or prevent the injury or loss." Minnesota Rule, part 4110.0100, subpart 11, states that "Emergency services means activities immediately necessary to preserve the health or safety of the citizens."

Subpart 4. defines "manufacturing employees." Information on manufacturing employment is necessary to identify the relative levels of commercial activities occurring in Minnesota cities. These levels are used to determine which cities meet the criteria in the proposed rule defining "significant centers of population and commerce".

The definition of "manufacturing employees" is broken into two parts. Item A. states that "manufacturing employees" means the number of full-time, nonseasonal employees established by the most recent Census of Manufactures, Geographic Area Series, Minnesota, prepared by the United States Department of Commerce, Bureau of the Census, hereinafter referred to as the Census of Manufactures. The Census of Manufactures, is incorporated by reference into this definition. The Census of Manufactures is

one of several economic censuses prepared by law under Title 13 of the United States Code, Sections 131, 191, and 224. Federal law directs that these censuses be taken at 5-year intervals for the years ending in 2 and 7. The economic censuses are the major source of facts about the functioning and structure of the nation's economy.

The Census of Manufactures covers all establishments that employ one or more persons primarily engaged in manufacturing as defined in the 1972 Standard Industrial Classification (SIC) Manual and its 1977 Supplement. The SIC system is the system most commonly used by government agencies and other organizations to classify business activities in the United States.

> "The SIC Manual defines manufacturing as the mechanical or chemical transformation of inorganic or organic substances into new products. The assembly of component parts of products is also considered to be manufacturing if the resulting product is neither a structure nor other fixed improvement. These activities are usually carried on in plants, factories, or mills that characteristically use power-driven machines and materials-handling equipment." (1982 Census of Manufactures, MC82-A-24, Geographic Area Series, Minnesota, U.S. Department of Commerce, Bureau of the Census, p. IV, May 1985.)

The Census of Manufactures reports data for the nation as a whole, each state, metropolitan areas, counties, and "places". For census purposes, "places" are incorporated municipalities with populations of at least 2,500, or unincorporated municipalities with populations of at least 25,000. The Census of Manufactures reports manufacturing statistics for all establishments located in "places" with 450 manufacturing employees or more.

The use of the Census of Manufactures to define "manufacturing employees" is reasonable because it provides a readily available and consistently reported source of data on manufacturing employment for geographic jurisdictions within Minnesota.

The definition states that "manufacturing employees" means the number of full-time, nonseasonal employees. Language referring to full-time and nonseasonal employees was added because many food and kindred manufactures in Minnesota hire significant numbers of part-time or seasonal workers during the fall harvest period. The rule and subsequent market artery system are intended to eliminate seasonal (spring) weight restrictions on connections between "significant centers of population and commerce". The department believes it is reasonable to exclude

part-time and seasonal workers from the definition of "manufacturing employees" because they may indicate employment levels during periods of the year when seasonal (spring) weight restrictions do not influence shipping activities.

The definition for "manufacturing employees" includes an Item B. which states that "manufacturing employees" also means the number of full-time, nonseasonal employees established by information submitted to the commissioner that demonstrates that a city has a business or combination of businesses within its jurisdiction, engaged in manufacturing employment, as described in the Census of Manufactures, that employs over 450 full-time, nonseasonal employees.

Item B. is intended to provide a reasonable alternative for cities that wish to demonstrate that they meet the "manufacturing employees" criteria in the definition of "significant centers of population and commerce". Item B. is necessary because the Census of Manufactures is only taken and published at five year intervals. Item B. will allow the department to take into account any changes in manufacturing employment that occur between census reporting periods. Item B. is also necessary because of constraints in Census of Manufactures' data reporting provisions. For example, the smallest geographical areas covered by the Census of Manufactures in reporting "manufacturing employees" are "places". Item B. will allow smaller cities to show that they meet the criteria for "manufacturing employees", even though they are not reported in the Census of Manufactures.

Item B. provides a reasonable alternative for cities like Warroad, Minnesota. Warroad has a population of approximately 1,200, but a business with nearly 3,000 "manufacturing employees". Because Warroad has fewer than 2,500 inhabitants, the number of "manufacturing employees" is not reported in the Census of Manufactures. Item B. will allow the "manufacturing employees" in Warroad to be considered when the criteria for defining "significant centers of population and commerce" are applied to Warroad.

Subpart 5. states that "population" refers to the population established by:

A. the most recent Census of Population, Characteristics of the Population, Minnesota, prepared by the United States Department of Commerce, Bureau of the Census, (hereinafter referred to as the Census of Population), which is incorporated by reference; or

B. a special census conducted under contract with the United States Bureau of the Census.

It is necessary to have a readily available definition of population for use in identifying the relative numbers of inhabitants of cities in Minnesota. Population values are used to determine which cities meet the criteria in the proposed rule defining "significant centers of population and commerce".

The Census of Population is incorporated by reference in this definition. It is reasonable to use the decennial Census of Population because it is the traditional and most commonly reported source of information on the number of inhabitants for geographic jurisdictions throughout the country. In addition, Minnesota uses the Census of Population as the primary evidence of population. Minnesota Statutes, section 600.18 states:

> "The Governor shall obtain from the director of the federal census such certified copies thereof as will show the population of the several political divisions of this state, which certified copies shall be filed in the office of the secretary of state, and thereafter the several political divisions of the state for all purposes, unless otherwise provided shall be deemed to have the population thereby disclosed. Copies thereof, duly certified to by the secretary of state, shall be prima facie evidence of the facts therein disclosed in all the courts of this state."

Item B. has been added to the definition of "population" to provide a reasonable alternative method of reporting data for cities which experience population changes between the ten year Census of Population reporting periods.

Item B. will provide cities with an alternative to demonstrate that they meet the criteria in the proposed rule defining "significant centers of population and commerce". Provisions for the taking of a special census exist in state statutes. Minnesota Statutes, section 368.015 states:

> A town board may by resolution, in any year, request the United States Bureau of the Census to take a special census of the town for the purpose of being eligible to exercise the powers contained in section 368.01 as provided in section 368.01, subdivision 1a. A cost for the special census shall be borne by the town.

Subpart 6. states that "retail sales" has the meaning given it by the most recent Census of Retail Trade, Geographic Area Series, Minnesota, prepared by the United States Department of Commerce, Bureau of the Census (hereinafter referred to as the Census of Retail Trade), as measured in dollar value. Information on "retail sales" is necessary to identify the relative levels of commercial activities occurring in Minnesota cities. These levels are used in the proposed rule to define "significant centers of population and commerce".

The Census of Retail Trade is incorporated by reference in this section. The Census of Retail Trade is one of several economic censuses prepared by law under Title 13 of the United States Code, Sections 131, 191, and 224. Federal law directs that these censuses be taken at 5-year intervals for the years ending in 2 and 7. The economic censuses are the major source of facts about the functioning and structure of the nation's economy.

The Census of Retail Trade includes all establishments primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of goods. The Census of Retail Trade provides data for the nation as a whole, each state, metropolitan areas, counties, and municipalities with 2,500 inhabitants or more. Retail sales data are presented in dollar values. All dollar values are expressed in current dollars.

The use of the Census of Retail Trade to define "retail sales" is reasonable because it provides a readily available and consistently reported data base to assess business activities within particular geographic jurisdictions.

Subpart 7. states that "seasonal weight restrictions" means vehicle weight prohibitions or restrictions determined and imposed by the commissioner under Minnesota Statutes, section 169.87. This definition is necessary to clarify the provisions for providing "temporary emergency service" under the proposed rule. The definition of "seasonal weight restrictions" is reasonable and consistent with section 169.87, which specifies that local authorities may:

> "Subd. 1 ... prohibit the operation of vehicles upon any such highway or impose restrictions as to the weight of vehicles to be operated upon any such highway, whenever any such highway, by reason of deterioration, rain, snow, or other climatic conditions, will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced."

> "The commissioner shall likewise have authority, as hereinabove granted to local authorities, to determine and to impose prohibitions or restrictions as to the weight of vehicles operated upon any highway under the jurisdiction of the commissioner, and such restrictions shall be effective when signs giving notice thereof are erected upon the highway or portion of any highway affected by such action." (Emphasis added)

Subpart 8. states that "temporary" means a specified time period determined by the commissioner for the duration of an emergency or in the initial stages of recovery from the emergency. This definition is necessary to clarify the parameters of the "temporary emergency service" provisions included in this rule.

Other examples of the term "temporary" exist in state and federal law. Some of these have time periods attached to the definition. For example, Minnesota Statutes, section 221.071, subdivision 1, states:

> "The board may grant a temporary certificate, ex parte, valid for a period not exceeding 180 days ...".

Other uses of "temporary" specify the terms and conditions under which less than permanent actions will be allowed. For example, Minnesota Rule, part 7800.0800 identifies eleven informational items that must be provided by applicants seeking "temporary authority" for motor carrier service.

The proposed definition for "temporary" applies to less than permanent emergency situations. Because it is difficult to specify a standard time period for emergency situations, the time period covered by the "temporary" provisions in this rule will be determined by the commissioner, based on information provided by applicants. Depending on this information, "temporary" may encompass the duration of an emergency or the initial stages of recovery from the emergency. The discretion provided in the proposed rule will benefit the applicants by allowing the commissioner to be flexible.

Subpart 9. states that "wholesale sales" has the meaning given it by the most recent Census of Wholesale Trade, Geographic Area Series, Minnesota, prepared by the United States Department of Commerce, Bureau of the Census (hereinafter referred to as the Census of Wholesale Trade), as measured in dollar value. Information on wholesale sales is necessary to identify the relative levels of commercial activities occurring in Minnesota cities. These levels are used to determine which cities meet the

criteria in the proposed rule defining "significant centers of population and commerce".

The Census of Wholesale Trade is incorporated by reference into this section. The Census of Wholesale Trade is one of several economic censuses prepared by law under Title 13 of the United States Code, Sections 131, 191, and 224. Federal law directs that these censuses be taken at 5-year intervals for the years ending in 2 and 7. The economic censuses are the major source of facts about the functioning and structure of the nation's economy.

The Census of Wholesale Trade includes "...all establishments with one or more paid employees primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm or professional users; or to other wholesalers. Companies selling products to which they have title, as well as those acting as agents or brokers in buying merchandise for or selling merchandise to others, are included." (1982 Census of Wholesale Trade, WC82-A-24, Geographic Area Series, Minnesota, U.S. Department of Commerce, Bureau of the Census, p. IV, November 1984) The Census of Wholesale Trade provides data for the nation as a whole, each state, metropolitan areas, counties, and municipalities with 2,500 inhabitants or more. Wholesale sales data are presented in dollar values. All dollar values are expressed in current dollars. For example, 1982 data are expressed in 1982 dollars.

The use of the Census of Wholesale Trade to define "wholesale sales" is reasonable because it provides a readily available and consistently reported data base to assess business activities within particular geographic jurisdictions.

B. Part 8815.0200 TEMPORARY EMERGENCY SERVICE; WHEN ALLOWED

This part defines "temporary emergency service" and specifies the terms and conditions under which it will be allowed. Minnesota Statutes, section 169.832, subdivision 13(a)(iv), which authorizes this rulemaking, specifically introduces the concept of "temporary emergency service":

> "Subd. 13, (a) For purposes of this section, a "market artery" is a trunk highway or segment thereof that:
>
> (iv) provides temporary emergency service to a particular shipping or receiving point on a market artery."

The provisions for "temporary emergency service" will provide relief from seasonal weight restrictions to persons who need to ship maximum allowable vehicle loads to particular shipping and receiving points located on market arteries during emergencies. "Temporary emergency service" may be provided on:

(1) Trunk highways which have seasonal weight restrictions; or

(2) Other highways, designated by the commissioner, when service on an identified market artery route has been interrupted by an emergency.

In respect to (1) above, the provisions for "temporary emergency service" are necessary because of the continuing need to impose seasonal weight restrictions on structurally weak trunk highways. Provisions for "temporary emergency service" enable the department to allow people to ship heavy loads during emergencies that would otherwise be prohibited because of seasonal weight restrictions.

In respect to (2) above, "temporary emergency service" could also be necessary in situations where service on a designated market artery route has been disrupted by an emergency. For example, if flooding or emergency highway construction temporarily disrupts service on a designated market artery route, the proposed rule allows the commissioner to provide "temporary emergency service" on an alternative route. This will provide shippers with continued unrestricted service without seasonal weight restrictions. Commissioner authority to designate temporary trunk highway detours and temporary trunk highway haul roads is already provided in Minnesota Statutes, section 161.25:

> "On determining, for the purpose of constructing or maintaining any trunk highway, that any public street or highway is necessary for a detour or haul road, the commissioner may designate by order any such street or highway as a temporary trunk highway detour or as a temporary trunk highway haul road, and shall thereafter maintain the same as a temporary trunk highway until the commissioner revokes the designation. Prior to revoking the designation the commissioner shall restore such streets or highways to as good condition as they were prior to the designation of same as temporary trunk highways. Upon revoking the designations such streets or highways shall revert to the subdivision charged with the care

thereof at the time it was taken over as a temporary trunk highway."

Permitting vehicle loads in excess of posted seasonal weight restrictions accelerates pavement deterioration and increases highway maintenance costs. For these reasons, the proposed rule includes five limitations, (A.-E.), to describe the terms and conditions under which "temporary emergency service" will be allowed. The rule specifies that "temporary emergency service" may be provided only when all five limitations are met.

Item A. states in part that "temporary emergency service" may be provided to respond to sudden and unanticipated circumstances that create an urgent and immediate need. This language is necessary to define when a temporary emergency exists. In addition, this language is based on the assumption that if shippers had advance knowledge of shipping needs and if there were no compelling need for quick action, the shipper could:

(1) move the shipments in advance of the three month spring weight restriction period;

(2) move the shipments after the three month spring weight restriction period; or

(3) break the shipments down into smaller loads so that they are in conformance with posted seasonal weight restrictions.

Item A. also specifies that "temporary emergency service" may be provided to move loads that exceed the posted seasonal weight restrictions, but do not exceed the maximum gross vehicle weight permitted in Minnesota Statutes, section 169.825. This language is included so that the provisions for "temporary emergency service" are consistent with other Minnesota truck weight laws. Section 169.825 specifies the maximum allowable vehicle loads permitted on state trunk highways in Minnesota. For example, the current maximum allowable vehicle load for a five-axle, tractor, semi-trailer combination is 80,000 pounds gross vehicle weight.

Item B. of part 8815.0200, states that "temporary emergency service" may be provided to a particular shipping or receiving point on a market artery during an emergency or during the initial stages of recovery. This provision is consistent with the conditions stated in Minnesota Statutes, section 169.832, subdivision 13, which states that a market artery is a trunk highway that "...provides temporary emergency service to a particular shipping and receiving point on a market artery."

Language has been added to allow "temporary emergency service" only during an emergency or during the initial stages of recovery. This language is necessary to restrict the movement of maximum allowable vehicle loads on structurally weak highways in the spring, except during periods when there is a compelling need to allow such movements. Using the proposed definitions of "emergency" and "temporary", the commissioner will determine the time period that temporary emergency service provisions will be in effect. Consistent with those definitions, the time period will be designated so that it addresses the period of the emergency and the initial stages of recovery.

Item C. states that "temporary emergency service" may be provided to preserve public health or welfare or to avert or alleviate the effect of natural disasters. This language is necessary to restrict maximum allowable vehicle loads from using seasonally restricted trunk highways except during emergencies. Adding this language will assist in clarifying when an emergency exists for the purposes of providing "temporary emergency service".

The language included in Item C. is reasonable based on the existing definitions of "emergency" in state statutes. Minnesota Statutes, section 12.03, subdivision 3, states that "emergency" means "...an unforeseen combination of circumstances which calls for immediate action to prevent a disaster from developing or occurring". Minnesota Statutes, section 12.03, subdivision 2, further states that "disaster" means "...a situation which creates an immediate and serious impairment to the health and safety of any person, or a situation which has resulted or is likely to result in catastrophic loss to property, and for which traditional sources of relief and assistance within the affected area are unable to repair or prevent the injury or loss." Minnesota Rules, part 4110.0100, subpart 11, states that "Emergency services means activities immediately necessary to preserve the health or safety of the citizens."

Item D. states that "temporary emergency service" will be provided only to move specific products or commodities needed to avert or alleviate the emergency. The provisions for "temporary emergency service" are not intended to provide alternative routes for all persons who desire to ship maximum allowable vehicle loads. To permit any or all commodities to be moved on routes designated for "temporary emergency service" could provide unfair economic disadvantage to other shippers that are located on seasonally restricted routes that are not designated to provide "temporary emergency service". In addition, restricting shipments to those products or commodities needed to alleviate the effect of natural disaster will limit the extent of heavy truck travel occurring on seasonally restricted trunk highways that are designated for "temporary emergency service". This will

reduce pavement damages and related maintenance and improvement costs.

Item E. states that "temporary emergency service" will be provided only when to do so does not create an undue hazard to traffic safety. The inclusion of this language is necessary to protect the safety of the traveling public. Its inclusion is reasonable and consistent with the commissioner's powers and duties identified in Minnesota Statutes, section 169.832, subdivision 11. That section gives the commissioner the authority to designate routes to carry the gross vehicle weights permitted under state law. The section also states that, "A route may not be designated if the commissioner finds that designation (a) creates an undue hazard to traffic safety".

During public information meetings, several concerns were expressed regarding the proposed definition of "temporary emergency service".

First, several individuals requested that the definition of "temporary emergency service" be expanded so that seasonal weight restrictions could be temporarily waived for the shipment of fertilizer and seed potatoes. It was argued that allowing heavier fertilizer and seed potato trucks would reduce the total number of trips required to deliver these goods, thereby reducing the costs for receivers of the goods.

Shipments of fertilizer and other products necessary for planting are particularly vulnerable to seasonal weight restrictions because those products are shipped in the spring when roads are weakest due to moisture in subgrade soils from thawing and spring rains. After careful analysis, it was determined that fertilizer and seed shipments do not represent emergencies in the traditional meaning of the term. Emergencies are most often defined as unpredictable situations for which there are few alternatives to an immediate course of action. In contrast, fertilizer and seed shipments are predictable shipments, which can be addressed by alternatives other than providing "temporary emergency service". For example, fertilizer can be shipped in the fall and stored on the farm for spring use. Seed and other products can be broken down into smaller shipments that comply with seasonal weight restrictions.

The potential for cost savings by waiving seasonal weight restrictions on trunk highways may be diminished by the large number of seasonal weight restrictions which still exist on a majority of county and local roads. It appears that truckers must still use alternatives, such as early delivery and divisible loads, to ship goods to the large number of producers and receivers located off the state trunk highway system.

During the public meetings, it was suggested that the definition of "temporary emergency service" should be expanded to allow vehicle loads which exceed the maximum allowable weight limits specified in Minnesota Statutes, section 169.825. Provisions to address shipments in excess of statutory maximum allowable loads were not included for two reasons. First, Minnesota Statutes, section 169.832, subdivision 13, which authorizes this rulemaking, is specifically intended to address the elimination of seasonal weight restrictions on trunk highways which are designated as market artery routes. It does not authorize the commissioner to use this section to eliminate the maximum allowed vehicle weights prescribed in Minnesota Statutes, section 169.825. The second reason is the availability of other procedures to address the issue. Minnesota Statutes, section 169.86 specifies the provisions for obtaining special permits for shipments which exceed the maximum allowable vehicle loads authorized under Minnesota Statutes, section 169.825. Minnesota Statutes, section 169.86, states:

> "Subdivision 1. **Application for permit.** The commissioner, with respect to highways under the commissioner's jurisdiction, and local authorities, with respect to highways under their jurisdiction, may, in their discretion, upon application in writing and good cause being shown therefor, issue a special permit, in writing, authorizing the applicant to move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this chapter, or otherwise not in conformity with the provisions of this chapter, upon any highway under the jurisdiction of the party granting such permit and for the maintenance of which such party is responsible."

A third area of concern, identified at the public information meetings, concerned the length of time required to administratively designate trunk highways for "temporary emergency service". The department agrees with the need for expeditious application and response procedures in keeping with the emergency circumstances that generate the need for "temporary emergency service" provisions. At the public meetings, the department promised to develop procedures which minimize administrative burdens for applicants. In addition, the department promised meeting attendees that it will respond within twenty-four hours to all requests for "temporary emergency service".

8815.0300 SIGNIFICANT CENTERS OF POPULATION AND COMMERCE

This part describes the factors and threshold values used to determine which cities are "significant centers of population and commerce" for the purposes of Minnesota Statutes, section 169.832, subdivision 13. That section establishes four criteria for determining market artery routes.

Subdivision 13(a)(i) introduces the concept of "significant centers of population and commerce":

> "Subd. 13,(a) For purposes of this section, a "market artery" is a trunk highway or segment thereof that:
>
> (i) connects significant centers of population and commerce;".

"Significant centers of population and commerce" are the most important cities in the state for the shipment and receipt of products and commodities moved by trucks. Market artery connections between "significant centers of population and commerce" will be priority routes for the elimination of seasonal weight restrictions.

Each of Minnesota's 855 cities contributes to the economy of the state, and each is important to its residents. However, some cities have grown to overshadow others, dominating commercial activities within their regions. These larger, more significant cities tend to have larger and faster growing populations. They offer more diverse products and services, and they generally serve as regional hubs for retail, wholesale and manufacturing activities.

Insufficient financial resources exist to upgrade all trunk highways so that seasonal weight restrictions are no longer required. The proposed criteria for defining "significant centers of population and commerce" are necessary to focus limited state resources by identifying routes that provide connections between important centers.

For many years, geographers and urban planners have attempted to classify cities to aid in describing settlement, land use and economic relationships. The criteria used in this rule to define "significant centers of population and commerce", draw on the findings and conclusions of two key studies conducted in Minnesota.

1) In 1963, John Borchert, Regent's Professor of Geography at the University of Minnesota, made a notable and classic study of the hierarchy of

trade centers in the Upper Midwest. The classification system used was based on the idea that urban places are arranged in a hierarchical order according to their size and the diversity of retail and wholesale functions they perform. This system suggests that higher order centers provide more specialized and diverse retail and wholesale products and services than lower order centers. The degree of diversity and specialization was measured by both the number of establishments and the dollar value of wholesale and retail sales.

The criteria used by Dr. Borchert to classify centers are included in Appendix A of this document.

2) In 1970, John Borchert developed an urban clusters concept that evolved from his previous study on the hierarchy of centers. In this study, Dr. Borchert suggested that in future years most of the population of the Upper Midwest would be concentrated in Minneapolis - St. Paul and other low density urban clusters located in Greater Minnesota. Urban clusters were defined as areas which contain multiple shopping and service centers with large numbers of low-order retail and service centers, industrial and wholesale zones, public higher education facilities, public hospitals and newspapers and broadcasting stations. Dr. Borchert suggested that urban clusters are the result of advances in transportation and communication networks and are formed by linkages between clusters. As with previous studies, the amount or degree of diversity in retail and wholesale functions was used to establish a relative ranking of urban clusters in the Upper Midwest region.

In addition to reviewing studies, department staff met with the following individuals to discuss possible criteria and numerical values for defining "significant centers of population and commerce":

1) Representatives of the Minnesota Department of Trade and Economic Development (DTED).

DTED has not attempted to classify cities in Minnesota on the basis of population and commercial activities. However, staff suggested that retail sales, wholesale sales and

manufacturing employment are the most readily available and logical indicators of a city's economic level and diversity.

2) Tom Baerwald, former Geographer for the Minnesota Science Museum.

   Mr. Baerwald studied under John Borchert and is familiar with studies on the hierarchy of cities. He also has knowledge about Minnesota population and business development patterns. Mr. Baerwald suggested using a population of 5,000 or more persons to define significant centers. He also agreed that retail and wholesale sales and manufacturing employment are good criteria to measure the significance of commercial activities within cities.

3) John Borchert, Regent's Professor, University of Minnesota.

   Dr. Borchert reviewed what has historically occurred in the development of Minnesota cities and commercial places. Economic activities are clearly becoming more concentrated in the Twin Cities metro area and several large regional centers, such as St. Cloud, Mankato and Rochester. Despite these concentrations, other Minnesota cities continue to hang on as "significant" places by maintaining their populations, serving as regional shopping areas or by sustaining a level of manufacturing or wholesaling activities.

   Dr. Borchert reaffirmed many of the findings from his previous studies. He believes that retail and wholesale trade continue to be appropriate indicators of a city's diversity and importance to the regional or state economy.

The Minnesota Department of Transportation used the data from the studies and contacts identified above to assess what criteria and numerical values should be used to define "significant centers of population and commerce". Department staff studied truck travel patterns, reviewed where commercial activities occur and looked at how regions are served by major cities in the state. This analysis included an extensive review of census data on population and commercial activities. This analysis revealed how population and commercial activities are distributed among cities in the state. It also showed how the relative strength or importance of population and commercial activities varies among

different regions. For example, the average population of cities in southeastern Minnesota is higher than the average population of cities located in northwestern Minnesota.

Based on the analysis that was undertaken, the department developed several alternative definitions for "significant centers of population and commerce". Those alternative definitions were discussed at twelve public information meetings held at various locations around the state in fall 1987. The meetings were held in the cities of:

Appleton	Mora	Staples
Bemidji	Olivia	Thief River Falls
Duluth	Rochester	St. Paul (2)
Mankato	Slayton	

Nearly 260 individuals attended the twelve public information meetings, representing:

-- local, county and regional governments
-- manufacturing, retailing and wholesaling businesses
-- truckers, shippers and other highway users
-- agricultural product producers
-- concerned members of the public

The comments received at the public meetings supported the use of population, retail sales, manufacturing employment and wholesale sales to define "significant centers of population and commerce". Individuals attending the meetings also agreed that the numerical values used to describe the criteria should be liberal enough so that when all cities that meet the criteria are added together they include about sixty-six percent (66%) of the state's total population, retail sales, manufacturing employment and wholesale sales.

Based on analysis and public comments, the department developed the criteria and numerical values for defining "significant centers of population and commerce" proposed in Part 8815.0300 of the proposed rule. Part 8815.0300 states that "significant centers of population and commerce" means:

A. cities inside Minnesota that have any one of the following:

(1) population of 5,000 or more persons;

(2) $50,000,000 or more in annual retail sales;

(3) 450 or more manufacturing employees; or

(4) $50,000,000 or more in annual wholesale sales

B. cities in surrounding states or Canadian provinces that have populations of 50,000 or more persons.

Item A. of the proposed rule is necessary to state the numerical values for population and commercial activities that will be used to determine which cities in Minnesota will be defined as "significant centers of population and commerce" for the purposes of Minnesota Statutes, section 169.832, subdivision 13.

In Item A., population was identified as a criteria because it was specifically stated in the phrase "significant centers of population and commerce". (Emphasis added) In addition, population is generally considered to be an excellent measure of the importance and relative economic strength of cities.

The term population refers to the number of inhabitants living within corporate city boundaries. This is reasonable because it reflects the standard format for reporting population data in the Census of Population.

The numerical value for population was set at 5,000 or more persons because it has historically been used for other state transportation programs. For example, Minnesota Statutes, section 162.11 states that: "Nine percent of the net highway user tax distribution fund shall be paid into the municipal state-aid street fund". Minnesota Statutes, section 12.09, establishes a municipal state-aid street system in cities having a population of 5,000 or more.

In addition, the numerical value for population of 5,000 or more persons is reasonable because the sum of the populations of all cities that meet the criteria identified in Item A. represents approximately sixty-four percent (64%) of the state's total population.

The retail sales criteria was retained from the interim definition of "significant centers of population and commerce" in Minnesota Statutes, section 169.832, subdivision 13, which authorizes this rulemaking. That section states:

> "Subd.13,(c) Between July 1, 1986, and the effective date of the rule, "significant centers of population and commerce" means all home rule charter or statutory cities that had total retail sales of at least

$50,000,000 as reported in the 1982 census of retail trade of the United States Department of Commerce."

For retail activities, the dollar value of annual sales was selected as the most reasonable measure of overall activity. The Census of Retail Trade also reports the number of establishments, the annual payroll and the number of employees. The use of annual sales data is preferable to using data on the other indicators because it tends to be a better measure of the amount of goods being shipped. The volume of goods being shipped in turn shows the need for year-around truck service and the elimination of seasonal weight restrictions.

The numerical value of $50,000,000 or more in retail sales is reasonable. When all cities in Minnesota that meet the criteria in Item A. for defining "significant centers of population and commerce" are added together, they represent eighty-two percent (82%) of all retail sales in the state.

Additional criteria for wholesale sales and manufacturing employment were added for two reasons. First, it became apparent that there are cities in Minnesota that are unable to meet the interim criteria of $50,000,000 in retail sales. Many of these cities, nonetheless, have relatively substantial wholesale and manufacturing business activities.

A second reason for including wholesale and manufacturing criteria is that they are good indicators of a city's need for year-around heavy truck service. For example, manufacturing includes the state's food and kindred products, lumber and wood products, paper, printing and publishing, chemicals, primary metals, fabricated metals, machinery, electric and electronic equipment and transportation equipment industries. Wholesaling includes all establishments which sell goods such as groceries, furniture and home furnishings, lumber and construction materials and farm-product raw materials to industrial, commercial, institutional or professional users, to government, or to farmers for farm use.

The number of employees is believed to be the most reasonable indicator of the relative importance of manufacturing activities for the purposes of this rule. The number of manufacturing employees is used as a criterion because the department believes it is a reasonable measure of the volume of goods being shipped and of the consequent need for truck access to year-around unrestricted highways. This assumption is based on the idea that manufacturing is generally perceived as a labor intensive activity. The volume of goods produced by manufacturing establishments has historically been linked to the number of production workers employed.

In addition to employment, the Census of Manufactures lists the number of establishments, annual payroll, production worker hours and wages, the value added by manufacture, the cost of materials, the value of shipments and new capital expenditures. Using the number of employees was preferable to using the number of establishments because number of establishments does not always reflect the actual amount of goods being produced or shipped. It may also result in the exclusion of cities which have very large single employers. Using the dollar values for payroll, wages, materials, goods or shipments may not reflect the amount of goods being shipped or produced by particular manufacturing establishments. Lastly, it is easier to obtain data on employment than it is to obtain financial data because of data privacy concerns.

The definition states that "manufacturing employees" means the number of full-time, non-seasonal employees. This language was added to exclude businesses which may be hiring significant numbers of part-time, seasonal workers during times of the year when seasonal (spring) weight restrictions do not influence shipping activities.

The numerical value of 450 employees is reasonable for determining significant levels of manufacturing employment. The Census of Manufactures, which is used to determine the number of manufacturing employees, only reports statistics for places with more than 450 employees. As a result, it is extremely difficult to obtain reliable, consistent and readily available data for cities which have fewer than 450 manufacturing employees. In addition, the sum of all cities meeting the criteria in Item A. includes seventy-eight percent (78%) of total manufacturing employment in Minnesota.

For wholesale establishments, the dollar value of annual sales was selected as the most reasonable measure of overall activity. The Census of Wholesale Trade also reports the number of establishments, the annual payroll, the number of employees, operating expenses and the end of the year inventories. The department elected to use annual sales because it tends to be a better measure of the actual amount of goods being shipped.

In Minnesota, wholesale sales activities tend to be concentrated in a smaller number of cities than either retail sales or manufacturing employment. In addition, wholesale sales data does not reflect an even distribution of high to low volumes. Instead, the data indicates that the sales volumes for cities tend to be clustered with sizable variances or breaks in values in between the clusters. The numerical value of $50,000,000 or more in wholesale sales is reasonable because it represents a logical break in the distribution of wholesale sales volumes. In

addition, the sum of all cities that meet the criteria in Item A. represents nearly eighty-eight percent (88%) of all wholesale sales in the state.

Other indicators of a city's economic diversity, such as service industries, were not included in the criteria to define "significant centers of population and commerce" because there is not a strong correlation between those activities and the need for year-around heavy truck service. For example, service industries include such business activities as:

-- Hotels, rooming houses, camps, lodging places
-- Personal services
-- Business services
-- Automotive repair, services and garages
-- Amusement and recreation services
-- Health services, except hospitals
-- Legal services
-- Non-commercial museums and art galleries

Public administration, including government services, and finance, insurance and real estate activities were also not included in the criteria because they are not generally associated with the need for heavy truck service.

Item A. states that cities are "significant centers of population and commerce" if they meet any one of the four population, retail sales, manufacturing employment or wholesale sales criteria. This is a relatively liberal approach for defining "significant centers of population and commerce". The department believes that this liberal approach is reasonable for the following reasons:

1) The definition adds population, manufacturing employment and wholesale sales to the interim definition included in Minnesota Statutes, section 169.832, subdivision 13. The interim definition used $50,000,000 or more in retail sales to define "significant centers of population and commerce". The addition of criteria for population, manufacturing employment and wholesale sales makes the proposed definition more responsive to actual trucking activities and needs.

2) The definition establishes numerical values for population, manufacturing employment and wholesale sales which are not more restrictive than the interim definition of $50,000,000 or more in retail sales. For example, the proposed

definition includes cities which cumulatively represent about sixty-four percent (64%) of the state's population, eighty-two percent (82%) of all retail sales, seventy-eight percent (78%) of total manufacturing employment and eighty-eight percent (88%) of all wholesale sales in Minnesota.

3) The definition acknowledges that many significant regional centers in Minnesota are unable to attract or sustain diversity in more than one area of economic activity. For example, a number of significant centers in Minnesota tend to have commercial activities focused in a single area of manufacturing, wholesaling or retailing.

4) The definition permits cities that have small populations, but large manufacturing employers to be defined as "significant centers of population and commerce".

In addition to the reasons cited above, the proposed definition was the alternative that received the most favorable response at the public meetings.

Early in drafting the proposed rules, the department proposed to use urbanized area boundaries to define "significant centers of population and commerce" in the state's seven heavily developed urbanized areas. Minnesota's seven urbanized areas include:

Twin Cities	Duluth - Superior
Fargo - Moorhead	LaCrosse - LaCrescent
St. Cloud	Rochester
	Grand Forks - East Grand Forks

Using an urbanized area concept to define "significant centers of population and commerce" was proposed because cities which are part of a larger urbanized area tend to interact more as single unified centers, rather than as independent cities.

The proposal to use urbanized areas to define significant centers was dismissed on the basis of comments made at the public meetings. Persuasive arguments were presented by meeting attendees illustrating the need for consistent treatment of all Minnesota cities, regardless of whether they are included inside urbanized areas.

The public meetings generated a number of other suggestions for defining "significant centers of population and commerce". These suggestions are outlined in the following discussion.

One of the foremost concerns expressed at the public meetings was the apparent inability of the criteria to address the hauling of timber from forest areas and agricultural products from farms. The department struggled with these concerns because of the important role Minnesota timber and agricultural products play in the overall state economy. The problem with addressing trips from farms and forests is that they represent geographically dispersed activities. In contrast, the market artery system focuses on trunk highways in the state which connect concentrated population and business activities occurring in significant centers.

A number of individuals at the public meetings suggested that criteria should be added to further emphasize agricultural shipping needs and/or the actual tonnage or volume of goods shipped. The Minnesota Department of Transportation agrees that agricultural activities should be reflected in the criteria for defining "significant centers of population and commerce". For this reason, the criteria were expanded to include manufacturing and wholesaling activities. Data reported in the Census of Manufactures includes businesses involved in meat packing, poultry dressing, dairy products, preserved and canned fruit and vegetables, grain mill products, pet foods, prepared feed, sugar and confectionary products, beverages and other related food products. Data reported in the Census of Wholesale Trade includes businesses involved in selling farm product raw materials such as grain and livestock to retailers, industrial or commercial users, farmers for farm use, or to other wholesalers. By incorporating manufacturing and wholesaling activities, the department believes that it has adequately addressed the need to reflect agricultural products in the definition of "significant centers of population and commerce".

Other comments made at the public meetings suggested that the criteria for defining "significant centers of population and commerce" be expanded to include the locations of area vocational technical institutes and/or the annual sales for service industries. These criteria have not been included in the proposed rule because the department believes that they are unrelated to the need for year around heavy truck service.

Several individuals at the public meetings noted that the criteria in the proposed rule describe existing conditions and do not consider potential economic development changes within cities and communities. These individuals suggested that the rules should be expanded to give further consideration to economic development potential. The proposed rule is intended to address existing truck travel needs in significant centers. The criteria in the rules will be updated as new census information becomes available. In this way changes in population and commercial

activities can be addressed. In addition, it is difficult to develop criteria to estimate trucking needs based on what economic development, population or commercial activities may occur in individual Minnesota cities.

It was suggested that the criteria for defining "significant centers of population and commerce" should be written to give preference to communities which have lost rail service. The department agrees that the loss of rail service can create serious transportation problems for businesses dependent on heavy commodity movements. However, the loss of rail service, in and of itself, is not a measure of whether a city or place is a "significant center of population or commerce".

A number of individuals at the public meetings expressed concern that if heavier trucks are allowed on state trunk highways, then they will also travel on county and local roads. The department is authorized to identify a market artery system which connects "significant centers of population and commerce". The market artery system will establish priority routes for the elimination of seasonal weight restrictions. Heavier trucks present enforcement and management issues for local and county road authorities. However, the department is not authorized to address the effect of heavier trucks on local and county roads in this rulemaking.

Lastly, it was suggested that the department should establish criteria for defining significant centers based on the cumulative population and commercial activities occurring within trade areas or in areas where a number of communities reside in close proximity to each other. The department considered this suggestion. It was not acted on for two reasons. First, the legislation authorizing the rulemaking specifically focuses on the concept of significant centers. Second, the federal population and economic censuses do not report information for trade areas. In addition, the Census of Retail Trade and the Census of Wholesale Trade do not report statistics for places with fewer than 2,500 persons and the Census of Manufactures does not include data for cities with fewer than 450 manufacturing employees. As a result, the department could not identify a consistent, uniform and readily reported source for obtaining information on trade areas or the smaller cities located in trade areas.

Based on the criteria and numerical values in Item A., eighty-two (82) cities in Greater Minnesota and sixty-seven (67) cities in the Twin Cities metropolitan area would qualify as significant centers of population and commerce.

Cities in Greater Minnesota which meet the criteria for "significant centers of population and commerce" are identified in Appendix B. More specific data on population, retail sales, manufacturing employment and wholesale sales are included in Appendix C of this document.

Cities in the Twin Cities metropolitan area which meet the criteria for "significant centers of population and commerce" are identified in Appendix D. More specific data on population, retail sales, manufacturing employment and wholesale sales are included in Appendix E of this document.

Item B. of the proposed rule 8815.0300 states that significant centers of population and commerce also include cities in surrounding states or Canadian provinces with a population of 50,000 or more persons. Item B. was added to address concerns expressed at the public meetings regarding the need for year around unrestricted highway service on important trunk highway connections between major cities in surrounding states and Canadian provinces. Population is the only criterion used in this definition because of the difficulty in obtaining data on commercial activities for Canadian cities. The numerical value of 50,000 is reasonable for two major reasons. First, the department is most interested in using the definition to extend the network including cities in surrounding states or provinces that are major generators or receivers of five-axle trucks. Analysis indicates that longer distance truck travel tends to reflect trips primarily between cities of 50,000 or more persons. The second reason is because it includes the cities, such as Thunder Bay, Eau Claire, Winnipeg, Sioux Falls and Des Moines, which were mentioned at the public meetings.

Date: November 30, 1988

APPENDIX A
Classification of Trade Centers

Source: "Trade Centers and Trade Areas of the Upper Midwest", John Borchert and John Adams, Appendix A, pp. 36-42, September 1963.

Specific Criteria For Classification

1. Wholesale-retail center, metropolitan:

   a. Over 500 wholesale establishments.
   b. Over $1 billion annually in both wholesale and retail sales.

2. Wholesale-retail center, primary:

   a. Over 100 wholesale establishments.
   b. Over $75 million annually in both wholesale and retail sales.
   c. All of the following wholesale functions:

      (1) Automotive supplies
      (2) Bulk oil
      (3) Chemicals & paint
      (4) Drugs
      (5) Dry goods, apparel
      (6) Electrical goods
      (7) Groceries and food
      (8) Tobacco-beer
      (9) Lumber & construction materials
      (10) Hardware
      (11) Industrial & farm machinery
      (12) Paper
      (13) Plumbing, heating, air conditioning equipment
      (14) Professional service equipment

3. Wholesale-retail center, secondary:

   a. Over 50 wholesale establishments.
   b. Over $40 million in both wholesale and retail sales or over $80 million in total trade.
   c. Less than 14 but at least 10 of the wholesale functions listed under 2c above.

4. Complete shopping center:

   a. Nine or more of the following retail functions:

      (1) Photographic studio
      (2) Sporting goods
      (3) Family shoe store
      (4) Florist
      (5) Radio and TV store
      (6) Tires, battery and accessories
      (7) Paint, glass & wallpaper
      (8) Music store
      (9) Children's wear
      (10) Heating & plumbing equipment
      (11) Antique or second hand store
      (12) Stationery
      (13) Women's accessories
      (14) Camera shop

      or,

b. $11 million annually in retail sales and at least six of the above retail functions.

5. Partial shopping center:

   a. Four to eight of the retail functions in 4a above.
      or,
   b. Five to 10 million dollars annually in retail sales and at least four of the retail functions in 4a above.

6. Full convenience center:

   a. All essential:

      (1) Household appliances or furniture store
      (2) Jewelry store
      (3) Power laundry, dry cleaner
      (4) Men's or boy's clothing store, or women's ready-to-wear, or general store (department, merchandise).

   b. Supplemental (three or more):

      (1) Family shoe store
      (2) Lumber Yard
      (3) Funeral Services
      (4) Year-round hotel
      (5) Farm & garden supplies

7. Minimum convenience center:

   a. All essential:

      (1) Gasoline service station
      (2) Grocery store, general store, or general merchandise
      (3) Hardware store
      (4) Bank
      (5) Eating or drinking place
      (6) Drug store

   b. Supplemental (two or more):

      (1) Motor vehicle or farm equipment dealer
      (2) Variety store
      (3) Meat, fish, or fruit dealer
      (4) General merchandise or general store

8. Hamlet:

   a. Possesses trade functions listed in the Dun and Bradstreet Directory, but lacks the criteria for the minimum convenience town (Class 7).
   b. Population of over 50 (1960).

9. Non-trade place:

   a. Places without trade functions given in the Dun and Bradstreet Directory.
   b. Population of less than 50 (1960).

10. Satellites:

   a. Trade functions reported to another trade center, generally a suburban community.
   b. No population restrictions.

APPENDIX B

Cities in Greater Minnesota That Meet The Criteria For Defining Significant Centers of Population and Commerce

Albert Lea
Alexandria
Austin
Bemidji
Blue Earth
Bongards
Brainerd
Breckenridge
Cambridge
Cannon Falls
Chisholm
Cloquet
Cold Spring
Courtland
Crookston
Dawson
Detroit Lakes
Dodge Center
Duluth
East Grand Forks
Elk River
Eveleth
Fairmont
Faribault
Fergus Falls
Forest Lake
Frazee
Glencoe
Grand Rapids
Hector
Hibbing
Hutchinson
International Falls
Jackson
La Crescent
Lake City
Lester Prairie
Le Sueur
Litchfield
Little Falls
Long Prairie
Luverne
Mankato
Marshall
Minneapolis/St Paul
Montevideo
Moorhead
Mora
Morris
New Prague
New Ulm
North Mankato
Northfield
Olivia
Owatonna
Pelican Rapids
Perham
Pipestone
Princeton
Red Wing
Redwood Falls
Renville
Rochester
Roseau
Round Lake
Rush City
Sauk Centre
Sleepy Eye
St. Bonifacious
St. Cloud
St. Peter
Thief River Falls
Virginia
Wadena
Warroad
Waseca
Wells
Willmar
Windom
Winona
Worthington
Young America

APPENDIX C

CITIES IN GREATER MINNESOTA THAT MEET CRITERIA FOR SIGNIFICANT CENTERS OF POPULATION AND COMMERCE--11/8/88

CITY	POP. >5,000	RETAIL >$50 MILLION ($1,000)	MFG EMPLOYEES >450	WHOLESALE >$50 MILLION ($1,000)
ALBERT LEA	19,200	144,324	3,900	100,017
ALEXANDRIA	7,608	108,058	1,110	64,437
AUSTIN	23,020	135,909	WH	24,531
BEMIDJI	10,949	127,958	700	32,557
BLUE EARTH	4,132	35,115	600	60,983
BONGARDS**				105,000
BRAINERD	11,489	137,712	1,200	69,060
BRECKENRIDGE	4,039	25,739	1,016	WH
CAMBRIDGE	3,170	39,764	600	
CANNON FALLS	2,653	10,641	600	6,656
CHISHOLM	5,930	22,671		
CLOQUET	11,142	77,753	WH	33,644
COLD SPRING**	2,294		1,500	110,000
COURTLAND**	399		500	
CROOKSTON	8,628	51,559		47,523
DAWSON**	1,901			88,600
DETROIT LAKES	7,106	77,606	600	37,739
DODGE CENTER**	1,816			85,000
DULUTH	102,434	510,959	3,700	745,079
EAST GRAND FORKS	8,545	38,864	WH	87,009
ELK RIVER	6,785	34,626	500	5,056
EVELETH	5,042	21,810		5,395
FAIRMONT	11,506	89,356	2,100	161,828
FARIBAULT	16,241	111,115	1,700	111,442
FERGUS FALLS	12,519	106,875	800	53,384
FOREST LAKE	4,596	61,539	500	3,891
FRAZEE**	1,284		2,200	
GLENCOE	4,396	35,702	1,300	20,731
GRAND RAPIDS	7,934	123,014	WH	31,602
HECTOR**	1,252		500	50,000
HIBBING	21,193	113,964	700	92,808
HUTCHINSON	9,244	77,215	WH	68,981
INTERNATIONAL FALLS	5,611	56,056	WH	3,754
JACKSON**	3,797	30,184	500	38,834
LA CRESCENT	3,879			
LAKE CITY	4,505	28,608	800	8,903
LESTER PRAIRIE**	1,229		500	26,000
LE SUEUR	3,763	15,642	700	24,454
LITCHFIELD	5,904	39,457	600	32,354
LITTLE FALLS	7,250	57,766	700	18,375
LONG PRAIRIE	2,859	16,840	WH	33,952
LUVERNE**	4,568	34,729		76,000
MANKATO	28,651	252,200	2,800	377,803
MARSHALL	11,161	86,931	1,900	
MPLS/STP	1,797,797	10,422,903	194,600	36,105,330
MONTEVIDEO	5,845	38,589		44,364
MOORHEAD	32,669	147,249		236,029
MORA	2,890	36,364	500	17,975
MORRIS	5,367	38,239		
NEW PRAGUE**	2,957	13,329	460	13,326
NEW ULM	13,755	82,529	2,500	47,561

CITIES IN GREATER MINNESOTA THAT MEET CRITERIA FOR SIGNIFICANT CENTERS OF POPULATION AND COMMERCE--11/8/88

CITY	POP. >5,000	RETAIL >$50 MILLION ($1,000)	MFG EMPLOYEES >450	WHOLESALE >$50 MILLION ($1,000)
NORTH MANKATO	9,145	16,508	2,900	19,881
NORTHFIELD	12,562	52,919	WH	192,657
OLIVIA**	2,802	17,724		82,000
OWATONNA	18,632	110,218	3,400	56,653
PELICAN RAPIDS**	1,867		650	
PERHAM**	2,086		500	
PIPESTONE	4,887	34,527		52,835
PRINCETON**	3,146	30,020	500	27,000
RED WING	13,736	85,156	2,400	80,223
REDWOOD FALLS	5,210	48,009	700	29,129
RENVILLE**	1,493			83,200
ROCHESTER	60,473	491,559	9,800	238,823
ROSEAU**	2,272		725	
ROUND LAKE**	480		900	102,000
RUSH CITY**	1,198		600	
SAUK CENTRE	3,709	34,742		112,662
SLEEPY EYE	3,581	15,589	WH	
ST BONIFACIOUS**	857		500	
ST CLOUD	58,375	749,082	3,800	340,971
ST PETER	9,056	42,105	WH	12,506
THIEF RIVER FALLS	9,105	68,340		
VIRGINIA	11,056	130,198		44,689
WADENA	4,699	47,928		61,873
WARROAD**	1,216		2,200	138,000
WASECA	8,219	35,772	3,100	13,119
WELLS	2,777	15,691	800	12,299
WILLMAR	15,895	142,288	1,800	138,053
WINDOM**	4,666	40,877	650	23,539
WINONA	25,075	142,433	4,500	235,957
WORTHINGTON	10,243	90,746	1,100	130,093
YOUNG AMERICA**	1,237		690	
totals	2,592,659	16,159,894	275,101	41,636,129
state	4,076,000	19,599,240	351,600	47,398,331
percent	63.61	82.45	78.24	87.84

**DATA FROM SOURCES OTHER THAN U.S. CENSUS
WH WITHHELD TO AVOID DISCLOSING DATA FOR INDIVIDUAL COMPANIES

APPENDIX D

Cities in the Twin Cities Metropolitan Area That Meet
The Criteria For Defining
Signficant Center of Population and Commerce

Andover
Anoka
Apple Valley
Arden Hills
Bayport
Blaine
Bloomington
Brooklyn Center
Brooklyn Park
Burnsville
Champlin
Chanhassen
Chaska
Columbia Heights
Coon Rapids
Cottage Grove
Crystal
Eagan
East Bethel
Eden Prairie
Edina
Excelcior
Falcon Heights
Fridley
Golden Valley
Ham Lake
Hastings
Hopkins
Inver Grove Heights
Lake Elmo
Lakeville
Little Canada
Maple Grove
Maplewood
Mendota Heights
Minneapolis
Minnetonka
Mound
Mounds View
New Brighton
New Hope
Newport
North St. Paul
Oakdale
Orono
Osseo
Plymouth
Prior Lake
Ramsey
Richfield
Robbinsdale
Rosemount
Roseville
Savage
Shakopee
Shoreview
South St. Paul
Spring Lake Park
St. Anthony
St. Louis Park
St. Paul
Stillwater
Vadnais Heights
Wayzata
West St. Paul
White Bear Lake
Woodbury

APPENDIX E

CITIES IN TWIN CITY METROPOLITAN AREA THAT MEET CRITERIA FOR SIGNIFICANT CENTERS OF POPULATION AND COMMERCE
11/8/88

CITY	POP.	RETAIL	MFG	WHOLESALE
ANDOVER	9,387	830		
ANOKA	15,634	86,138	3,800	74,242
APPLE VALLEY	21,818	52,382		7,893
ARDEN HILLS	8,012	15,450	WH	155,257
BAYPORT	2,932	2,923	WH	
BLAINE	28,558	148,432		12,255
BLOOMINGTON	81,831	634,661	17,300	2,730,262
BROOKLYN CENTER	31,230	357,008	1,200	85,046
BROOKLYN PARK	43,332	102,216	1,200	96,100
BURNSVILLE	35,674	376,271	1,900	394,871
CHAMPLIN	9,006	21,513		732
CHANHASSEN	6,359	9,817		1,421
CHASKA	8,346	35,745	1,600	24,921
COLUMBIA HEIGHTS	20,029	59,458	1,100	19,413
COON RAPIDS	35,826	155,416	900	45,867
COTTAGE GROVE	18,994	60,618	WH	2,835
CRYSTAL	25,543	136,666	800	48,696
EAGAN	20,700	61,460	WH	548,240
EAST BETHEL	6,626	WH		
EDEN PRAIRIE	16,263	86,494	8,800	639,538
EDINA	46,073	568,063	4,400	3,477,460
EXCELSIOR	2,523	55,542		26,407
FALCON HEIGHTS	5,291	15,506		
FRIDLEY	30,228	216,278	11,500	234,283
GOLDEN VALLEY	22,775	294,858	10,500	1,003,044
HAM LAKE	7,832	10,011		
HASTINGS	12,827	76,285	1,600	34,082
HOPKINS	15,336	169,465	6,600	941,451
INVER GROVE HEIGHT	17,171	96,030		
LAKE ELMO	5,296	14,007		12,440
LAKEVILLE	14,790	32,163	1,400	65,087
LITTLE CANADA	7,102	69,705		184,693
MAPLE GROVE	20,525	21,548	600	53,528
MAPLEWOOD	26,990	228,028	WH	26,041
MENDOTA HEIGHTS	7,288	10,224	WH	37,934
MINNEAPOLIS	370,951	1,782,420	46,000	12,904,265
MINNETONKA	38,683	456,067	5,900	2,311,824
MOUND	9,280	19,312	WH	14,686
MOUNDS VIEW	12,593	25,715		
NEW BRIGHTON	23,269	102,104	1,800	65,069
NEW HOPE	23,087	76,949	3,000	301,674
NEWPORT	3,323	18,535		72,875
NORTH ST PAUL	11,921	26,780		
OAKDALE	12,123	27,424		

CITIES IN TWIN CITY METROPOLITAN AREA THAT MEET CRITERIA FOR SIGNIFICANT CENTERS OF POPULATION AND COMMERCE
11/8/88 .

CITY	POP.	RETAIL	MFG	WHOLESALE
ORONO	6,845	14,183		8,411
OSSEO	2,974	36,690	500	7,686
PLYMOUTH	31,615	118,086	5,800	1,070,063
PRIOR LAKE	7,284	21,764		3,367
RAMSEY	10,093	14,404		
RICHFIELD	37,851	331,688		87,748
ROBBINSDALE	14,422	64,311		135,858
ROSEMOUNT	5,083	18,383	800	11,114
ROSEVILLE	35,820	452,410	10,300	996,539
SAVAGE	3,954	13,670	1,000	191,065
SHAKOPEE	9,941	73,317	1,400	147,087
SHOREVIEW	17,300	29,431	2,200	42,321
SOUTH ST PAUL	21,235	67,377	600	1,292,138
SPRING LAKE PARK	6,477	13,760		2,802
ST ANTHONY	7,981	47,021	800	69,608
ST LOUIS PARK	42,931	294,755	3,900	1,029,411
ST PAUL	270,230	1,386,866	34,100	4,183,519
STILLWATER	12,290	104,170	600	35,830
VADNAIS HEIGHTS	5,111	66,986		6,946
WAYZATA	3,621	99,738		27,986
WEST ST PAUL	18,527	167,884	700	43,541
WHITE BEAR LAKE	22,538	151,612		22,987
WOODBURY	10,297	17,880	WH	34,871
TOTALS	1,797,797	10,422,903	194,600	36,105,330

August 7, 1989

Honorable William G. Brown
Chief Administrative Law Judge
310 Fourth Avenue South
4th Floor Summit Bank Building
Minneapolis, Minnesota 55415

Dear Judge Brown:

The Minnesota Department of Transportation (Mn/DOT) wishes to initiate a rulemaking hearing. We intend to publish a Notice of Hearing/Notice of Intent to Adopt a Rule Without a Hearing, advising persons that the hearing will be canceled if 25 or more persons do not request a hearing.

We request that you assign an Administrative Law Judge to preside over the hearing.

The Department is authorized to adopt a rule defining" significant centers of population and commerce", and "temporary emergency service", under Minnesota Statutes, Section 169.832, Subdivision 13, and Laws 1986, Chapter 398, Article 13, Section 10. These terms will be used to assist in determining which state trunk highways will serve as market artery routes. Market artery routes connect major economic activity areas in the state via a network of state trunk highways which are most important to trucking and shipping activities.

State trunk highways designated as market arteries will represent priority routes for the elimination of seasonal (spring) truck axle-weight restrictions.

We estimate that if there is a hearing, it will require approximately two days. We would like to schedule the hearing for Tuesday, October 10, 1989 through October 11, 1989 if necessary at City Hall, 400 Second Street, South, St. Cloud, Minnesota 56301. The hearing will be held in the Council Chambers at 9:30 a.m., on October 10, 1989 and continue on to October 11, 1989, at this location if additional time is required to receive public input.

We do not expect more than 50 people to attend such a hearing. The agency will need about one hour for its presentation.

I enclose:

- a copy of the proposed rule certified by the Revisor
- an Order for Hearing
- the proposed Notice of Hearing
- a Statement of Need and Reasonableness

Notice of Hearing shall be sent to all persons who have registered with the Department of Transportation for the purpose of receiving notices of agency rulemaking. The Department of Transportation intends to give discretionary additional public notice of the proposed adoption of the rule to the active Regional Development Commissions in Minnesota by mailing a copy of the proposed rule and the Notice of Hearing/Notice of Intent to Adopt a Rule Without a Hearing to these persons.

If you need additional information about this matter, please contact Jonette Kreideweis, 612-296-8477.

Sincerely,

LEONARD W. LEVINE
Commissioner

Attachments

552648.pp

MINNESOTA
DEPARTMENT OF TRANSPORTATION

OFFICE OF SYSTEMS & SUPPORT SERVICES
308 TRANSPORTATION BUILDING
ST. PAUL, MINNESOTA 55155

DESCRIPTION (Narrative)
In the Matter of the Proposed Permanent Rules Relating to State Market Artery System.

PETITIONER/APPLICANT/LICENSEE

Name: Jonette Kreideweis, Program Management Division

Address: 807

Telephone: 6-8477

HEARING SCHEDULE

Date & Time: October 10 & 11 at 9:30 a.m. (1989)

Location: City Hall, City of St. Cloud

Address: 400 - 2nd St. So., St. Cloud

Notes on Location: Mayor's Secretary controls schedule.

Telephone # to Schedule Location: 612-255-7201

ADMINISTRATIVE LAW JUDGE

Name: Phyllis Reha

Address: Fifth Floor, Flour Exchange Building, 310 Fourth Avenue So. Minneapolis, MN 55415

Telephone #: 612-341-7611

	"x"			Date
Prehearing Conference	( )	Service:	State Register	( )
Continued	( )		U.S. Mail 1st Cl.	( )
Cancelled	( )		Personal	( )
Civil Litigation	( )		Advertise	( )

(OVER)

SCHEDULE FORM (87-3)

SUPPORT INFORMATION

Name of City & County: _____

Statutory Authority Minn. Stat., Sec. 169.832

S.P # _____ Fed. # _____

Mile Post: _____ Account: _____

File Number: _____ Docket Number: _____

Docket Type: Rule-making

Petitioner Attorney: Name/Address/Phone

Jackie Regis, SAG, Office of Attorney General 515 Transportation Bldg. 296-6474

Respondent Attorney: Name/Address/Phone

_____

If Advertised, Name/Address/Phone of Publisher _____

_____

TRANSCRIPT PREPARED: ( ) YES ( ) NO

_____

COURT REPORTER: Name/Address/Phone

_____

REPORT OF A.L.J./DATE DUE _____ ORAL ARGU. _____
MO/DAY/YR MO/DAY/YR

ORDER:

Prepared by _____

Approved _____

CLOSED: _____
MO/DAY/YR

SCHEDULE FORM (87-3)

In the Matter of the Proposed)
Adoption of the Rule of the)
Minnesota Department of Trans-)
portation Relating to State)
Highway Market Artery System.)

AFFIDAVIT OF MAILING THE 1.) NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING, 2.) NOTICE OF HEARING, AND CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Kenneth H. Bjork, being sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, Sections 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the Minnesota Department of Transportation rulemaking mailing list is accurate, complete, and current as of this 1st day of September, 1989.

That on the 1st day of September, 1989, at the City of Saint Paul, County of Ramsey, State of Minnesota, I mailed both the attached Notice of Intent to Adopt a Rule Without a Public Hearing, and, the Notice of Hearing by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

AFFIANT:

Kenneth H. Bjork
Manager, Administrative Procedures & Documentation

Subscribed and sworn to before me

this 1st day of September, 1989.

Ramona T. Mackenroth
Notary Public
Washington County, Minnesota.

My Commission Expires: January 29, 1993.

RAMONA T. MACKENROTH
NOTARY PUBLIC-MINNESOTA
WASHINGTON COUNTY
MY COMMISSION EXPIRES JANUARY 29, 1993

Date 29AUG89

State of Minnesota
Department of Transportation
Crossfile Listing
All records for Distribution 350
****

Key	Last	First	M	Organization	Address	City	St	Dst	Cpy	Cost	C
0088				MINN DEPT TRANSPORTATION	G29B TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0197	(VACANT)			MINN DEPT TRANSPORTATION	ST PAUL DOWNTOWN AIRPORT	ST PAUL	MN	350	1	00.00	1
0078	ADOLFSON	RAYMOND	A	MINN DEPT TRANSPORTATION	131 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0012	ANDERSON	LOUIS	C	MINN DEPT TRANSPORTATION	N TR HWY 52 PO BOX 6177	ROCHESTER	MN	350	1	00.00	1
0017	BALDWIN	JEROME	C	MINN DEPT TRANSPORTATION	404 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0057	BATES	MARVIN	G	MINN DEPT TRANSPORTATION	1301 MAIN ST PO BOX 617	CROOKSTON	MN	350	1	00.00	1
0781	BERGMAN	PAUL	M	MINN DEPT TRANSPORTATION	G20 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0022	BJORK	KENNETH	H	ADM PROCDR/DOCS SEC UNIT	308 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0408	BLOMGREN	JOANNE	A	MINN DEPT TRANSPORTATION	612 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0025	BOLDT	GORDON	W	MINN DEPT TRANSPORTATION	820 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0148	BORSON	RICHARD	D	MINN DEPT TRANSPORTATION	408 TRANSPORTATION BLDG	ST PAUL	MN	350	2	00.00	1
0455	CAMPBELL	BARBARA		MN/DOT	N TR HWY 52 PO BOX 6177	ROCHESTER	MN	350	1	00.00	1
0456	CARON	DELORIS		MINN DEPT TRANSPORTATION	W TR HWY 14 PO BOX 307	OWATONNA	MN	350	1	00.00	1
0426	CHADA	GLORIA	A	MINN DEPT TRANSPORTATION	411 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0210	CLARKE	EDWIN	O	ADMINISTRATIVE SUPPORT	308 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0040	COHOON	EDWIN	H	MINN DEPT TRANSPORTATION	408 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0042	CRAWFORD	WILLIAM	M	MINN DEPT TRANSPORTATION	2055 N LILAC DRIVE	GOLDEN VALLEY	MN	350	1	00.00	1
0235	DEMBOUSKI	DIANE	M	MINN DEPT TRANSPORTATION	461 RICE STREET	ST PAUL	MN	350	1	00.00	1
0046	DIETHELM	PAUL	J	OFC MATLS RES & STNDS	610A TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0002	DIFFERT	DOUGLAS	H	MINN DEPT TRANSPORTATION	408 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0048	DINNEEN	RICHARD	J	MINN DEPT TRANSPORTATION	511B TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0411	DUPRE	STAN	S	MINN DEPT TRANSPORTATION	G29B TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0049	DURBAHN	ROGER	W	MINN DEPT TRANSPORTATION	316 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0047	DURGIN	DARRYL	E	MINN DEPT TRANSPORTATION	413 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0080	EKERN	DAVID	S	MINN DEPT TRANSPORTATION	HOOVER ROAD	VIRGINIA	MN	350	1	00.00	1
0191	ELLETSON	JAMES	K	MINN DEPT TRANSPORTATION	1000 W TR HWY 10 BOX 666	DETROIT LAKES	MN	350	1	00.00	1
0460	ENFIELD	DAVID		MINN DEPT TRANSPORTATION	S CO RD 26 PO BOX 427	WINDOM	MN	350	1	00.00	1
0461	FAUCHALD	JEANNETTE		MINN DEPT TRANSPORTATION	2505 TRANSP RD PO BOX 768	WILLMAR	MN	350	1	00.00	1
0062	FAY	GORDON	M	OFC STATE AID	420 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0020	FLEMMING	DONALD	J	MINN DEPT TRANSPORTATION	610D TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0052	FOOTE	LAWRENCE	E	MINN DEPT TRANSPORTATION	704 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0069	GARGARO	SAMUEL	F	MINN DEPT TRANSPORTATION	455 RICE STREET	ST PAUL	MN	350	1	00.00	1
1210	GERDES	DELBERT		MINN DEPT TRANSPORTATION	419 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0071	GIPP	RONALD	W	MINN DEPT TRANSPORTATION	1959 SLOAN PLACE	MAPLEWOOD	MN	350	1	00.00	1
0423	GRUBBS	MARY		MINN DEPT TRANSPORTATION	807 TRANSPORTATION BLDG	ST PAUL	MN	350	6	00.00	1
0447	GURTIN	SANDRA	D	MINN DEPT TRANSPORTATION	301 LAUREL ST PO BOX 978	BRAINERD	MN	350	3	00.00	1
0164	HALVORSON	RANDALL	K	MINN DEPT TRANSPORTATION	815 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0413	HANSON	GRETCHEN	E	MINN DEPT TRANSPORTATION	316 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0081	HAUKEBO	DUANE	A	MINN DEPT TRANSPORTATION	417 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0404	HENSLIN	GLADYS		MINN DEPT TRANSPORTATION	612 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0100	HILL	ROGER	M	MINN DEPT TRANSPORTATION	612 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0229	HODGINS	DAVID	M	MINN DEPT TRANSPORTATION	813 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0204	HOFFMAN	RONALD	G	MINN DEPT TRANSPORTATION	1000 W TR HWY 10 BOX 666	DETROIT LAKES	MN	350	1	00.00	1
0095	HOLLAND	JERRY	B	MINN DEPT TRANSPORTATION	3485 HADLEY AVE N	OAKDALE	MN	350	1	00.00	1
0129	HUGHES	PATRICK	C	MINN DEPT TRANSPORTATION	2505 TRANSP RD PO BOX 768	WILLMAR	MN	350	1	00.00	1
0407	HYLTON	MARGARET	M	MINN DEPT TRANSPORTATION	615 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
2012	JASZEWSKI	FRANK	J	MINN DEPT TRANSPORTATION	W HWY 61	WINONA	MN	350	1	00.00	1
0004	KEINZ	RICHARD	B	MINN DEPT TRANSPORTATION	ST PAUL AIRPORT	ST PAUL	MN	350	1	00.00	1
0112	KIEFFER	GEORGE	L	SYSTEMS/ADMIN SERVICES	308 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0117	KORTH	LEO	A	MINN DEPT TRANSPORTATION	413 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0194	KREUTZER	GERALD	N	MINN DEPT TRANSPORTATION	301 LAUREL ST PO BOX 978	BRAINERD	MN	350	1	00.00	1
0043	LARSON	BRUCE	A	MINN DEPT TRANSPORTATION	1123 MESABA AVENUE	DULUTH	MN	350	1	00.00	1
0403	LARSON	LORI		MINN DEPT TRANSPORTATION	G20 TRANSPORTATION BLDG	ST PAUL	MN	350	3	00.00	1
0428	LEUZINGER	DIANE		MINN DEPT TRANSPORTATION	408 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1

Key	Last	First	M	Organization	Address	City	St	Dst	Cpy	Cost	C
0126	LINZIE	MERRITT	H	MINN DEPT TRANSPORTATION	807 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0453	LUNGSTROM	DOUG		MINN DEPT TRANSPORTATION	2055 N LILAC DRIVE	GOLDEN VALLEY	MN	350	1	00.00	1
0008	MARSHALL	FRANCIS	C	MINN DEPT TRANSPORTATION	419 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
4622	MAY	JAMES	W	MINN DEPT TRANSPORTATION	2505 TRANSP RD PO BOX 768	WILLMAR	MN	350	1	00.00	1
0450	MCDOUGALL	CAROL		MINN DEPT TRANSPORTATION	1000 W TR HWY 10 BOX 666	DETROIT LAKES	MN	350	1	00.00	1
0005	MCNAMARA	LAWRENCE	F	MINN DEPT TRANSPORTATION	413 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0137	MCRAE	KERMIT	K	MINN DEPT TRANSPORTATION	3485 HADLEY AVENUE N	OAKDALE	MN	350	1	00.00	1
0222	MELBY	ERNEST	R	PURCH/CENTRAL SERV UNIT	B20 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0227	MILLER	JERRY	L	MINN DEPT TRANSPORTATION	610 HWY 9 S PO BOX 410	MORRIS	MN	350	1	00.00	1
0417	MONTGOMERY	JOYCE	W	MINN DEPT TRANSPORTATION	420 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0110	MUELLER	WILLIAM	G	MINN DEPT TRANSPORTATION	716 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0223	MURPHY	WAYNE	F	MINN DEPT TRANSPORTATION	G20 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0444	NAUGHTON	CHRISTINE	A	MINN DEPT TRANSPORTATION	PO BOX 490	BEMIDJI	MN	350	1	00.00	1
2804	NIELAND	FRANK		MINN DEPT TRANSPORTATION	100 STOCKYARD ROAD	SOUTH ST PAUL	MN	350	1	00.00	1
0147	NYGAARD	MIKE	M	MINN DEPT TRANSPORTATION	PO BOX 490	BEMIDJI	MN	350	1	00.00	1
0006	OFSTEAD	EUGENE	E	MINN DEPT TRANSPORTATION	413 TRANSPORTATION BLDG	ST PAUL	MN	350	2	00.00	1
8815	PARKER	ELIZABETH		MINN DEPT TRANSPORTATION	100 STOCKYARD RD	ST PAUL	MN	350	1	00.00	1
0144	PECORE	ROBERT	P	MINN DEPT TRANSPORTATION	501 S VICTORY DR BOX 4039	MANKATO	MN	350	1	00.00	1
0415	PETREE	ROSE	B	MINN DEPT TRANSPORTATION	B9 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0035	PLETAN	RODNEY	A	MINN DEPT TRANSPORTATION	G20 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0418	PURVIS	SANDRA	G	MINN DEPT TRANSPORTATION	711 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0059	RAISANEN	DON		MINN DEPT TRANSPORTATION	301 LAUREL ST PO BOX 978	BRAINERD	MN	350	1	00.00	1
9362	RIES	HOWARD		MINN DEPT TRANSPORTATION	3485 HADLEY AVENUE N	OAKDALE	MN	350	1	00.00	1
0109	ROHRBACH	GERRY	J	OFC MATERIALS	136 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0003	ROUGHT	RAYMOND	J	MINN DEPT TRANSPORTATION	417 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0458	RUTZEN	DALE	L	MINN DEPT TRANSPORTATION	501 S VICTORY DR BOX 4039	MANKATO	MN	350	1	00.00	1
0153	SANDAHL	JOHN	E	MINN DEPT TRANSPORTATION	1123 MESABA AVENUE	DULUTH	MN	350	1	00.00	1
0193	SCHENKELBERG	ALLAN	J	MINN DEPT TRANSPORTATION	807 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0416	SECOR	JANET	E	MINN DEPT TRANSPORTATION	511 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0166	SELNESS	CECIL		MINN DEPT TRANSPORTATION	810 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0121	SHAW	DALE	N	MINN DEPT TRANSPORTATION	W TR HWY 14 PO BOX 307	OWATONNA	MN	350	1	00.00	1
0024	SHELDRUP	MARLYN	E	MINN DEPT TRANSPORTATION	501 S VICTORY DR BOX 4039	MANKATO	MN	350	1	00.00	1
0113	SMILONICH	DAVID	G	MINN DEPT TRANSPORTATION	N TR HWY 52 PO BOX 6177	ROCHESTER	MN	350	1	00.00	1
0007	SOBOLEWSKI	MICHAEL		MN DEPT TRADE & ECON DEV	9XX AMERICAN CENTER BLDG	ST PAUL	MN	350	1	00.00	1
0240	SODER	ALAN	D	MINN DEPT TRANSPORTATION	100 STOCKYARDS ROAD	SO ST PAUL	MN	350	1	00.00	1
0171	SOTEBEER	ANDREW	L	MINN DEPT TRANSPORTATION	S CO RD 26 PO BOX 427	WINDOM	MN	350	1	00.00	1
0174	STEHR	RICHARD	A	OFC FREEWAY OPERATIONS	705 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0178	SULLIVAN	RICHARD	H	MINN DEPT TRANSPORTATION	612E TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0236	SUNDQUIST	BARBARA	L	MINN DEPT TRANSPORTATION	316 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0180	SWANSON	RICHARD	R	MINN DEPT TRANSPORTATION	461 RICE STREET	ST PAUL	MN	350	1	00.00	1
0181	SWANSON	ROBERT	G	MINN DEPT TRANSPORTATION	810 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0185	TESSMAN	GERALD	F	MINN DEPT TRANSPORTATION	413 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0203	TROOIEN	DAVID	G	MINN DEPT TRANSPORTATION	3725 12TH ST N PO BOX 370	ST CLOUD	MN	350	1	00.00	1
0452	TSCHETTER	CONNIE		MINN DEPT TRANSPORTATION	610 HWY 9 S PO BOX 410	MORRIS	MN	350	2	00.00	1
0420	VOELKER	KAREN		MINN DEPT TRANSPORTATION	313 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0449	WARWICK	TINA		MINN DEPT TRANSPORTATION	3725 12TH ST N PO BOX 370	ST CLOUD	MN	350	1	00.00	1
0198	WOLFE	ROBERT	E	MINN DEPT TRANSPORTATION	PO BOX 490	BEMIDJI	MN	350	1	00.00	1
0201	WORKS	ROBERT	M	MINN DEPT TRANSPORTATION	815 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
0037	YOERG	WILLIAM	N	MINN DEPT TRANSPORTATION	413 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	1
1055	DAWSON	JEAN	L	MINN GOVERNMENT REPORT	B12 CAPITOL BLDG	ST PAUL	MN	350	1	00.00	2
0140	DEWITT	ZONA		MINN STATE LEGISLATURE	645 STATE OFFICE BLDG	ST PAUL	MN	350	1	00.00	2
0120	FOSLIEN	CHARLES	E	US DEPT TRANSPORTATION	METRO SQUARE BLDG 490	ST PAUL	MN	350	1	00.00	2
1776	GRACZYEK	STAN		US DEPT TRANSPORTATION	METRO SQUARE BLDG 490	ST PAUL	MN	350	1	00.00	2
1028	HRUBY	MARYANNE	V	MINN STATE LEGISLATURE	55 STATE OFFICE BLDG	ST PAUL	MN	350	1	00.00	2
8855	LARSON	NANCY	J	POLLUTION CONTROL AGENCY	520 LAFAYETTE ROAD	ST PAUL	MN	350	1	00.00	2
9352	MCINERNEY JR	DANIEL	J	MINN DEPT HEALTH	717 S E DELAWARE ST	MINNEAPOLIS	MN	350	1	00.00	2
0281	MOOSBRUGGER	LLOYD	J	OFC ATTORNEY GENERAL	515 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	2
9264	MORAN	JOHN	E	MINN TRANSP REG BOARD	100 STOCKYARDS ROAD	SO ST PAUL	MN	350	2	00.00	2
0280	MUETING	DONALD	J	OFC ATTORNEY GENERAL	515 TRANSPORTATION BLDG	ST PAUL	MN	350	1	00.00	2
0283	RAY	RON		MINN STATE LEGISLATURE	700 STATE OFFICE BLDG	ST PAUL	MN	350	1	00.00	2

Key	Last	First	M	Organization	Address	City	St	Dst	Cpy	Cost	C
4472	SMITH	RICHARD		MINN DEPT PUBLIC SAFETY	B4 CAPITOL BLDG	ST PAUL	MN	350	1	00.00	2
1187	SPANKS	CURTIS	J	POLLUTION CONTROL AGENCY	520 LAFAYETTE ROAD	ST PAUL	MN	350	1	00.00	2
1076	SPITZER	SUSANNE	P	POLLUTION CONTROL AGENCY	520 LAFAYETTE ROAD 6XX	ST PAUL	MN	350	1	00.00	2
5108				CITY OF BRAINERD	503 LAUREL ST	BRAINERD	MN	350	1	00.00	3
1022	AHERN	MICHAEL	J	MOSS & BARNETT PA	1200 PILLSBURY CENTER	MINNEAPOLIS	MN	350	1	00.00	3
1069	ALDERS	JIM		NORTHERN STATES POWER CO	414 NICOLLET MALL	MINNEAPOLIS	MN	350	1	00.00	3
9210	ALLEN	M RUSSELL		MINN TIMBER PRODUCERS	208 PHOENIX BUILDING	DULUTH	MN	350	1	00.00	3
1147	ANDERSON	HERB	K		418 - 8TH ST S	VIRGINIA	MN	350	1	00.00	3
4468	ANDERSON	C GARY		NORTHERN STATES POWER CO	414 NICOLLET MALL	MINNEAPOLIS	MN	350	1	00.00	3
1185	ARCHER	JOAN	M	MINN MFGD HOUSING ASSN	222 E LITTLE CANADA ROAD	ST PAUL	MN	350	1	00.00	3
1026	BAIR	ANNETTE		SW REGL DEVEL COMM	2524 BROADWAY PO BOX 265	SLAYTON	MN	350	1	00.00	3
1163	BARTEL	SEVINS	D	ST PAUL CHAMBER COMMERCE	600 N CENTRAL TOWER	ST PAUL	MN	350	1	00.00	3
0779	BEATON	JOE			3109 HENNIPEN AVE S	MPLS	MN	350	1	00.00	3
0319	BERKELAND	MERLE	R	CITY OF WILLMAR	333 SW 6TH ST BOX 548	WILLMAR	MN	350	1	00.00	3
1200	BERNHARDSON	MARK	E	CITY OF ORONO	PO BOX 66	CRYSTAL BAY	MN	350	1	00.00	3
1171	BESAW	DAN		MOTOR VEHICLE MFGS ASSN	411 MAIN STREET #215	ST PAUL	MN	350	1	00.00	3
1081	BLAKE	JAY	W	NORTHWESTERN RDC	PO BOX E	THIEF RIVER FALLS	MN	350	1	00.00	3
1138	BLOCK	EMANUEL	J		70 ORME CT.	ST. PAUL	MN	350	1	00.00	3
4466	BODONY	STEVE		HANSON SILO CO	PO BOX 37	LAKE LILLIAN	MN	350	1	00.00	3
4130	BOTZEK	GARY		AGGREGARE READY MIX ASSOC	405 SIBLEY SUITE 120	ST PAUL	MN	350	1	00.00	3
1128	BOWMAN	DENNIS		OTTER TAIL POWER CO	2115 S CASCADE	FERGUS FALLS	MN	350	1	00.00	3
9431	BOYD	RICHARD	R	SAINT ANNE HOSPICE CENTER	1347 W BROADWAY	WINONA	MN	350	1	00.00	3
0334	BRICKLEY	DAVID	W	CIRCUIT CHEMISTRY	5129 INDUSTRIAL ST	MAPLE PLAIN	MN	350	1	00.00	3
1101	BROEKER	JOHN	M	BROEKER GEER FLETCHER ECT	8500 NORMANDALE LAKE BLVD	MINNEAPOLIS	MN	350	1	00.00	3
0991	BROOKS	HORTON	R	MPLS GRAIN EXCHANGE	4TH ST & 4TH AVE S #130	MPLS	MN	350	1	00.00	3
3041	BRUTLAG	PAUL		MINN SUGAR BEET GROWERS	ROUTE 1 / PO BOX 2	WENDELL	MN	350	1	00.00	3
1049	BUNGE	DARREL	D	MINN PETROLEUM COUNCIL	350 ST PETER ST STE 1025	ST PAUL	MN	350	1	00.00	3
5174	BURCH	MARK		CITY OF WHITE BEAR LAKE	4700 MILLER AVENUE	WHITE BEAR LAKE	MN	350	1	00.00	3
0481	CASHMAN	THOMAS	E	N W AGRI-DEALERS ASSN	PO BOX 698	MANKATO	MN	350	1	00.00	3
0528	CLOSMORE	JEFF	L	SIX TRANSFER CO	2256 MYRTLE ST	ST PAUL	MN	350	1	00.00	3
5195	COLBERT	THOMAS	A	CITY OF EAGAN	3830 PILOT KNOB RD	EAGAN	MN	350	1	00.00	3
1190	CRIST	LAWRENCE	J	UNITED TRANSPORTATION UN	317 E 5TH STREET #11	DES MOINES	IA	350	1	00.00	3
9162	CROONQUIST	WILLIS	G	UNITED TRANSP UNION	832 LUMBER EXCHANGE BLDG	MINNEAPOLIS	MN	350	1	00.00	3
1178	DENN	JAMES	N	MINN TRUCKING ASSN	1821 UNIVERSITY AVE 134N	ST PAUL	MN	350	1	00.00	3
1029	DETERS	DUANE		RED BARON FLYERS INC	RR 1	CALEDONIA	MN	350	1	00.00	3
5162	DOLENTZ	JOHN	L	CITY OF ST CLOUD	400 2ND STREET S	ST CLOUD	MN	350	1	00.00	3
1018	DONAHUE	DANIEL	J	CITY OF NEW HOPE	4401 XLYON AVENUE N	NEW HOPE	MN	350	1	00.00	3
0532	DVORSAK	JUDY		HENSLEY INC	PO BOX 597	OSAKIS	MN	350	1	00.00	3
9329	EELKEMA	ROBERT		MINN MEDICAL ASSOCIATION	2221 UNIVERSITY AVE RM400	MPLS	MN	350	1	00.00	3
1134	FONTAINE	LEYTEN		RDC REGION 5	611 IOWA AVENUE	STAPLES	MN	350	1	00.00	3
1056	FORBES	GORDON		M T PROPERTIES INC	475 CLEVELAND AVE N #325	ST PAUL	MN	350	1	00.00	3
1008	FREDIN	CONRAD	M		515 PROVIDENCE BLDG	DULUTH	MN	350	1	00.00	3
9432	FRIESEN	MILLER	A	RANGE MENTAL HEALTH CTR	PO BOX 1188	VIRGINIA	MN	350	1	00.00	3
1120	FRISON	FRANK		N E C A ROOM 305	200 S ROBERT STREET	ST PAUL	MN	350	1	00.00	3
0543	FURTH	PAUL	T	FURTH-MEILE INSURANCE	9 N MINNESOTA ST BOX 37	NEW ULM	MN	350	1	00.00	3
1072	GARRETT	VIOLA	M	CITY OF PINE RIVER	PO BOX 87	PINE RIVER	MN	350	1	00.00	3
5160	GATLIN	STEVE		CITY OF ROSEVILLE	2660 CIVIC CENTER DRIVE	ROSEVILLE	MN	350	1	00.00	3
1168	GEORGE	DARLENE		CITY OF CRYSTAL	4141 DOUGLAS DRIVE N	CRYSTAL	MN	350	1	00.00	3
0436	GERBER	ALLEN		MINN ASSN OF COOPERATIVES	480 CEDAR ST 380	ST PAUL	MN	350	1	00.00	3
0994	GEURTS	RICHARD	A	PILLSBURY COMPANY	PILLSBURY CENTEDR GM59	MPLS	MN	350	1	00.00	3
1045	GILLIG	DEBORA	J	CRYSTAL SHAMROCK INC	6000 DOUGLAS DRIVE N	MINNEAPOLIS	MN	350	1	00.00	3
1139	GLENN	NANCY	N	MINN SOCIAL SERVICE ASSN	614 PORTLAND AVE	ST. PAUL	MN	350	1	00.00	3
1157	GRABER	SHERMAN		WORTHINGTON AVIATION	AIRPORT ROAD	WORTHINGTON	MN	350	1	00.00	3
1041	GRETZ	JOHN		CITY OF APPLE VALLEY	14200 CEDAR AVE	APPLE VALLEY	MN	350	1	00.00	3
1184	GRINDEN	JOHN	C	DULUTH AIRPORT AUTHORITY	DULUTH INTL AIRPORT	DULUTH	MN	350	1	00.00	3
0545	GUNDERSON	JAY	C	JACK FROST INC	6005 BENTON DRIVE NORTH	SAUK RAPIDS	MN	350	1	00.00	3
5010	GUSTAFSON	ROGER	M	COUNTY OF CARVER	600 E 4TH STREET PO BOX 6	CHASKA	MN	350	1	00.00	3
4470	HACKING	EARL			700 N MEADOW LANE	MINNEAPOLIS	MN	350	1	00.00	3
9422	HAGEN	PAUL	N	CHRISTIAN CONCERN INC	PO BOX 3383-217 E WALNUT	MANKATO	MN	350	1	00.00	3
1194	HAIDER	KEN		CITY OF MAPLEWOOD	1902 E CO RD B	MAPLEWOOD	MN	350	1	00.00	3

Key	Last	First	M	Organization	Address	City	St	Dst	Cpy	Cost	C
1042	HALLMAN	WES	A	ASSOCIATED MOTOR CARRIERS	302 CHESTER STREET	S PAUL	MN	350	1	00.00	3
1460	HAMMARGREN	DAVID		RICHARD KNUTSON INC	12585 RHODE ISLAND AVE S	SAVAGE	MN	350	1	00.00	3
1186	HARRY	RICHARD			1000 LAKESHORE DRIVE	MOOSE LAKE	MN	350	1	00.00	3
1183	HOFFMAN	TERRY			386 N WABASHA #840	ST PAUL	MN	350	1	00.00	3
5120	HOFFMAN	FRANCIS	J	CITY OF EDINA	4801 W 50TH STREET	EDINA	MN	350	1	00.00	3
1181	HOFFMAN	CHARLES	B	PICKANDS MATHER & COMPANY	200 W SUPERIOR ST 811	DULUTH	MN	350	1	00.00	3
0790	HOGAN	RAY		TEAMSTER LOCAL 120	320 UNIVERSITY AVE	ST PAUL	MN	350	1	00.00	3
1107	HOLEY	GEORGE			1509 SW 6TH ST	FARIBAULT	MN	350	1	00.00	3
4476	HOLTE	GREG		RED RIV VAL SUGAR BEET GR	336 5TH AVENUE E	HALSTAD	MN	350	1	00.00	3
0559	INGVALSON	VERN		MN FARM BUREAU FEDERATION	PO BOX 64370	ST PAUL	MN	350	1	00.00	3
1150	JACK	JAMES	T	MANKATO STATE UNIVERSITY	PO BOX 36	MANKATO	MN	350	1	00.00	3
1159	JENSEN	GAYNOLD			111 W 107TH STREET	MINNEAPOLIS	MN	350	1	00.00	3
1007	JILK	STEPHAN		CITY OF ROSEMOUNT	2875 145TH ST W	ROSEMOUNT	MN	350	1	00.00	3
1161	JOHANSEN	JIM		JOHANSEN BUS SVC INC	11911 CAVELL AVENUE N	CHAMPLIN	MN	350	1	00.00	3
1009	JOHNSON	JOHN	A		RR 2 - PO BOX 79	SACRED HEART	MN	350	1	00.00	3
4436	JOHNSON	JAMES	H	DAHLEN TRANSPORT INC	1680 4TH AVENUE	NEWPORT	MN	350	1	00.00	3
1065	JOHNSON	ROBERT	D	INSURANCE FEDERATION MINN	1310 PIONEER BUILDING	ST PAUL	MN	350	1	00.00	3
1093	JOHNSON	GENE	P	JOHNSON & OGREN LTD	PO BOX 2471	FARGO	ND	350	1	00.00	3
1010	JOHNSON	GORDON	H	LUTHERAN SOCIAL SERVICE	2414 PARK AVENUE	MINNEAPOLIS	MN	350	1	00.00	3
9420	KARR	JEFFREY		ABBOTT-NWESTERN HOSPITAL	800 EAST 28TH STREET	MINNEAPOLIS	MN	350	1	00.00	3
1213	KASHMARK	GENE		KASHMARK TRUCKING INC	221 FAIR ST	CLINTON	MN	350	1	00.00	3
9075	KEEFE	STEVE		METROPOLITAN COUNCIL	METRO SQUARE BLDG STE 300	ST PAUL	MN	350	1	00.00	3
0793	KEEGEL	TOM		TEAMSTER LOCAL 544	2636 PORTLAND AVE SO	MPLS	MN	350	1	00.00	3
2328	KING	KATHY		WILLOWS	1622 PARK AVENUE	MINNEAPOLIS	MN	350	1	00.00	3
1013	KLEIN	ALLAN		MINN OFC ADMIN HEARINGS	310 FOURTH AVE S #500	MINNEAPOLIS	MN	350	1	00.00	3
1878	KNAPP	JOHN	A	WINTHROP & WEINSTINE	444 CEDAR STREET	ST PAUL	MN	350	1	00.00	3
1208	KROGMAN	ROBERT	S	N W PETROLEUM ASSOCIATION	2345 RICE STREET STE 173	ST PAUL	MN	350	1	00.00	3
1016	KRUPA	DENNIS		ANDERSON TRUCKING SERVICE	203 COOPER AVENUE N	ST CLOUD	MN	350	1	00.00	3
0652	LARSON	JOAN	M	DITTRICH OF MN INC	PO BOX 816	NEW ULM	MN	350	1	00.00	3
0653	LATTIN	LOWELL	L	HARVEST STATES CO-OP	1667 N SNELLING AVE	ST PAUL	MN	350	1	00.00	3
5106	LENTHE	CHARLIE		CITY OF BLAINE	9150 CENTRAL AVENUE NE	BLAINE	MN	350	1	00.00	3
0804	LIIMATAINEN	SHERM		TEAMSTER LOCAL 346	2802 WEST FIRST ST	ST PAUL	MN	350	1	00.00	3
1074	LOFTHUS	MARK	W	COUNTRYSIDE COUNCIL	PO BOX 78	MARSHALL	MN	350	1	00.00	3
9417	LYNCH	FRANCES		504 ADVISORY COMMITTEE	4323 LONGFELLOW AVENUE	MINNEAPOLIS	MN	350	1	00.00	3
1135	MADKINS	CAROL	A	BUREAU NATL AFFAIRS INC	1231 25TH STREET NW	WASHINGTON	DC	350	1	00.00	3
1140	MALINEN	WILLIAM	J	TOWNSHIP OF WHITE BEAR	1281 HAMMOND ROAD	WHITE BEAR	MN	350	1	00.00	3
5109	MALONEY	MARK		CITY OF BROOKLYN CENTER	6301 SHINGLE CREEK PKWY	BROOKLYN CENTER	MN	350	1	00.00	3
0740	MARANE	MICHAEL	L	AG PROCESSING INC	804 2ND AVE BOX 220	SHELDON	IA	350	1	00.00	3
5098	MCINTOSH	ANDREW			1012 GRAIN EXCHANGE BLDG	MINNEAPOLIS	MN	350	1	00.00	3
1092	MEHMEL	P	V	W CENTRAL COMM SVCS CTR	P O BOX 787	WILLMAR	MN	350	1	00.00	3
1085	MEISSNER	CARL	F	CITY OF COTTAGE GROVE	7516 80TH STREET S	COTTAGE GROVE	MN	350	1	00.00	3
1119	MERRILL	THOMAS	E	FARIBAULT TRANSPORTATION	2615 1ST AVE NW BOX 163	FARIBAULT	MN	350	1	00.00	3
0742	MICHALSON	GEORGE	D	MIDDLEWEST MOTOR FRE BUR	PO BOX 418647	KANSAS CITY	MO	350	1	00.00	3
5130	MONTGOMERY	TOM		CITY OF HASTINGS	CITY HALL	HASTINGS	MN	350	1	00.00	3
1012	MOORE	J	K	ERNEST K LEHMANN & ASSOC	430 FIRST AVE N	MINNEAPOLIS	MN	350	1	00.00	3
1117	MORGAN	ROBERT	S	MINNEAPOLIS PUBLIC WORKS	A-1800 GOVERNMENT CENTER	MINNEAPOLIS	MN	350	1	00.00	3
0749	MORRELL	JAY	C	M AND P TRANSPORT INC	PO BOX 477	MONTICELLO	MN	350	1	00.00	3
9433	MUELLER	MICHAEL	T	H T S INC	PO BOX 281	SO ST PAUL	MN	350	1	00.00	3
5190	NOLTING	DONALD		CITY OF MORRIS	2504 AGA DR	ALEXANDRIA	MN	350	1	00.00	3
1098	NORD	TERENCE		NORD AVIATION INC	RR 1 BOX 3	PEMBINA	ND	350	1	00.00	3
1053	O BRIEN	TERRY		RED OWL STORES INC	215 E EXCELSIOR AVE	HOPKINS	MN	350	1	00.00	3
1036	OLOFSON	ARTHUR	W	MPLS ASSOC BLDG OWNER/MGR	927 SOO LINE BLDG	MINNEAPOLIS	MN	350	1	00.00	3
1054	OLSON	N	G	THUNDERBIRD AIRCRAFT CO	5100 EDEN AVENUE	MINNEAPOLIS	MN	350	1	00.00	3
1113	PAYNE	ALVIN	B		ROUTE 1 - PO BOX 40	DEGRAFF	MN	350	1	00.00	3
1064	PELLISH	JOE		H B FULLER CO	3530 N LEXINGTON AVENUE	ST PAUL	MN	350	1	00.00	3
1170	PERKINS	ROBERT		G & R AVIATION INC	13601 PIONEER TRAIL	EDEN PRAIRIE	MN	350	1	00.00	3
0768	PIILOLA	ANDREW	A	MN TRUCKING ASSN	1821 UNIVERSITY AV 134N	ST PAUL	MN	350	1	00.00	3
1179	RADZIEJ	DAVID		AGC MINNESOTA	111 E KELLOGG BLVD	ST. PAUL	MN	350	1	00.00	3
1088	RAIBER	KENNETH	W	ST CLOUD STATE UNIVERSITY	HEADLEY HALL	ST CLOUD	MN	350	1	00.00	3
1073	RANDELL	PATSY	A	HONEYWELL INC	HONEYWELL PLAZA	MINNEAPOLIS	MN	350	1	00.00	3

Key	Last	First	M	Organization	Address	City	St	Dst	Cpy	Cost	C
9222	RIPPENTROP	GARY	D	MINN AUTO DEALERS ASSOC	277 UNIVERSITY AVENUE	ST PAUL	MN	350	1	00.00	3
1111	RODEWALD	JEROME	C	ECOLAB INC	ECOLAB CENTER	ST PAUL	MN	350	1	00.00	3
4119	ROMBERG	CHRIS		COUNTY OF BROWN	COURT HOUSE	NEW ULM	MN	350	1	00.00	3
1038	ROSENTHAL	ABE		MINN TRANSPORT SERVICES	1821 UNIVERSITY AVE 310N	ST PAUL	MN	350	1	00.00	3
1033	ROSS	ALFRED			6356 WARE ROAD	LINO LAKES	MN	350	1	00.00	3
4471	RUBENSTEIN	SAMUEL			6960 MADISON AVENUE W	GOLDEN VALLEY	MN	350	1	00.00	3
5107	RUDRUD	RONALD		CITY OF BLOOMINGTON	2215 W OLD SHAKOPEE ROAD	BLOOMINGTON	MN	350	1	00.00	3
3999	SALLSTROM	CRAIG	J	MN PLANT FOOD & CHEM ASSN	1821 UNIVERSITY AVE #253S	ST PAUL	MN	350	1	00.00	3
1082	SANFORD	S	M		7000 PORTLAND AVE	RICHFIELD	MN	350	1	00.00	3
0983	SATHER	CAROL ANN		FARM CREDIT LEASING SERV	10 SECOND ST NE	MPLS	MN	350	1	00.00	3
9425	SCANLAN	JOYCE		NATL FED OF BLIND MINN	15 S FIFTH STREET 715	MINNEAPOLIS	MN	350	1	00.00	3
0805	SCHENK	JIM		TEAMSTER LOCAL 160	405 HLF SOUTH BROADWAY	ROCHESTER	MN	350	1	00.00	3
1100	SCHMIT	MICHAEL	C	CITY OF WILLMAR	333 W 6TH ST PO BOX 755	WILLMAR	MN	350	1	00.00	3
1152	SCHMITT	WILLIAM	L	CITY OF ALBERT LEA	221 E CLARK STREET	ALBERT LEA	MN	350	1	00.00	3
5103	SCHULTZ	RAY		CITY OF ANOKA	2015 1ST AVE N	ANOKA	MN	350	1	00.00	3
1154	SEIFERT	GERALD		M I K COOP TRUCKING ASSN	RT 6 BOX 176	PRINCETON	MN	350	1	00.00	3
1104	SHOL	LUCKY		W CENTRAL AIRWAYS INC	PO BOX 432	FERGUS FALLS	MN	350	1	00.00	3
1205	SIEGMUND	RON		MINN STATE AUTO ASSOC	7 TRAVELERS TRAIL	BURNSVILLE	MN	350	1	00.00	3
5179	SIGGERUD	CHARLES	A	CITY OF BURNSVILLE	100 CIVIC CENTER PKWY	BURNSVILLE	MN	350	1	00.00	3
5142	SONNENBERG	DAVID	J	CITY OF MINNETONKA	14600 MINNETONKA BLVD	MINNETONKA	MN	350	1	00.00	3
9428	SPARTZ	GREGORY	G	WILLMAR STATE HOSPITAL	PO BOX 1128	WILLMAR	MN	350	1	00.00	3
1115	STROM	KURT	E	COUNCIL FOR HANDICAPPED	208 METRO SQUARE BLDG	ST PAUL	MN	350	1	00.00	3
1078	SWENSON	ROBERT		MESABA AVIATION INC	6201 34TH AVENUE S	MINNEAPOLIS	MN	350	1	00.00	3
1344	THALACKER	VERNON	R	FHWA OFC OF MOTOR CARRIER	METRO SQUARE SUITE 490	ST PAUL	MN	350	1	00.00	3
4467	THAYER	SCOTT	D	GEO A HORMEL & COMPANY	PO BOX 800	AUSTIN	MN	350	1	00.00	3
4474	THOMPSON	RUSSELL	C	CENEX LAND O LAKES AG	PO BOX 64089	ST PAUL	MN	350	1	00.00	3
1050	TOSCU	PAUL		IZAAK WALTON LEAGUE OF AM	525 PARK ST #101	ST PAUL	MN	350	1	00.00	3
9019	VAN DE NORTH	J	B	BRIGGS & MORGAN PA	2200 FIRST NATL BANK BLDG	ST PAUL	MN	350	1	00.00	3
9436	WAAGE	DANIEL	L	HILLTOP CARE CENTER	ROUTE 1 BOX H	WATKINS	MN	350	1	00.00	3
5194	WARREN	GARY		CITY OF CHANHASSEN	690 COULTER DR PO BOX 147	CHANHASSEN	MN	350	1	00.00	3
0775	WILSEY JR	LESTER	A	INDIANHEAD TRK LINE INC	PO BOX 64355	ST PAUL	MN	350	1	00.00	3
5082	WISNIEWSKI	DONALD	C	COUNTY OF WASHINGTON	11660 MYERON RD N	STILLWATER	MN	350	1	00.00	3
9424	XXXXXXXXXXX			KNUTE NELSON MEM HOME	420 12TH AVENUE E	ALEXANDRIA	MN	350	1	00.00	3
9419	XXXXXXXXXXX			UNITED HANDICAPPED FEDN	1821 UNIVERSITY AVE 2845	ST PAUL	MN	350	1	00.00	3
0777	YATES	HAROLD	D	TEAMSTER LOCAL 120	320 UNIVERSITY AVE	ST PAUL	MN	350	1	00.00	3
1003	YOST	JOHN		BOHMAN AIRWAYS	RT 8 PO BOX 348	INTL FALLS	MN	350	1	00.00	3
1197	ZELENKA	ROBERT		MINN FARMERS ELEVATOR	852 GRAIN EXCHANGE BLDG	MPLS	MN	350	1	00.00	3

In the Matter of the Proposed)
Adoption of the Rule of the)
Minnesota Department of Trans-)
portation Relating to State)
Highway Market Artery System.)

AFFIDAVIT OF MAILING: 1.) ADDITIONAL DISCRETIONARY NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING, 2.) NOTICE OF HEARING, AND CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Kenneth H. Bjork, being sworn says:

I hereby certify that the Minnesota Department of Transportation has made additional discretionary notice of proposed rulemaking to the attached list of persons and associations pursuant to Minnesota Statutes, section 14.14, subdivision 1a.

That on the 1st day of September, 1989, at the City of Saint Paul, County of Ramsey, State of Minnesota, I mailed both the attached Notice of Intent to Adopt a Rule Without a Public Hearing, and, the Notice of Hearing by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

AFFIANT:

Kenneth H. Bjork
Manager, Administrative Procedures & Documentation

Subscribed and sworn to before me

this 1st day of September, 1989.

Ramona T. Mackenroth
Notary Public

Washington County, Minnesota.

My Commission Expires: January 29, 1993.

RAMONA T. MACKENROTH
NOTARY PUBLIC-MINNESOTA
WASHINGTON COUNTY
MY COMMISSION EXPIRES JANUARY 29, 1993

MARKET ARTERY DISCRETIONARY MAILING LIST
August 31, 1989

1. Jerry Nagel, Executive Director
% N. W. Regional Development Comm.
525 Brooks Ave. So.
P. O. Box E
Thief River Falls, MN 56701

2. John Ostrem, Executive Director
% Headwaters Regional Dev. Comm.
Mental Health Building
722-15th St. N.W., Box 906
Bemidji, MN 56601-0906

3. David Danz, Executive Director
Arrowhead Regional Dev. Comm.
Arrowhead Center
330 Canal Park Drive
Duluth, MN 55802

4. Leyton Fontaine
Executive Director
Region Five Development Commission
611 Iowa Ave.
Staples, MN 56479

5. H. Eugene Hippe
Executive Director
Mid-Minnesota Development Commission
333 W. Sixth St.
Willmar, MN 56201

6. Otto Schmid, Executive Director
Upper Minnesota Valley
Regional Development Commission
323 W. Schieman Ave.
Appleton, MN 56208

7. Roger J. Ames, Executive Director
East Central
Regional Development Commission
100 S. Park St.
Mora, MN 55051

8. Richard Jacobson, Executive Director
SW Regional Development Commission
2524 Broadway Ave.
P. O. Box 265
Slayton, MN 56172

9. Terence Stone, Executive Director
Region Nine
Development Commission
410 S. 5th St., P. O. Box 3367
Mankato, MN 56001

10. David Renz, Executive Director
Metropolitan Council
Mears Park Centre
230 E. Fifth St.
St. Paul, MN 55101

SF-00006-05 (4/86)

DEPARTMENT : TRANSPORTATION - Room 807

STATE OF MINNESOTA

Office Memorandum

DATE : August 14, 1989

TO : Kenneth H. Bjork, Manager
Administrative Procedures &
Documentation System

FROM : Jon Bloom, Director
Highway & Area Planning Section

PHONE : 296-1635

SUBJECT : Names of Agency Personnel Who Will Represent Mn/DOT at the Market Artery Hearing

Attached is the original signed copy of the Notice of Intent to Solicit Outside Opinion and a photo copy of the notice as published in the State Register.

Any one or all of the following could be asked to participate in the rulemaking.

MERRITT LINZIE, Director
Office of Highway Programs

JON BLOOM, Director
Highway & Area Planning Section

JONETTE KREIDEWEIS, Manager
Highway Planning Unit

RICHARD B. BAUTCH
Regional Transportation Planning Coordinator

M. JACQUELINE REGIS
Special Assistant Attorney General

cc: Merritt Linzie
Jonette Kreideweis
Richard B. Bautch
M. Jacqueline Regis

DEPARTMENT OF TRANSPORTATION

PROGRAM MANAGEMENT DIVISION

NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION REGARDING THE DEFINITIONS OF "SIGNIFICANT CENTERS OF POPULATION AND COMMERCE" AND "TEMPORARY EMERGENCY SERVICE"

NOTICE IS HEREBY GIVEN THAT the State Department of Transportation (Mn/DOT) is seeking information and opinions from sources outside the agency in preparing proposed rules to define "significant centers of population and commerce" and "temporary emergency service". The adoption of rules is authorized by Minnesota Statutes, section 169.832, subdivision 13 (c) (Laws 1986, Chapter 398, Article 13, Section 10) which requires the Commissioner to adopt rules which define "significant centers of population and commerce" and "temporary emergency service" to assist in determining which state trunk highways will serve as market artery routes.

Minnesota Statutes, section 169.832, subdivision 13 identifies a market artery as "a trunk highway or segment thereof that:

(i) connects significant centers of population or commerce;

(ii) connects highways described in clause (i);

(iii) provides access to a transportation terminal; or

(iv) provides temporary emergency service to a particular shipping or receiving point on a market artery."

State trunk highways which are determined to be market artery routes are intended to be unrestricted for maximum allowable vehicle weights. Minnesota Statutes, section 169.832, subdivision 13 specifies that the Commissioner may impose seasonal load restrictions on a market artery only after providing advance notice of weight restrictions on market artery routes to certain committees of the state House of Representatives and Senate. Minnesota Statutes, section 169.832, subdivision 13 also specifies that the Commissioner shall provide with each notice a plan to improve the market artery within the next three years so that seasonal load restrictions will not be necessary on it.

An interim definition of "significant centers of population and commerce" has been provided in the statute. Until rules are effective, "significant centers of population and commerce" means "all home rule charter or statutory cities that had total retail sales of at least $50,000,000 as reported in the 1982 Census of Retail Trade of the United States Department of Commerce."

These rules may have an affect on the transportation activities of small businesses. Minnesota Statutes, section 14.115 states that small business means "a business entity, including its affilates, that (a) is independently owned and operated; (b) is not dominant in its field; and (c) employs fewer than 50 full-time employees or has gross annual sales of less than $4,000,000." Trunk highways which are determined to be market arteries will represent the principal access routes for the shipment of commodities to and from geographic areas of supply and demand in Minnesota. As such, small businesses located on state trunk highway market artery routes may achieve some shipping advantage.

Promulgation of these rules will not result in the imposition of agency fees as described in Minnesota Statutes, section 16A.128. The rules will not require the expenditure of public monies by local public bodies as defined in Minnesota Statutes, section 14.11, subdivision 1. Additionally, the rules will not result in mandated costs for local agencies or school districts described in Minnesota Statutes, section 3.982.

The State Department of Transportation requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comments orally or in writing. Written

statements should be addressed to: Jonette Kreideweis, Highway Planning Unit, Room 807, Transportation Building, St. Paul, Minnesota, 55155.

Oral statements will be received during regular business hours over the telephone at (612) 296-8477. In addition, at least four public meetings will be held in various parts of the state prior to preparing the final draft of the rule. Notice of these public meetings will be published in the State Register.

All statements of information and comment shall be accepted until December 15, 1986. Any written material received by the State Department of Transportation shall become part of the record in the event that the rules are adopted.

25th
August, 1986

for Richard P. Braun
Commissioner

DEPARTMENT OF TRANSPORTATION
STATE OF MINNESOTA

In the Matter of the Proposed Adoption
of a Rule Relating to the Definitions of
"Significant Centers of Population and Commerce"
and "Temporary Emergency Service."

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING AND
NOTICE OF INTENT TO ADOPT A RULE WITH A PUBLIC HEARING IF
TWENTY-FIVE OR MORE PERSONS REQUEST A HEARING

Notice is hereby given that the State Department of Transportation intends to adopt the above entitled rule without a public hearing following the procedures for adopting rules without a public hearing set forth in Minnesota Statutes, Sections 14.22 to 14.28. The specific statutory authority to adopt the rule is Minnesota Statutes, Section 169.832, Subdivision 13, and Laws 1986, Chapter 398, Article 13, Section 10.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30 day comment period. If 25 or more persons submit a written request for a public hearing within the 30 day comment period, a public hearing will be held unless a sufficient

number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed.

If a public hearing is required, the agency will proceed pursuant to Minnesota statutes, Section 14.131 to 14.20. PLEASE NOTE THAT IF 25 OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITHIN 30 DAY COMMENT PERIOD, A HEARING WILL BE HELD ON TUESDAY, OCTOBER 10, 1989, THROUGH WEDNESDAY OCTOBER 11, 1989, IN THE COUNCIL CHAMBERS, CITY HALL, 400 SECOND STREET, SOUTH, ST. CLOUD, MINNESOTA. THE HEARING WILL COMMENCE AT 9:30 A.M. ON OCTOBER 10, 1989 AND CONTINUE ON TO OCTOBER 11, 1989, IF ADDITIONAL TIME IS NECESSARY TO PROVIDE INTERESTED OR AFFECTED PERSONS WITH AN OPPORTUNITY TO PARTICIPATE. THE HEARING WILL BE CANCELLED IF SUFFICIENT NUMBER WITHDRAW THEIR REQUEST, IN ACCORDANCE WITH THE NOTICE OF PUBLIC HEARING ON THESE SAME RULES, PUBLISHED IN THIS ISSUE OF THE STATE REGISTER AND MAILED TO PERSONS REGISTERED WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION. TO VERIFY WHETHER OR NOT A HEARING WILL BE HELD, YOU MUST CALL THE DEPARTMENT OF TRANSPORTATION BETWEEN OCTOBER 5, 1989 AND OCTOBER 9, 1989, AT 612-296-8477 OR 612-296-1635.

Comments or written requests for a public hearing must be submitted to:

Jonette Kreideweis
Minnesota Department of Transportation
Room 807, Transportation Building
St. Paul, Minnesota 55155
(612) 296-8477

Comments or requests for a public hearing must be received by the Department by 4:30 p.m. on October 4, 1989.

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this notice. A free copy of the rule is available upon request from Jonette Kreideweis at the address noted above.

The terms will be used to assist in determining which state trunk highways will serve as market artery routes. State trunk highways designated as market arteries will represent priority routes for the elimination of seasonal truck axle-weight load restrictions.

Data from the most recent population and economic censuses published by the United States Department of Commerce, Bureau of the Census, were utilized to determine which cities met the

criteria for defining "significant centers of population and commerce".

In addition to defining "significant centers of population and commerce", the proposed rule will permit the department to designate "temporary emergency service" routes to particular shipping or receiving points on market artery routes. Under the proposed rule, "temporary emergency service" could be provided for a limited and specified period of time on trunk highways with seasonal weight restrictions or on alternate routes when service on a trunk highway market artery has been disrupted.

The department will allow trunk highways designated for "temporary emergency service" to be used by heavier trucks to move specific commodities to particular shipping and receiving points on market arteries during unanticipated emergencies which threaten the loss of life or significant property damage.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Jonette Kreideweis upon request.

The adoption of the rule will not require the expenditure of money by local public bodies within the meaning of Minnesota Statutes, Section 14.11. The proposed rule will not have an effect on agricultural land. The rule will not impose "costs

mandated by the state," or require a local agency or school district to take action that incurs costs mandated by the state within the meaning of Minnesota Statutes, Section 3.982. The rule imposes no fees.

The proposed rule may have an impact on the transportation activities of small businesses located in the cities or rural areas that do not meet the criteria included in the rule for defining "significant centers of population and commerce".

This rule specifies the criteria for defining which cities in Minnesota will be identified as "significant centers of population and commerce" for the purposes of Minnesota Statutes, Section 169.832, Subdivision 13. The rule is designed to identify Minnesota cities which are major regional centers and businesses which are large truck traffic generators.

Businesses located on trunk highway market arteries that connect cities defined as "significant centers of population and commerce" may achieve some shipping advantage over businesses which are located on routes which have not been identified as market arteries. This situation may result because of the priority that will be given to eliminating seasonal weight restrictions on market artery routes.

The department has considered the impact of the rule on small businesses in compliance with Minnesota Statutes, Section 14.115, Subdivision 2.

The proposed rule does not establish compliance or reporting requirements or performance standards. It imposes no requirements on any business large or small.

The rule offers cities alternative ways to show that they are "significant centers of population and commerce". These provisions will minimize impacts of the rule on small businesses located in cities that might otherwise be unable to show that they are "significant centers of population and commerce" due to:

-- a lack of available published population or commerce data due to data privacy or census reporting provisions; or

-- population or commerce changes that have occurred during the time period between traditional census reporting periods.

Small business needs have also been considered in defining "temporary emergency service". For example, the Minnesota Department of Transportation will respond to requests for the designation of a temporary emergency service market artery route within twenty-four hours of receiving the request. The department's rapid response to such requests is intended to minimize delays and costs for shippers that find themselves faced with an immediate and urgent need to move commodities at weights up to the 80,000 pound maximum allowable vehicle load during unanticipated emergency situations.

Many opportunities have been provided for small business to participate in this rulemaking process. The Notice of Intent to Solicit Outside Opinion made special reference to the potential impact of the rule on small business. In addition, throughout the public involvement activities surrounding this rulemaking, special efforts have been undertaken to encourage small business involvement in public meetings and in the review and comment of draft criteria for defining "significant centers of population and commerce" and "temporary emergency services".

The following actions were taken by the department to encourage business participation in the rulemaking:

a) Twelve public information meetings were held at various locations throughout the state to explain the rulemaking and solicit comments on alternative draft definitions for the rule.

b) Public notices stating the dates, time and locations of the public information meetings and the potential effects of the rule on small businesses were prepared.

Copies of the notice were:

- published in the State Register on September 7, 1987
- forwarded to all weekly and daily newspapers in the state
- mailed to several hundred businesses, shippers, trucking companies and private citizens identified by the regional development commissions and the department's nine district offices.
- forwarded to the major agricultural and business associations in Minnesota

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent that the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit a written request to Jonette Kreideweis at the address indicated above.

Leonard W. Levine

LEONARD W. LEVINE
Commissioner
Minnesota Department of Transportation

8-7-89

Dated:

DEPARTMENT OF TRANSPORTATION
STATE OF MINNESOTA

In the Matter of the Proposed Adoption
of a Rule Relating to the Definitions of
"Significant Centers of Population and Commerce"
and "Temporary Emergency Service."

NOTICE OF HEARING AND NOTICE OF INTENT TO CANCEL HEARING IF FEWER THAN TWENTY FIVE PERSONS REQUEST A HEARING IN RESPONSE TO NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING.

Notice is hereby given that a public hearing on the above entitled matter will be held in the Council Chambers, City Hall, 400 Second Street, South, St. Cloud, Minnesota, 56301 on October 10, 1989. The hearing will commence at 9:30 a.m. on October 10, 1989 and continue on to October 11, 1989 at this location, if additional time is necessary to provide interested or affected persons with an opportunity to participate. Notice of the hearing will be given to all persons who have registered with the Minnesota Department of Transportation in order to receive rulemaking notices. The Department of Transportation intends to give discretionary additional public notice of the proposed adoption of the rule to the active Regional Development Commissions in Minnesota by mailing a copy of the proposed rule and the Notice of Hearing/Notice of Intent to Adopt a Rule Without a Hearing to these persons. The proposed rule may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rule, you are urged to participate in the rule hearing process.

PLEASE NOTE, HOWEVER, THAT THE HEARING WILL BE CANCELED IF FEWER THAN 25 PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE OF INTENT TO ADOPT THIS SAME RULE WITHOUT A PUBLIC HEARING, PUBLISHED IN THIS STATE REGISTER AND MAILED TO PERSONS REGISTERED WITH THE DEPARTMENT OF TRANSPORTATION.

TO VERIFY WHETHER OR NOT A HEARING WILL BE HELD, YOU MUST CALL the Minnesota Department of Transportation between October 5, 1989 and October 9, 1989 at 612-296-8477 or 612-296-1635.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to Phyllis Reha, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55425; telephone 612-341-7611, either before the hearing or within five working days after the public hearing ends. The Administrative Law Judge may at the hearing, order the record be kept open for a longer period not to exceed 20 calendar days. The comments received during the comment period shall be available for review at the

Office of Administrative Hearings. Following the close of the comment period the agency and all interested persons have three business days to respond in writing to any new information submitted during the comment period. During the three-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. No additional evidence may be submitted during the three-day period. The written responses shall be added to the rulemaking record.

Upon the close of the record the Administrative Law Judge will write a report as provided for in Minnesota Statutes, sections 14.15 and 14.50. The rule hearing is governed by Minnesota Statutes, sections 14.14 to 14.20 and by Minnesota Rules, parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the Administrative Law Judge.

The adoption of the rule is authorized by Minnesota Statutes, Section 169.832, Subdivision 13.

The purpose of this proposed rule is to identify criteria for defining "significant centers of population and commerce" and "temporary emergency service". These terms will be used to assist in determining which state trunk highways will serve as market artery routes. State trunk highways designated as market arteries will represent priority routes for the elimination of seasonal truck axle-weight restrictions.

A copy of the proposed rule is included with this notice. One free copy of the rule may also be obtained from Jonette Kreideweis, 807 Transportation Building, St. Paul, MN., 55155, (612) 296-8477.

The Department has considered the impact of this rule on small business in compliance with Minnesota Statutes, Section 14.115, Subdivision 2. The proposed rule does not establish compliance or reporting requirements or performance standards. It imposes no requirements for any business large or small. However, businesses located on trunk highway market arteries that connect cities defined as "significant centers of population and commerce" may achieve some shipping advantage over businesses which are located on routes which have not been identified as market arteries. This situation may result because of the priority that will be given to eliminating weight restrictions on market artery routes.

Many opportunities have been provided for small businesses to participate in this rulemaking process. The Notice of Intent to Solicit Outside Opinion made special reference to the potential impact of the rules on small business. In addition, throughout the public involvement activities surrounding this rulemaking, special efforts have been undertaken to encourage small business involvement in public meetings and in the review and comment on

draft criteria for defining "significant centers of population and commerce" and "temporary emergency service".

Each of the above mentioned provisions of the proposed rule and the steps taken to encourage participation by small businesses are discussed in greater detail in the Notice of Intent to Adopt Rules Without a Public Hearing that is published with this Notice in this State Register, and in the Statement of Need and Reasonableness.

The adoption of this rule will not require the expenditure of money by local public bodies within the meaning of Minnesota Statutes, Section 14.11. The proposed rule will not have an effect on agricultural land. The rule will not impose "costs mandated by the state," or require a local agency or school district to take action that incurs costs mandated by the state within the meaning of Minnesota Statutes, Section 3.982. The rule imposes no fees.

Notice: Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the agency may not take any final action on the rule for a period of five working days. If you desire to be notified, you may indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rule was adopted and filed with the

Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified, you may indicate at the hearing or send a request in writing to the agency at any time prior to the filing of the rule with the Secretary of State.

Notice is hereby given that a Statement of Need and Reasonableness is now available for review at the agency and at the Office of Administrative Hearings. The Statement of Need and Reasonableness includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule. Copies of the Statement of Need and Reasonableness may be reviewed at the agency or the Office of Administrative Hearings. Copies may be obtained from the Office of Administrative Hearings for the cost of reproduction.

Minnesota Statutes, Chapter 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 Minnesota Statutes, Section 10A.01, Subdivision 11, 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 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 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, 625 North Robert St., St. Paul, Minnesota 55105-2520, telephone 612-296-5148.

Leonard W. Levine

LEONARD W. LEVINE
Commissioner
Minnesota Department of Transportation

8-7-89
Dated:

Department of Transportation

Proposed Permanent Rules Relating to State Highway Market Artery System

Rules as Proposed (all new material)

8815.0100 DEFINITIONS

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Transportation.

Subp. 3. **Emergency.** "Emergency" includes flood, tornado, fire, or other disaster that threatens loss of life or destruction or damage to property or crops of such magnitude as to seriously endanger the public health, safety, and welfare.

Subp. 4. **Manufacturing employees.** "Manufacturing employees" refers to the number of full-time, nonseasonal employees established by:

A. the most recent Census of Manufactures, Geographic Area Series, Minnesota, prepared by the United States Department of Commerce, Bureau of the Census, referred to in this chapter as the Census of Manufactures, which is incorporated by reference. The publication is subject to change every five years, upon completion of a new census, and is available at most public libraries and through the Minitex interlibrary loan system at Minnesota public libraries; or

B. information submitted to the commissioner that demonstrates that a city has a business or combination of businesses within its jurisdiction engaged in manufacturing, as described in the Census of Manufactures, that employs over 450 full-time, nonseasonal employees.

Subp. 5. **Population.** "Population" refers to the population established by:

A. the most recent Census of Population, Characteristics of the Population, Minnesota, prepared by the

Approved by Revisor

United States Department of Commerce, Bureau of the Census, referred to in this chapter as the Census of Population, which is incorporated by reference. The publication is subject to change every ten years, upon completion of a new Census of Population, and is available at most libraries and through the Minitex interlibrary loan system at Minnesota public libraries; or

B. a special census conducted under contract with the United States Bureau of the Census.

Subp. 6. **Retail sales.** "Retail sales" has the meaning given it by the most recent Census of Retail Sales, Geographic Area Series, Minnesota, prepared by the United States Department of Commerce, Bureau of the Census, referred to in this chapter as the Census of Retail Trade, which is incorporated by reference, as measured in dollar value. The publication is subject to change every five years, upon completion of a new Census of Retail Trade, and is available in most libraries and through the Minitex interlibrary loan system at Minnesota public libraries.

Subp. 7. **Seasonal weight restrictions.** "Seasonal weight restrictions" means vehicle weight prohibitions or restrictions determined and imposed by the commissioner under Minnesota Statutes, section 169.87.

Subp. 8. **Temporary.** "Temporary" means a specified time period determined by the commissioner for the duration of an emergency or in the initial stages of recovery from the emergency.

Subp. 9. **Wholesale sales.** "Wholesale sales" has the meaning given it by the most recent Census of Wholesale Trade, Geographic Area Series, Minnesota, prepared by the United States Department of Commerce, Bureau of the Census, referred to in this chapter as the Census of Wholesale Trade, which is incorporated by reference, as measured in dollar value. The publication is subject to change every five years, upon completion of a new Census of Wholesale Trade, and is available in most libraries and through the Minitex interlibrary loan

Approved
by Revisor _____

system at Minnesota public libraries.

8815.0200 TEMPORARY EMERGENCY SERVICE; WHEN ALLOWED.

"Temporary emergency service" means service that is provided on a trunk highway route on which seasonal weight restrictions are in effect; or provided on a highway route designated by the commissioner under Minnesota Statutes, section 161.25, when service on an identified market artery route is interrupted by an emergency. Temporary emergency service may be provided only under all of the following limitations:

A. to respond to sudden unanticipated circumstances that create an urgent and immediate need to move loads that exceed the posted seasonal weight restrictions, but do not exceed the maximum gross vehicle weight permitted in Minnesota Statutes, section 169.825;

B. to provide service to a particular shipping or receiving point on a market artery during an emergency or during the initial stages of recovery;

C. to preserve public health or welfare or to avert or alleviate the effect of natural disasters;

D. to provide service only to move specific products or commodities needed to avert or alleviate the emergency; and

E. to provide service only when to do so does not create an undue hazard to traffic safety.

8815.0300 SIGNIFICANT CENTERS OF POPULATION AND COMMERCE.

"Significant centers of population and commerce" means:

A. cities inside Minnesota that have any one of the following:

(1) population of 5,000 or more persons;

(2) $50,000,000 or more in retail sales;

(3) 450 or more manufacturing employees; or

(4) $50,000,000 or more in wholesale sales; or

B. cities in surrounding states or Canadian provinces that have a population of 50,000 or more persons.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to State Highway Market Artery System

AGENCY: Department of Transportation

MINNESOTA RULES: Chapter 8815

Incorporations by Reference

Part 8815.0100:

Subpart 4, Census of Manufacturers
Subpart 5, Census of Population
Subpart 6, Census of Retail Trade
Subpart 9, Census of Wholesale Trade

The publications in part 8815.0100 are prepared by the U.S. Department of Commerce

The attached rules are approved for publication in the State Register

Ron Ray
Assistant Revisor

Department of Transportation

Proposed Permanent Rules Relating to State Highway Market Artery System

Rules as Proposed (all new material)

8815.0100 DEFINITIONS

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Transportation.

Subp. 3. **Emergency.** "Emergency" includes flood, tornado, fire, or other disaster that threatens loss of life or destruction or damage to property or crops of such magnitude as to seriously endanger the public health, safety, and welfare.

Subp. 4. **Manufacturing employees.** "Manufacturing employees" refers to the number of full-time, nonseasonal employees established by:

A. the most recent Census of Manufactures, Geographic Area Series, Minnesota, prepared by the United States Department of Commerce, Bureau of the Census, referred to in this chapter as the Census of Manufactures, which is incorporated by reference. The publication is subject to change every five years, upon completion of a new census, and is available at most public libraries and through the Minitex interlibrary loan system at Minnesota public libraries; or

B. information submitted to the commissioner that demonstrates that a city has a business or combination of businesses within its jurisdiction engaged in manufacturing, as described in the Census of Manufactures, that employs over 450 full-time, nonseasonal employees.

Subp. 5. **Population.** "Population" refers to the population established by:

A. the most recent Census of Population, Characteristics of the Population, Minnesota, prepared by the

Approved by Revisor

United States Department of Commerce, Bureau of the Census, referred to in this chapter as the Census of Population, which is incorporated by reference. The publication is subject to change every ten years, upon completion of a new Census of Population, and is available at most libraries and through the Minitex interlibrary loan system at Minnesota public libraries; or

B. a special census conducted under contract with the United States Bureau of the Census.

Subp. 6. **Retail sales.** "Retail sales" has the meaning given it by the most recent Census of Retail Sales, Geographic Area Series, Minnesota, prepared by the United States Department of Commerce, Bureau of the Census, referred to in this chapter as the Census of Retail Trade, which is incorporated by reference, as measured in dollar value. The publication is subject to change every five years, upon completion of a new Census of Retail Trade, and is available in most libraries and through the Minitex interlibrary loan system at Minnesota public libraries.

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by Revisor _____

system at Minnesota public libraries.

8815.0200 TEMPORARY EMERGENCY SERVICE; WHEN ALLOWED.

"Temporary emergency service" means service that is provided on a trunk highway route on which seasonal weight restrictions are in effect; or provided on a highway route designated by the commissioner under Minnesota Statutes, section 161.25, when service on an identified market artery route is interrupted by an emergency. Temporary emergency service may be provided only under all of the following limitations:

A. to respond to sudden unanticipated circumstances that create an urgent and immediate need to move loads that exceed the posted seasonal weight restrictions, but do not exceed the maximum gross vehicle weight permitted in Minnesota Statutes, section 169.825;

B. to provide service to a particular shipping or receiving point on a market artery during an emergency or during the initial stages of recovery;

C. to preserve public health or welfare or to avert or alleviate the effect of natural disasters;

D. to provide service only to move specific products or commodities needed to avert or alleviate the emergency; and

E. to provide service only when to do so does not create an undue hazard to traffic safety.

8815.0300 SIGNIFICANT CENTERS OF POPULATION AND COMMERCE.

"Significant centers of population and commerce" means:

A. cities inside Minnesota that have any one of the following:

(1) population of 5,000 or more persons;

(2) $50,000,000 or more in retail sales;

(3) 450 or more manufacturing employees; or

(4) $50,000,000 or more in wholesale sales; or

B. cities in surrounding states or Canadian provinces that have a population of 50,000 or more persons.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to State Highway Market Artery System

AGENCY: Department of Transportation

MINNESOTA RULES: Chapter 8815

Incorporations by Reference

Part 8815.0100:

Subpart 4, Census of Manufacturers
Subpart 5, Census of Population
Subpart 6, Census of Retail Trade
Subpart 9, Census of Wholesale Trade

The publications in part 8815.0100 are prepared by the U.S. Department of Commerce

The attached rules are approved for publication in the State Register

Ron Ray
Assistant Revisor

DEPARTMENT OF TRANSPORTATION

STATE OF MINNESOTA

ORDER FOR HEARING IN THE MATTER OF THE PROPOSED RULE OF THE COMMISSIONER OF TRANSPORTATION RELATING TO THE DEFINITIONS OF "SIGNIFICANT CENTERS OF POPULATION AND COMMERCE" AND "TEMPORARY EMERGENCY SERVICE".

It is hereby ordered that a public hearing be held on October 10, 1989, through October 11, 1989, if necessary, at the City Hall, 400 Second Street, South, St. Cloud, Minnesota, 56301. The hearing will be held in the Council Chambers at 9:30 a.m. on October 10, 1989 and continue on to October 11, 1989, at this location if additional time is required to receive public comment. Notice of Hearing shall be sent to all persons who have registered with the Department of Transportation for the purpose of receiving notices of agency rulemaking. The Department of Transportation intends to give discretionary additional notice of the proposed adoption of the rule to the active Regional Development Commissions in Minnesota by mailing a copy of the proposed rule and the Notice of Hearing/Notice of Intent to Adopt a Rule without a hearing to these persons. In addition, the Notice of Hearing shall be published in the State Register.

Leonard W. Levine

LEONARD W. LEVINE
Commissioner
Minnesota Department of Transportation

8-7-89

Dated:

STATE OF MINNESOTA

STATE REGISTER

DEPARTMENT OF ADMINISTRATION—DOCUMENTS DIVISION



DEPT. OF TRANSPORTATION
BETSY PARKER
RM 815 DOT BLDG
INTEROFFICE

Monday 1 September 1986

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Pages 369-416

STATE REGISTER

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, official notices to the public, state and non-state public contracts, grants, and supreme court and tax court decisions. Judicial notice shall be taken of material published in the *State Register*.

Volume 11 Printing Schedule and Submission Deadlines

Vol. 11 Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
9	Monday 18 August	Monday 25 August	Monday 1 September
10	Monday 25 August	Friday 29 August	Monday 8 September
11	Friday 29 August	Monday 8 September	Monday 15 September
12	Monday 8 September	Monday 15 September	Monday 22 September

*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 editorial offices, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-4273.

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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** also.

The PROPOSED RULES section contains:

- 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 Rules.
- Proposed emergency rules.
- Withdrawal of proposed rules (option; not required).

The ADOPTED RULES section contains:

- Notice of adoption of new rules and rule amendments adopted without change from the previously published proposed rules. (Unchanged adopted rules are not republished in full in the *State Register* unless requested by an agency.)
- Adopted amendments to new rules or rule amendments (adopted changes from the previously published proposed rules).
- Notice of adoption of emergency rules.
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- Notice of intent to solicit outside opinion before promulgating rules.
- Additional hearings on proposed rules not listed in original proposed rules calendar.

ALL ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES published in the *State Register* and filed with the Secretary of State before April 8, 1985 are published in the *Minnesota Rules 1985*. ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES filed after April 8, 1985 are included in a supplement published in Spring, 1986. Proposed and adopted EMERGENCY (formerly called TEMPORARY) RULES appear in the *State Register* but are generally not published in the *Minnesota Rules* due to the short-term nature of their legal effectiveness. Those that are long-term may be published.

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

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Issues 27-38, inclusive
Issue 39, cumulative for 1-39
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MINNESOTA RULES AMENDMENTS AND ADDITIONS

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EXECUTIVE ORDERS

Executive Order No. 86-8

Providing for Assistance to Officials of St. Louis County, Minnesota

I, RUDY PERPICH, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

WHEREAS, the Sheriff of St. Louis County has requested assistance in the search for a rescue of a lost eighty-six year man; and

WHEREAS, the size and terrain of the search area are beyond the capabilities of local resources;

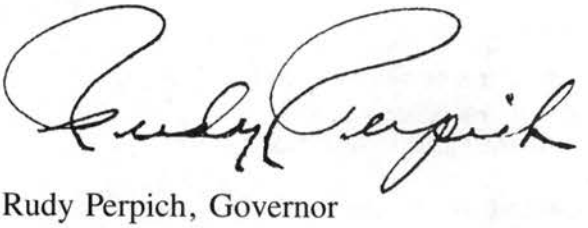
NOW, THEREFORE, I hereby order that:

1. The Adjutant General of Minnesota order to active duty on or after August 4, 1986, in service of the State, such elements and equipment of the military forces of the State as required and for such periods of time necessary to ensure the safety of our citizens.

2. Cost of subsistence, transportation, fuel, and pay and allowances of said individuals shall be defrayed from the General Fund of the State as provided for by Minnesota Statutes, Section 192.49, Subdivision 1, Section 192.51, and Section 192.52.

PURSUANT to Minnesota Statutes, Section 4.035, this Order shall be effective retroactive to August 4, 1986, and shall remain in effect until such date as elements of the military forces of the State are no longer required.

IN TESTIMONY WHEREOF I have set my hand this eighth day of August, 1986.



Rudy Perpich, Governor

PROPOSED RULES

Pursuant to Minn. Stat. of 1984, §§ 14.22, 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 25 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 the modifications are supported by the data and views submitted.**

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Energy and Economic Development

Proposed Permanent Rules Relating to the Governor's Rural Development Council, Rural Development Grants

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Commissioner of the Department of Energy and Economic Development with the concurrance of the Governor's Rural Development Council purposes to adopt the above-entitled rules without a public hearing following procedures set forth in Minnesota Statutes, sections 14.22 to 14.28. The specific statuatory authority to adopt the rules is Minnesota Statutes 116J.961, subd. 9.

Persons interested in this rule shall have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule and comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Persons who wish to submit comments or a written request for a public hearing must submit such comments or requests to:

Lori Widmark
Governor's Rural Development Council
900 American Center Building
150 East Kellogg Boulevard
St. Paul, MN 55101
Telephone: 612/296-3993

The proposed rules may be modified if the modifications are supported by data and views and do not result in substantial change in the proposed rules as noticed.

The proposed rules do not affect small business directly.

These rules govern application procedures for the Rural Development Council Grant program. The Rural Development Grant program makes grants available to local units of government and non-profit organizations to develop innovative projects which address the needs of farmers and/or low-income rural residents.

A copy of the rules follows. Additional copies of the rules are available for review from Lori Widmark at the aformentioned address upon request.

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 Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Lori Widmark upon request at the aforementioned address.

If no hearing is required, upon adoption of the rules, the rules and the required supporting documents will be delivered to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to receive a copy of the final rules as proposed for adoption, must submit the written request to Lori Widmark at the aforementioned address.

Dated: 18 August 1986

Mark Dayton, Commissioner
Department of Energy and Economic Development

Rules as Proposed (all new material)

RURAL DEVELOPMENT GRANTS

4360.0100 DEFINITIONS.

Subpart 1. **Scope.** As used in parts 4360.0100 to 4360.1100, the terms defined in this part and in Minnesota Statutes, section 116J.951 have the meanings given them.

Subp. 2. **Agricultural.** "Agricultural" means relating to activities of establishments primarily engaged in food production, processing, sale and transport of goods and commodities classified under the industry code numbers used in the standard industrial classification code as published in the standard industrial classification manual adopted by incorporation by reference in part 4360.1200, for the following coded activities:

A. Major Group 01-Crops;

B. Major Group 02-Livestock;

C. Major Group 07-Agricultural Services;

D. Major Group 09-Fishing, Hunting and Trapping;

E. Major Group 20-Food and Kindred Products;

F. Group 514-Groceries and Related Products;

G. Group 515-Farm Products Raw Materials; and

H. Major Group 54-Food Stores.

Subp. 3. **Demonstration grant.** "Demonstration grant" means a grant for an innovative project that has potential statewide applications and meets the needs of farmers or low-income rural residents.

Subp. 4. **Enterprise development.** "Enterprise development" means the gradual emergence or expansion of new rural small businesses.

Subp. 5. **Farmer.** "Farmer" means one engaged in the production of agricultural commodities (including persons engaged in the production of fish under controlled conditions), ranchers, farm tenants, and farm laborers.

Subp. 6. **Fiscal agent.** "Fiscal agent" means any Minnesota unit of state or local government, special district nonprofit organization or public institution, employing a certified public accountant for the purpose of the agent's activities, that acts on behalf of a project sponsor.

Subp. 7. **Grant funds.** "Grant funds" means money provided by the council in the form of a demonstration grant, seed grant, or pilot marketing grant.

Subp. 8. **Grant year.** "Grant year" means the year during which the council makes grant funds available.

Subp. 9. **In-kind support.** "In-kind support" means contributions made by a project sponsor other than money, usually services, facilities, goods, or equipment, meant to supplement the grant funds awarded by the council.

Subp. 10. **Letter of commitment.** "Letter of commitment" means a written statement from an organization or individual providing matching funds in conjunction with a project application submitted to the council.

Subp. 11. **Low-income.** "Low-income" means low income as defined in Code of Federal Regulations, title 24, section 813.102.

Subp. 12. **Management assistance.** "Management assistance" means assistance provided to rural small businesses in managing the day-to-day operations of the enterprise, and as opposed to financial assistance.

Subp. 13. **Matching funds.** "Matching funds" means the share, including in-kind support, of total project costs raised by the grantee used to supplement grant funds. Matching funds may not consist solely of in-kind support but may consist solely of money from any source.

Subp. 14. **Nonprofit organization.** "Nonprofit organization" means an organization that is a tax-exempt entity under section 501(c)(3) of the Internal Revenue Code of 1954, as amended through December 31, 1985.

Subp. 15. **Operating capital.** "Operating capital" means money or credit used by the owner of a for-profit business to pay the day-to-day operating expenses of the enterprise, such as for the purchase of goods, inventory, machinery, equipment, or other overhead costs.

Subp. 16. **Priority rural development issues or priority issue areas.** "Priority rural development issues" or "priority issue areas" means family farm and agricultural land protection, value added processing and marketing, or rural small business assistance or any combination of those issues.

Subp. 17. **Program.** "Program" means the grant-making activities of the council.

Subp. 18. **Project or rural development project.** "Project" or "rural development project" means any activity funded or to be funded by the council that seeks to accomplish one or more of the goals specified in part 4360.0300 in one or more of the priority rural development issue areas.

Subp. 19. **Project evaluation.** "Project evaluation" means a comparison between the activities implementing the work program and anticipated project results, as identified in the project application, and the actual outcome of the project.

Subp. 20. **Project promotion.** "Project promotion" means a method of informing the general public and others about project activities, including the use of appropriate media, responding to individual inquiries, mailings to appropriate groups, and reporting to the council on project activities.

Subp. 21. **Project sponsor or sponsor.** "Project sponsor" or "sponsor" means the person or entity that implements or intends to implement a rural development project, whether or not acting through a fiscal agent.

Subp. 22. **Project sponsor or fiscal agent.** "Project sponsor or fiscal agent" means, unless a contrary meaning is clearly intended, that the project sponsor is ultimately responsible for the required action and that if a fiscal agent is used, the fiscal agent is responsible to the sponsor to take the required act and the project sponsor is responsible for the same act only in the event that the fiscal agent is unwilling or unable to take the required action.

Subp. 23. **Rural.** "Rural" means places within the state other than first class cities as defined in Minnesota Statutes, section 410.01.

Subp. 24. **Rural small business.** "Rural small business" means a business entity, including its affiliates, that:

A. is independently owned and operated for a profit;

B. is not dominant in its field;

C. employs fewer than 50 full-time employees or has gross annual sales less than $4,000,000; and

D. is located in rural Minnesota.

Subp. 25. **Seed grant.** "Seed grant" means a small initial award of funds to a project sponsor awarded to attract other grants and contributions to the project from other sources.

Subp. 26. **Start-up capital.** "Start-up capital" means money or credit used by the owner of a for-profit business to begin operating that business for the first time.

Subp. 27. **Value added.** "Value added" means the increased worth of Minnesota agriculture and forest resources that is caused by the introduction of higher cost crops into the state, or the additional processing of existing crops, livestock, and forest products that occur within a locality or the state, rather than outside of the state.

4360.0200 COUNCIL PURPOSE.

The council serves as a forum for identifying the priority rural development issues in Minnesota and developing goals and strategies for addressing those issues through the use of technical and financial resources available to the council.

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.

4360.0300 PRIORITY RURAL DEVELOPMENT ISSUE AREAS AND GOALS.

Subpart 1. **Scope.** The council, through the rural development grant programs, provides grants to qualified organizations to implement rural development projects. To most effectively meet the needs of rural Minnesota, the council has established the three priority issue areas in subparts 2 to 4 and goals for projects within each area. To the extent of legislative appropriations, the council makes funds available for projects that seek to accomplish one or more of the goals in one or more of the priority issue areas.

Subp. 2. **Family farm and agricultural land protection issue area; goals.** The council's goals in the family farm and agricultural land protection issue area are to:

A. protect the quality and quantity of the agricultural land in the state through the use of resource management practices or land use planning and zoning;

B. promote an agricultural land protection awareness and understanding by the farm and nonfarm populations of all ages;

C. preserve the family farm structure by enhancing the potential for increased farm income, especially for beginning farmers, through business management and other nonloan forms of assistance; and

D. provide information and education programs that will increase the appreciation and understanding of basic agricultural production, its role in the economy, and current farm issues, by consumers, nonfarm segments of the population, members of the state legislature and congress, and other residents of the state.

Subp. 3. **Value-added processing and marketing issue area; goals.** The council's goals in the value-added processing and marketing issue area are to:

A. research and identify new products, processes, and services to add value to Minnesota agricultural and forest resources;

B. inform Minnesotans about opportunities and the skills required to take advantage of processes, products, growing crops, and markets that add value to Minnesota resources;

C. provide resources to Minnesotans to act on growing, processing, and marketing opportunities through grants, matching funds, and help from state organizations and agencies; and

D. measure project results and inform the public about the results from experimental projects.

Subp. 4. **Rural small business assistance issue area; goals.** The council's goals in the rural small business assistance issue area are to:

A. provide technical and management assistance for rural small businesses;

B. establish formal networks to assist rural small businesses and technical resources in rural Minnesota with information sharing; and

C. encourage enterprise development to improve management, marketing, business skills, and availability of risk capital.

4360.0400 PROJECT START AND END DATE.

The project start date for each project is 30 days after approval of the project by the council at its annual meeting. A project sponsor or fiscal agent shall not make a contract for services or supplies before receiving written notification of funding from the council. Grant program guidelines shall be published in the *State Register* 90 days before the deadline for submission of grant applications. No grant may be made to cover a period longer than one year from the project start date.

4360.0500 FISCAL AGENT.

A project sponsor not meeting the requirements for an eligible applicant under part 4360.0800, subpart 2 or 4360.1000, subpart 2 shall use, and a project sponsor meeting those requirements may use, the services of a fiscal agent to accept council grant funds on the sponsor's behalf, pay project expenses, and prepare financial reports and the final audit. The sponsor and the fiscal agent must both sign the application and, if a grant is received, the sponsor and the fiscal agent must both sign the grant agreement. When a fiscal agent is used, the project sponsor remains ultimately responsible for the completion of the project, the proper management of the grant funds and other acts of the fiscal agent, notwithstanding any agreement between the sponsor and the fiscal agent requiring the agent to take any acts on behalf of the sponsor. The portion of fiscal agent fees directly attributable to the grant, up to a maximum of ten percent of the grant, may be included in the amount of grant funds requested from the council.

4360.0600 RESTRICTIONS.

Subpart 1. **Equipment.** The use of council grant funds for the purchase of equipment is prohibited except as provided in this subpart. A project sponsor desiring to purchase equipment with grant funds must show that equipment is essential to the implementation of the project, and that the equipment is not available for lease or rent during the grant period or that the equipment will cost more to rent or lease than to buy.

Subp. 2. **Application costs.** Grant funds shall not be used to pay any cost incurred in the preparation or submission of any grant application to the council.

Subp. 3. **Late applications.** A project application that is incomplete or received after the deadline for application will not be considered for funding in the fiscal year in which it is received.

Subp. 4. **Discussion of applications.** Council staff, council members, employees of the Department of Energy and Economic Development, employees of the State Board of Investments, and other persons advising the council or the commissioner shall not discuss a project application with either a project sponsor or fiscal agent at any time between the time the project application is submitted to the council and the time the council makes its recommendation to the commissioner.

4360.0700 APPLICATION PROCESS.

Subpart 1. **In general.** To apply for grant funds, the project sponsor and any fiscal agent shall submit a completed and signed application form to the commissioner on a form approved by the commissioner.

Subp. 2. **Contents.** A complete application consists of the following:

A. 20 copies of the completed and signed application form; and

B. 20 copies of all letters of commitment for all matching funds. Sources of matching funds and the type (for example, money or in-kind support) and amount of the funds must also be stated in the application form.

Subp. 3. **Application submission deadlines.** A completed application for grant funds shall be submitted to the council according to the following schedule:

A. Demonstration grants - the last business day of the third week in January.

B. Seed grants - the last business day of the second week in December.

Subp. 4. **Submission to regional development commissions.** A project sponsor or any fiscal agent that is a governmental unit or a public educational institution must submit one copy of the completed application form and letters of commitment for requested matching funds to the appropriate regional development commission for review and comment where a commission exists, or the Metropolitan Council, where it has jurisdiction, in accordance with Minnesota Statutes, section 462.391, subdivision 3, or 473.171, respectively, no later than the appropriate application deadline date.

Subp. 5. **Address.** Application materials must be submitted to: Governor's Rural Development Council, Minnesota Department of Energy and Economic Development, 900 American Center Building, 150 East Kellogg Boulevard, Saint Paul, Minnesota 55101.

Subp. 6. **Council review.** Within 90 days after the application deadline, the council shall complete its review and select those projects to be recommended to the commissioner for grants.

Subp. 7. **Notification.** Immediately following approval or disapproval of a grant by the commissioner, the council staff shall notify the project sponsor or fiscal agent, as appropriate, of the action taken by the commissioner.

Subp. 8. **Grant agreement.** The sponsor and fiscal agent, if a fiscal agent is used, of a project that is recommended by the council to the commissioner must sign a grant agreement that states the conditions to which the grant is subject. Upon approval of the grant by the commissioner, the grant agreement must be processed by the commissioner and the Department of Finance. The council staff shall provide a copy of the fully executed grant agreement, forms for all required reporting, and other information to the project sponsor and any fiscal agent.

Subp. 9. **Grant close-out.** At the next council meeting following receipt of the reports required by part 4360.0900, or 4360.1100, the council shall review the reports received and determine whether the project sponsor or fiscal agent has complied with parts 4360.0100 to 4360.1100 and the conditions of the grant agreement, and notify each project sponsor or fiscal agent whether it has complied.

Subp. 10. **Unexpended grant funds.** If, during the grant close-out required by subpart 9, the council determines that any grant funds have not yet been expended for project purposes, the council shall require the sponsor or fiscal agent to return the unexpended grant funds to the council. Upon request of the council, a project sponsor or fiscal agent shall return unexpended funds to the council.

Subp. 11. **Denial and revocation of grant funds.** If the council determines on the basis of a quarterly, final, or other report that a project sponsor or fiscal agent has violated or may violate a provision of parts 4360.0100 to 4360.1100 or a condition of the grant

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agreement, or both, the council may withhold grant funds not yet released or may require the return of grant funds already released. Upon request of the council, the project sponsor or fiscal agent shall return grant funds to the council.

TYPES OF GRANTS AVAILABLE

4360.0800 DEMONSTRATION GRANTS.

Subpart 1. **Purpose.** The council, through the demonstration grant program, provides grant funds to nonprofit organizations, public institutions, units of state and local government, and special districts within the state for innovative projects with potential statewide applications that seek to accomplish one or more of the goals in one or more of the priority issue areas established in part 4360.0110. The intent of the demonstration grants program is to assist organizations unable to provide financing from their own resources or unable to obtain financing from conventional sources.

Subp. 2. **Eligible applicants.** Nonprofit organizations, units of state and local government, public institutions, and special districts within Minnesota are eligible to apply for demonstration grants.

Subp. 3. **Eligible use of funds.** The council shall consider applications for grant funds for proposed demonstration projects begun before or after the effective date of parts 4360.0100 to 4360.1100 that:

A. will use grant funds for action-oriented, as opposed to studies or plans, components of the project;

B. provide direct benefit to farmers, immediate farm family members, or low income rural residents of Minnesota;

C. have objectively measurable short-term (less than 12 months) results;

D. inform those regional development commissions or other entities referred to in part 4360.0700, subpart 4 of the existence of the project; and

E. seek to accomplish any of the goals in one or more of the three priority issue areas related to the project.

Subp. 4. **Ineligible use of funds.** The council shall not consider an application for grant funds for a proposed project that:

A. does not primarily serve the needs of farmers, immediate farm family members, or low income rural residents of Minnesota;

B. will use council grant funds for physical construction or improvement of existing facilities;

C. duplicates or is substantially similar to other programs or efforts already being made within the state;

D. uses council grant funds to provide operating capital or start-up capital for for-profit private businesses or enterprises;

E. has not been submitted by the project sponsor or fiscal agent to regional development commissions or other entities for review and comment as required by law; or

F. does not seek to accomplish any of the goals in one or more of the three priority areas related to the project.

Subp. 5. **Grant limits.** A request for a demonstration grant may not exceed:

A. $60,000 or 70 percent of the total cost of the project, whichever is less, for the first year of a project;

B. $40,000 or 50 percent of the total cost of the project, whichever is less, for the second year of a project; or

C. $20,000 or 30 percent of the total cost of the project, for the third year of a project, whichever is less.

Subp. 6. **Continued support.** Support for demonstration projects is determined annually by the council on a competitive basis. Support for a project in the first year does not obligate the council to continue the support in a second or third year. The determination whether to continue support for a project must be based on the success of the project and the need for further grant-supported activities. A project sponsor must provide at least 15 percent of the total project cost in cash.

Subp. 7. **Letters of commitment.** Letters verifying the commitment of required matching funds must be submitted to the council at the time of application for demonstration project grants.

Subp. 8. **Criteria for application review and selection.** Demonstration project grant applications shall be reviewed by council staff, technical advisors to the council, and subcommittees as the council may direct, who shall make recommendations to the council. Applications shall be ranked by the council based upon the following factors:

A. the extent to which the project will meet the council's issue area goals (maximum 15 points);

B. the innovative qualities of the project, or the extent to which project results will provide new knowledge and benefits to rural residents (maximum 15 points);

C. the potential for future project replication in other areas of rural Minnesota, or the statewide impact of the project (maximum 15 points);

D. the merit of the project design and implementation plan (maximum 15 points);

E. the feasibility of the project work program, budget, and timeline for completion (maximum ten points);

F. the project sponsor's experience and ability to successfully implement the demonstration project (maximum ten points);

G. the potential for future leveraging of other sources of funds, or the ability to become self-sufficient (maximum ten points);

H. the proposed methods for publicizing project activities and results (maximum five points); and

I. the level of proposed coordination with appropriate local, state, and federal agencies and organizations with expertise in the project area (maximum five points).

Subp. 9. **Deadline for release of funds.** The council shall release grant funds to the sponsor or, if a fiscal agent is used, to the fiscal agent, according to the schedule contained in items A to C and the sponsor should plan expenditures with the following deadlines in mind:

A. The council shall release the initial 40 percent of the total grant funds upon execution of the grant agreement.

B. The council shall release an additional 40 percent of the total grant funds upon receipt of an expenditure report covering the portion of grant funds released under item A, that demonstrates compliance with parts 4360.0100 to 4360.1100 and the conditions of the grant agreement.

C. The council shall release the final 20 percent of the total grant funds upon receipt of all reports required by part 4360.0900.

Subp. 10. **Accounts required.** The sponsor or fiscal agent shall establish and maintain for each project separate bookkeeping accounts for grant funds, matching funds in the form of money, and in-kind matching funds.

4360.0900 DEMONSTRATION GRANT REPORTING REQUIREMENTS.

A project sponsor or fiscal agent receiving a demonstration grant shall submit the following reports to the council:

A. quarterly reports, on a form provided by the council, shall be submitted once each calendar quarter in the third week of the last month of the quarter according to the following schedule: first quarter (January, February, March); second quarter (April, May, June); third quarter (July, August, September); and fourth quarter (October, November, December), and a time period not covered in any report shall be addressed in the next subsequent report; the quarterly report shall include a project promotion and publicity component that will clearly show the progress of the project during the quarter in order to provide the general public, target population groups, members of the council, and other funders with timely communication on major project activities;

B. an expenditure report, showing in detail the purposes for which the initial 40 percent of the grant funds were spent and showing that those purposes complied with parts 4360.0100 to 4360.1100 and the conditions of the grant agreement;

C. a final expenditure report, showing in detail the purposes for which the second 40 percent of the grant funds were spent, and showing that those purposes complied with parts 4360.0100 to 4360.1100 and the conditions of the grant agreement;

D. a final project evaluation report, on a form provided by the council, to be submitted at least three weeks before the close of the final grant year for the project;

E. a brief narrative report, suitable for publication, explaining the project, the activities conducted during the grant period, and any suggestions based upon the experience of the sponsor that can be shared with organizations or individuals interested in replicating the project, to be submitted at least three weeks before the close of the final grant year for the project; and

F. a final audit, based upon generally accepted principals of accounting, of both grant funds and matching funds, demonstrating compliance with parts 4360.0100 to 4360.1100 and the conditions of the grant agreement, to be submitted at least three weeks before the close of the final grant year for the project; and

G. a publicity report outlining the results of the project sponsor's ongoing promotion and publicity activities, to be submitted at least three weeks before the close of the final grant year for the project.

4360.1000 SEED GRANT.

Subpart 1. **Purpose.** The council, through the seed grant program, provides grant funds to encourage promising projects by providing funds that will attract other grants and contributions.

Subp. 2. **Eligible applicants.** Nonprofit organizations, units of state and local government, public institutions, and special districts within the state are eligible to apply for seed grants.

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Subp. 3. **Eligible uses of funds.** The council shall consider applications for seed grant funds for proposed projects that:

A. seek to accomplish one or more of the goals in one or more of the three priority issue areas that are related to the project;

B. will use seed grant funds to leverage other public or private funds or both public and private funds;

C. provide direct benefit to farmers, immediate farm family members, or low-income rural residents of Minnesota;

D. have objectively measurable short-term (less than 12 months) results;

E. will use seed grant funds to implement new and innovative projects and programs; and

F. inform appropriate agencies and organizations of the existence of the project.

Subp. 4. **Ineligible uses of funds.** The council shall not consider an application for seed grant funds for a proposed project that:

A. is receiving or has received council demonstration or seed grant funds;

B. does not primarily serve the needs of farmers, immediate farm family members, or low-income rural residents of Minnesota;

C. will use seed grant funds for physical construction or improvement of existing facilities;

D. duplicates or is substantially similar to other efforts already being made in the state;

E. uses seed grant funds to provide operating capital or start-up capital for for-profit private businesses or enterprises;

F. will replicate a council demonstration project in another geographic area of the state;

G. has not been submitted by the project sponsor to other agencies of federal, state, or local government for review and comment, as required by law; or

H. does not seek to accomplish one or more of the goals in one or more of the three priority issue areas related to the project.

Subp. 5. **Matching funds required.** A project sponsor must demonstrate the ability to secure matching funds equal to 70 percent of the total project cost for the grant period. Matching funds that have been secured before the time of application must be documented by submitting a letter of commitment from the source of the matching funds. A project sponsor must include in its application a fundraising strategy and identification of potential sources of matching funds. A project sponsor must provide at least 15 percent of the total project cost in cash.

Subp. 6. **Grant limits.** Seed grants may be made for up to the lesser of 30 percent of the total project cost for the grant period or $10,000. Seed grants are available on a one-time basis and may not be considered as a source of future or continuing support for projects.

Subp. 7. **Criteria for application review and selection.** Seed grant applications shall be reviewed by council staff, technical advisors to the council, and subcommittees as the council may direct, who shall make recommendations to the council. Applications shall be ranked by the council based upon the following factors:

A. the extent to which the project will meet the council's issue area goals (maximum ten points);

B. the potential for leveraging other sources of funds to meet local match requirements (maximum ten points);

C. the merit of the project design and implementation plan (maximum ten points);

D. the innovative qualities of the project or whether the project results will provide new knowledge and benefits to rural residents (maximum ten points);

E. the feasibility of the project work program, budget, and timeline for completion (maximum five points); and

F. the project sponsor's experience and ability to successfully implement the project (maximum five points).

Subp. 8. **Deadline for release of funds.** The council shall release grant funds to the sponsor or, if a fiscal agent is used, to the fiscal agent according to the schedule contained in items A to C, and the project sponsor should plan grant-related expenditures with the following deadlines in mind:

A. The council shall release the initial 40 percent of the total grant funds upon execution of the grant agreement.

B. The council shall release an additional 40 percent of the total grant funds upon receipt of an expenditure report covering the portion of grant funds released under item A, that demonstrates compliance with parts 4360.0100 to 4360.1100 and the conditions of the grant agreement.

C. The council shall release the final 20 percent of the total grant funds upon receipt of letters of commitment for matching funds and all reports required by part 4360.1100.

4360.1100 SEED GRANT REPORTING REQUIREMENTS.

A project sponsor or fiscal agent shall submit to the council quarterly reports, an expenditure report, a final expenditure report, a final project evaluation report, a brief narrative report, a final audit, and a publicity report containing the same material and subject to the same requirements as the reports required in part 4360.0900, except that the reports required by this part shall contain information on and be submitted for the purpose of seed grants.

4360.1200 INCORPORATION BY REFERENCE.

The Office of Management and Budget's Standard Industrial Classification Manual (Manual), published by the Office of Federal Statistical Policy and Standards, U.S. Department of Commerce, is adopted by incorporation by reference. The Manual was last published in 1977, is not subject to frequent change. It is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (Stock Number 4101-0066), and the State Law Library, 117 University Avenue, St. Paul, Minnesota 55155.

Pollution Control Agency

Proposed Permanent Rules Relating to Waste Tire Dump Abatement

Notice of Intent to Adopt Permanent Rules without a Public Hearing

Notice is hereby given that the Minnesota Pollution Control Agency (MPCA) intends to adopt without a public hearing, in accordance with the provisions of Minn. Stat. §§ 14.22 to 14.28 (1984, permanent rules governing the abatement of waste tires dumps.

The proposed rules, if adopted, will provide for the administration of the MPCA's waste tire dump abatement program. The proposed rules provide a procedure by which MPCA will take action to abate waste tire dumps in the State. The proposed rules are authorized by Minn. Stat. § 115A.914, subd. 1 (1984). A copy of the proposed rules is published below. One free copy of the proposed rules is available upon request from the MPCA. Please contact the person whose name and address appears below.

The MPCA has prepared a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon by the MPCA to support the proposed rules. Copies of the Statement of Need and Reasonableness and of the proposed rules are available and may be obtained by contacting:

Patrick Carey
Minnesota Pollution Control Agency
Solid and Hazardous Waste Division
1935 West County Road B2
Roseville, Minnesota 55113
Telephone: 612/296-7321

Copies of the proposed rules and of the Statement of Need and Reasonableness may also be viewed at the MPCA regional offices at the following locations:

Duluth Region
Duluth Government Center
320 West Second Street
Duluth, Minnesota 55802
218/723-4660

Brainerd Region
304 East River Road
Suite 3
Brainerd, Minnesota 54601
218/828-2492

Detroit Lakes Region
714 Lake Avenue
Suite 220
Detroit Lakes, Minnesota 56501
218/847-1519

Marshall Region
RLC Building
109 South Fifth Street
Marshall, Minnesota 56258
507/537-7146

Rochester Region
2116 Campus Drive Southeast
Rochester, Minnesota 55901
507/285-7343

Interested parties have until 4:30 p.m. on October 1, 1986 to submit comments on the proposed rules. Comments should be submitted to Patrick Carey at the address stated above. The proposed rules may be modified if the data and views received by the

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MPCA before the end of the comment period warrant modification and the modification does not result in a substantial change in the proposed rules.

Unless 25 or more persons submit written requests for a public hearing on the proposed rules within the comment period, a public hearing will not be held. In the event that a public hearing is required, the MPCA will proceed according to the provisions of Minn. Stat. §§ 14.131 to 14.20 (1984). If a person desires to request a public hearing, the MPCA requests that the person identify the particular provisions objected to, the suggested modifications to the proposed language, and the reasons and data relied on to support the suggested modifications.

Upon adoption of the rules by the MPCA Board, the rules as proposed, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final rules as adopted will be sent to the Attorney General for review as to form and legality. Persons who wish to be advised of the submission of this material to the Attorney General, or wish to receive a copy of the final rules as adopted, should submit a written statement of such request to Patrick Carey at the address previously stated.

Dated 15 August 1986

Thomas J. Kalitowski
Executive Director

Rules as Proposed (all new material)

7035.8000 SCOPE.

Parts 7035.8000 to 7035.8080 establish the procedures that the agency shall follow in moving to abate tire dumps, the procedures that a responsible tire collector shall follow in abating a tire dump pursuant to agency request, and the technical standards that a responsible tire collector must meet during the abatement process.

7035.8010 DEFINITIONS.

Subpart 1. **Applicability.** For the purposes of parts 7035.8000 to 7035.8080, the terms in subparts 2 to 22 have the meanings given them.

Subp. 2. **Abate or abatement.** "Abate" or "abatement" means processing and removing waste tires in a manner accepted by the agency.

Subp. 3. **Abatement increment.** "Abatement increment" means period of time, not greater than six months and not less than one month, as specified in an abatement plan, during which a specified number of waste tires will be removed from the tire dump and processed.

Subp. 4. **Agency.** "Agency" means the Minnesota Pollution Control Agency.

Subp. 5. **Director.** "Director" means the executive director of the Minnesota Pollution Control Agency.

Subp. 6. **Flood plain.** "Flood plain" means any land area that is subject to a one percent or greater chance of flooding in any given year from any source.

Subp. 7. **Operator.** "Operator" means the person responsible for the overall operation of the tire dump. A tire dump operator is a tire collector as defined in Minnesota Statutes, section 115A.90, subdivision 8.

Supb. 8. **Owner.** "Owner" means a person who owns, in whole or in part, the waste tires located in a tire dump, or the land on which the tire dump is located. As used in parts 7035.8000 to 7035.8080, "owner" includes one who holds an interest in the property on which the tire dump is located, as in the case of a lessee. An owner is a tire collector as defined in Minnesota Statutes, section 115A.90, subdivision 8.

Subp. 9. **Person.** "Person" has the meaning given in Minnesota Statutes, section 115A.90, subdivision 5.

Subp. 10. **Processing.** "Processing" has the meaning given in Minnesota Statutes, section 115A.90, subdivision 6.

Subp. 11. **Ravine.** "Ravine" means a deep, narrow cleft or gorge in the earth's surface. A ravine cannot be smoothed out by ordinary tillage.

Subp. 12. **Residuals from processing.** "Residuals from processing" means the unusable material resulting from any chemical or physical processing of waste tires.

Subp. 13. **Responsible tire collector.** "Responsible tire collector" means a person who is the recipient of the abatement request. A responsible tire collector is an owner or operator of a tire dump, as defined in this part.

Subp. 14. **Shoreland.** "Shoreland" means land located within 1,000 feet from the normal high water mark of a lake, pond, or flowage, or land within 300 feet of a river or stream, or a flood plain as established by ordinance.

Subp. 15. **Sinkhole.** "Sinkhole" means a closed depression formed by subsidence of the underlying bedrock.

Subp. 16. **Tire.** "Tire" has the meaning given in Minnesota Statutes, section 115A.90, subdivision 7.

Subp. 17. **Tire collector.** "Tire collector" has the meaning given in Minnesota Statutes, section 115A.90, subdivision 8.

Subp. 18. **Tire-derived products.** "Tire-derived products" means usable materials produced from the chemical or physical processing of a waste tire.

Subp. 19. **Tire dump.** "Tire dump" has the meaning given in Minnesota Statutes, section 115A.90, subdivision 9.

Subp. 20. **Tire processor.** "Tire processor" has the meaning given in Minnesota Statutes, section 115A.90, subdivision 10.

Subp. 21. **Waste tire.** "Waste tire" has the meaning given in Minnesota Statutes, section 115A.90, subdivision 11.

Subp. 22. **Wetland.** "Wetland" means any area that is covered by standing water during any portion of a year. As used in this part, "wetland" includes but is not limited to wetlands as defined in Classification of Wetlands and Deep Water Habitats of the United States, 1979. This publication was issued by the United States Department of the Interior, Fish and Wildlife Service, Washington, D.C. 20402. This publication is available at the Minnesota State Government Law Library, Ford Building, 117 University Avenue, Saint Paul, Minnesota. This publication is incorporated into this definition by reference and is not subject to frequent change.

7035.8020 ABATEMENT PROCEDURES.

Subpart 1. **Scope.** Subparts 2, 3, and 4 describe the criteria the agency shall use in deciding which tire dumps to abate first, the procedures that the agency shall follow in abating tire dumps, and the actions that responsible tire collectors must take to comply with an agency request to abate.

Subp. 2. **Abatement priorities.** The agency shall issue a request for abatement action to tire collectors responsible for tire dumps that meet the following priority criteria:

A. First priority: tire dumps with over 1,000,000 waste tires. Tire dumps with over 1,000,000 waste tires shall be ranked based on the priority criteria in items B and C.

B. Second priority: tire dumps posing fire hazards. In ranking tire dumps that are fire hazards, the agency shall consider the number of waste tires in the tire dump; the proximity of the tire dump to population concentrations; the proximity of the tire dump to natural resources that would be affected by a fire at the tire dump; and the characteristics of the tire dump that might make it susceptible to fire, including but not limited to the absence of fire lanes, the lack of emergency equipment, the presence of easily combustible materials, and the lack of site access control.

C. Third priority: tire dumps in densely populated areas. In ranking tire dumps located in densely populated areas, the agency shall consider the population concentration within five miles of the tire dump; the number of waste tires in the tire dump; the hazardous characteristics of the tire dump, including but not limited to its susceptibility to fire or to mosquito infestation; and whether the tire dump is visible from any public way.

D. Fourth priority: remaining tire dumps. For tire dumps that do not meet the priority criteria in subpart 3, items A to C, the agency shall consider the number of waste tires located at the tire dump; the hazardous characteristics of the tire dump, including but not limited to its susceptibility to fire or mosquito infestation; and the population and natural resources that might be affected by the presence of the tire dump.

Subp. 3. **Request for abatement action.** The agency shall issue a request for abatement action to all responsible tire collectors. A request for abatement action shall be in writing, specify the action that must be taken to comply, the time allowed for response, the reasons for requesting the action, and the actions that the agency will take if the requested action is not taken in the requested time.

Subp. 4. **Requested action.** The request for abatement action shall require that the responsible tire collector or collectors submit to the director an abatement plan meeting the criteria established in part 7035.8030. The request for abatement action shall require that the responsible tire collector or collectors agree to implement the abatement plan by entering into a stipulation agreement with the agency.

7035.8030 CONTENTS OF ABATEMENT PLAN.

Subpart 1. **Goal.** The abatement of a tire dump subject to an agency abatement action shall be accomplished through the processing and removal of the waste tires present in the tire dump. Abatement action must be in accordance with a plan that meets the

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criteria in this part. If approved by the director, a plan that meets the criteria in this part shall be incorporated into a stipulation agreement signed by the responsible tire collector or collectors and the agency.

Subp. 2. **Processing on-site.** If the responsible tire collector elects to process the waste tires on the tire dump site, the following information must be included in the abatement plan submitted to the director in compliance with the request for abatement action:

A. A description of the processing techniques.

B. A description of the equipment that will be used on the site to process and remove the waste tires. The function of each piece of equipment should be specifically noted.

C. The name, address, and telephone number of the ultimate user of the tire-derived products produced from the processing of the waste tires constituting the tire dump.

D. A description of how any residuals from processing the waste tires will be disposed.

E. A time schedule for removal and processing of the waste tires constituting the tire dump. Abatement of the tire dump must be completed within five years of the execution of the stipulation agreement incorporating the abatement plan. Abatement increments must be established.

F. A time schedule for bringing the tire dump into compliance with the technical and operational standards in parts 7035.8050 to 7035.8060. The tire dump must be in compliance with all technical and operational standards within six months, unless otherwise agreed to in the stipulation agreement incorporating the abatement plan. An emergency preparedness manual meeting the standards in part 7035.8060, subpart 8, must be submitted to the director as part of the abatement plan.

G. A description of how records on the number of waste tires processed and removed will be maintained.

H. If the responsible tire collector will seek reimbursement under part 7035.8070, an estimate of the net cost of processing the waste tires using the most cost-effective processing alternative. This estimate must be supported through submission of documentation of the net cost of processing the waste tires.

Subp. 3. **Processing off-site.** If the responsible tire collector elects to remove the waste tires to another location for processing, the following information must be included in the abatement plan submitted to the director in compliance with the request for abatement action.

A. A description of the equipment that will be used to pick up and transport the waste tires to the tire processor.

B. If the responsible tire collector will contract with another person or firm for the transportation of the waste tires, the name, address, and telephone number of that person or firm.

C. The name, address, and telephone number of the facility at which the waste tires will be processed, and a description of the processing techniques employed by that tire processor.

D. A time schedule for the removal of the waste tires constituting the tire dump. The abatement of the tire dump must be completed within five years of the execution of the stipulation agreement incorporating the abatement plan. Abatement increments must be established.

E. A time schedule for bringing the tire dump into compliance with the technical and operational standards in parts 7035.8050 to 7035.8060. The tire dump must be in compliance with all technical standards within six months, unless otherwise agreed to in the stipulation agreement incorporating the abatement plan. An emergency preparedness manual meeting the standards in part 7035.8060, subpart 8, must be submitted to the director as part of the abatement plan.

F. A description of how records on the number of waste tires removed will be maintained.

G. If the responsible tire collector will seek reimbursement under part 7035.8070, an estimate of the net cost of processing the waste tires using the most cost-effective processing alternative. This estimate must be supported through submission of documentation of the net cost of processing the waste tires.

Subp. 4. **Permitting during abatement.** If the responsible tire collector wishes to obtain an agency permit for the site that is the subject of the abatement action, the responsible tire collector must notify the director of this intent at the time the abatement plan is submitted, and agree to develop a plan for bringing the site into compliance with the technical rules for waste tire storage, transfer, or processing facilities once rules governing these facilities are in place.

Subp. 5. **New waste tires.** If the responsible tire collector wants to continue to receive new waste tires during the time the tire dump is being abated, the responsible tire collector must notify the director of this intent at the time the abatement plan is submitted, and agree to develop a plan for processing and removal of the new waste tires.

7035.8040 INADEQUATE RESPONSE TO A REQUEST FOR ABATEMENT ACTION.

Subpart 1. **Inadequate response.** The agency shall determine if a responsible tire collector has failed to make an adequate response to a request for abatement action. The agency may find that response has been inadequate if:

A. the responsible tire collector has not responded to the request for abatement action within the time period specified in the request for abatement action;

B. the responsible tire collector has failed to submit an abatement plan that meets the criteria in part 7035.8030;

C. the responsible tire collector has failed to sign a stipulation agreement incorporating the abatement plan approved by the director; or

D. the responsible tire collector has failed to comply with a term or condition of the stipulation agreement incorporating the abatement plan.

Subp. 2. **Abatement order.** If the agency determines that a responsible tire collector has failed to make an adequate response to a request for abatement action, the agency may issue a tire dump abatement order to the responsible tire collector. A tire dump abatement order may provide for entering the property where the tire dump is located, taking the waste tires into public custody, and arranging for their processing and removal.

7035.8050 TECHNICAL STANDARDS.

Subpart 1. **Scope.** During the time a tire dump is being abated according to an abatement plan approved by the director, the responsible tire collector shall operate and maintain the tire dump in compliance with the following standards.

Subp. 2. **Indoor storage.** Waste tires stored indoors shall be stored under conditions that meet or exceed those in The Standard for Storage of Rubber Tires, NFPA 231D-1980 edition, adopted by the National Fire Protection Association, San Diego, California. This publication is available at the Minnesota State Government Law Library, Ford Building, 117 University Avenue, Saint Paul, Minnesota; the Office of Public Safety, Fire Marshal Division; or any local fire department. This publication is incorporated by reference and is not subject to frequent change.

Subp. 3. **Location of waste tire piles.** No waste tires shall be stored in any area where they may be subjected to immersion in water, including but not limited to flood plains, wetlands, shorelands, sinkholes, or ravines.

Subp. 4. **Dimensions of waste tire piles.** No individual waste tire pile shall have an area greater than 10,000 square feet or a vertical height greater than 20 feet. A 50-foot fire lane shall be placed around the perimeter of each waste tire pile. This fire lane shall be maintained free of rubbish, equipment, and vegetation at all times.

7035.8060 OPERATIONAL STANDARDS.

Subpart 1. **Scope.** During the time a tire dump is being abated pursuant to an abatement plan approved by the director, the tire dump must be operated in compliance with the following standards.

Subp. 2. **Burning.** No operations involving the use of open flames, blow torches, or highly flammable substances shall be conducted within ten feet of a waste tire pile.

Subp. 3. **Emergency equipment.** Equipment for the control of accidental fires shall be provided and maintained at the tire dump.

Subp. 4. **Emergency communications.** Communication equipment shall be provided and maintained at the tire dump. Arrangements to acquire fire protection services for the tire dump shall be made through agreement with local fire protection authorities.

Subp. 5. **Access.** An approach and access road to the tire dump shall be maintained passable for any vehicle at all times. Access to the tire dump shall be strictly controlled through use of fences and gates.

Subp. 6. **Vegetation.** The tire dump shall be maintained free of grass, underbrush, and other potentially flammable vegetation at all times.

Subp. 7. **Storage limitation.** Only waste tires or tire-derived products may be stored at the tire dump.

Subp. 8. **Emergency manual.** The operator of the tire dump shall prepare and maintain at the tire dump site an emergency preparedness manual containing the following elements:

A. a list of names and numbers of persons to be contacted in the event of a fire, flood, or other emergency involving the tire dump;

B. a list of the emergency response equipment present at the tire dump, its location, and how it should be used in the event of a fire or other emergency; and

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C. a description of the procedures that should be followed in the event of a fire at the tire dump, including procedures to contain and dispose of the oily material generated by the combustion of large numbers of tires.

The procedures in the emergency preparedness manual shall be followed in the event of an emergency at the tire dump. The emergency preparedness manual shall be updated once a year, upon changes in operations at the tire dump, or if required by the director.

Subp. 9. **Emergency notification and reports.** The operator of the tire dump shall immediately notify the director in the event of a fire or other emergency at the tire dump with potential off-site impacts. Within two weeks of any emergency involving potential off-site impact, the operator of the tire dump shall submit to the director a report on the emergency. This report shall set out the origins of the emergency, the actions that were taken to deal with the emergency, the results of the actions that were taken, and an analysis of the success or failure of the actions.

Subp. 10. **Operational record.** The operator of the tire dump shall maintain records of the number of waste tires received at the tire dump, stored at the tire dump, and shipped from the tire dump. Records shall also be kept of the amount of tire-derived products received, stored, or shipped from the tire dump. At the completion of an abatement increment, the responsible tire collector shall submit to the director a record of the approximate number of waste tires remaining in the tire dump; the amount of tire-derived products stored at the tire dump; and the number of waste tires or amount of tire-derived products received at the tire dump and shipped from the tire dump during the abatement increment. For waste tires and tire-derived products shipped to another location, the date and the amount shipped must be included.

Subp. 11. **Inspection.** At the completion of each abatement increment, the responsible tire collector shall notify the director so that an inspection of the tire dump may be conducted to certify the completion of the required abatement.

7035.8070 REIMBURSEMENT.

Subpart 1. **Scope.** The agency may reimburse a responsible tire collector for the cost of abating the tire dump according to the criteria and limits in this part and as set out in the stipulation agreement incorporating the abatement plan.

Subp. 2. **Eligibility of responsible tire collector.** Only those tire collectors who notified the agency under part 7035.8030 [Emergency], who are recipients of an agency request to abate a tire dump, and who have entered into a stipulation agreement incorporating an abatement plan may request the agency for abatement cost reimbursement.

Subp. 3. **Eligible costs.** Only the cost of abatement of waste tires collected before November 21, 1985, is eligible for reimbursement.

Subp. 4. **Reimbursement rate.** A reimbursement rate shall be established in the stipulation agreement incorporating the abatement plan. The director shall establish the reimbursement rate. The reimbursement rate shall be based on the most cost-effective means of abating the tire dump, considering all alternatives available to the responsible tire collector, and the amount of money available to the agency for tire dump abatement. In calculating the reimbursement rate for waste tires that do not exceed an 18-inch rim diameter, 35-inch outside diameter, and a 14-inch tire width, the director shall use the following formula to determine which abatement alternative is the most cost effective.

$$R = \underbrace{(M \times \$0.125)}_{\text{(transport cost)}} \quad \underbrace{+ \text{ or } - PC}_{\text{(processing cost)}}$$

Where R is the potential reimbursement rate in dollars per ton; M is the miles needed to transport the waste tires to the processing facility; the figure $0.125 represents the cost of transporting a ton of waste tires one mile; and PC is the net dollar cost per ton to the responsible tire collector of processing these waste tires. If the responsible tire collectors processing revenues exceed processing costs, for example, there is no net cost but instead a net profit, the amount of revenue shall be subtracted from the transportation cost portion of the formula. PC may not exceed $66 per ton.

The reimbursement rate for waste tires exceeding an 18-inch rim diameter, a 35-inch outside diameter, or a 14-inch tire width, shall be established by the director on a case-by-case basis. If the responsible tire collector seeks reimbursement for the cost of abating these waste tires, the responsible tire collector must submit information on the most cost-effective method of transporting (if the waste tires are to be processed off-site) and processing these waste tires when submitting the information required in part 7035.8030, subpart 2, item H, and subpart 3, item G. The director will choose a reimbursement rate that reflects the most cost-effective method of transporting and processing these waste tires.

Subp. 5. **Reimbursement total.** The director shall establish the total amount of money that will be available for reimbursement of all eligible abatement costs incurred at any site. This total shall be based on the reimbursement rate, the total amount of money available to the agency for abatement of tire dumps, and the spending priorities established by the legislature in Minnesota Statutes, section 115A.912, subdivision 2. This total shall be incorporated into the stipulation agreement incorporating the abatement plan. To change the total, an amendment of the stipulation agreement shall be required. The agency shall not consider or approve requests for reimbursement for more than ten percent above the dollar amount established in the original stipulation agreement.

7035.8080 REIMBURSEMENT DISBURSEMENT.

Subpart 1. **Request for disbursement.** After the completion of an abatement increment, the responsible tire collector may request the director for reimbursement of the costs incurred during that abatement increment.

Subp. 2. **Findings.** Before any money is disbursed as reimbursement for the cost of abatement, the director shall make the following determinations:

A. the abatement increment for which reimbursement is sought has been certified as complete;

B. the abatement cost for which reimbursement is sought was actually incurred; and

C. the responsible tire collector is in compliance with all terms and conditions of the stipulation agreement.

Subp. 3. **Documentation.** The director may request the responsible tire collector to submit any documentation the director deems necessary to enable the director to make the determinations in subpart 1.

Subp. 4. **Disbursement.** The amount of money to be disbursed as reimbursement for the cost of abatement shall be based on the actual costs to the responsible tire collector, provided that those costs are not in excess of the reimbursement rate established in the stipulation agreement. No money shall be disbursed to reimburse abatement expenses that exceed the total reimbursement amount set under part 7035.8070, subpart 5, and as incorporated into the stipulation agreement.

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

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

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

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under § 14.18.

Department of Commerce

Adopted Rules Relating to Cancellation of Commercial Policies

The rules proposed and published at *State Register*, Volume 10, Number 50, pages 2448-2449, June 9, 1986 (10 S.R. 2448) are adopted as proposed.

Department of Commerce

Adopted Rules Relating to Cosmetology

The rules proposed and published at *State Register*, Volume 10, Number 44, pages 2201-2211, April 28, 1986 (10 S.R. 2201) are adopted with the following modifications:

Rules as Adopted

2640.0100 DEFINITIONS.

Subp. 18. ~~**Office**~~ **Department.** ~~"Office"~~ "Department" means the Department of Commerce.

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2640.0500 UNREGULATED SERVICES.

Subp. 2. **Disclosure of courses.** Each school shall clearly identify those courses and clinical experiences in its curriculum which are not required by the ~~office~~ department and which pertain to services not licensed by the state. These courses shall be clearly identified in all recruitment advertising and written material used for the purposes of soliciting prospective students.

Nonrequired courses and unregulated services shall be conspicuously identified in all written material, in type of the same size as the course or service name.

Instructional time and clinical experience in unregulated services shall not be included in the minimum hours of schooling required for licensure.

2640.0700 INSPECTIONS.

Subpart 1. **~~Office~~ Department staff to conduct.** Salons and schools shall be inspected by the ~~office~~ department staff. Advance notice of inspections shall not be given.

Subp. 2. **Grading.** Inspectors shall grade items "S" for compliance with Minnesota Statutes, chapter 155A and these rules and "U" for noncompliance.

All items graded "U" shall be corrected within ten business days, and written notification of the correction shall be sent to the ~~office~~ department within that time.

Failure to correct a noncompliance item may be grounds for suspension or revocation of the salon or school license, and of the individual license of the manager and the cosmetologist, manicurist, esthetician, or instructor involved.

Subp. 3. **Business hours and location.** Each salon owner shall provide the ~~office~~ department with an accurate schedule of the hours that the salon is open for business. If the salon is open by appointment only, the salon owner shall designate one-half day a month when he or she shall be available at the salon for inspection of the salon.

For country shops, owners shall supply a detailed map indicating the salon's exact location and directions for driving to that salon.

2640.1100 EXAMINATION ADMINISTRATION.

Subpart 1. **Schedules and sites.** Examination schedules and sites shall be determined by the ~~office~~ department.

Subp. 2. **Exam space.** Each school shall make space available on its premises for the performance of the licensing examinations upon request by the ~~office~~ department, if the request is reasonable and timely.

Subp. 3. **Instructor examination.** Instructor examination:

A. The ~~office~~ department shall have access to the clinic area of a licensed school no more than once per year and to licensed instructors no more than twice per year for assistance in conducting the practical examination for instructors.

B. Each examinee is responsible for providing his or her own model for the practical examination and shall be responsible for insuring the suitability of that model for the examination. Models shall be over 16 years of age and shall be required to sign a waiver releasing the ~~office~~ department, the examiners, the host school, and the examinee of all professional liability. The model shall not be a licensed cosmetologist or a cosmetology student.

2640.1300 COSMETOLOGISTS, MANICURISTS, AND ESTHETICIANS.

In addition to the requirements of part 2640.1200, the applicant shall provide documentation of having completed the following professional training, within three years prior to this application:

C. current licensure from another state, District of Columbia, territory, or country. A certified statement from the licensing body that the applicant is currently licensed shall be attached to the application. If the other jurisdiction does not issue a license, the applicant shall provide documentation of lawful practice for at least 1,800 hours within three years prior to the application. Applicants claiming training and experience in a foreign country shall supply official English language transcripts of all documentation and evidence submitted to the ~~office~~ department.

2640.1500 INSTRUCTORS.

Subpart 1. **Full instructors.** In addition to the requirements of part 2640.1200, the applicant shall pay a processing fee and shall successfully complete a practical examination demonstrating teaching skills and techniques as related to the instruction of cosmetology practices and provide documentation of:

B. successful completion of at least 38 hours of training in a program or programs approved by the ~~office~~ department and which will provide the knowledge and skills necessary to instruct in the field of cosmetology;

2640.1800 MAINTAINING INDIVIDUAL LICENSES.

Subp. 2. **Change of name or address.** The licensee shall advise the ~~office~~ department of a change of name or address in writing, including both new and old name and address, within 30 days of the change, and pay the duplicate license fee.

Subp. 6. **Additional requirements for instructor.** In addition to the requirements of subparts 1 to 4, the instructor shall carry out the curriculum of the school, as approved by the ~~office~~ department, preparing students for licensure under the laws of Minnesota.

2640.1900 LICENSE RENEWAL FOR INDIVIDUALS.

Subpart 1. **Application.** All licenses expire on December 31 of the year due and each licensee is responsible for renewing his or her license. An individual who does not renew his or her license by December 31 of the year in which it is due is considered unlicensed as of January 1. A postmark of December 31 constitutes timely renewal. Failure to receive a notice of renewal from the ~~office~~ department does not constitute a valid excuse for not renewing the license.

Subp. 2. **Practical and educational requirements.** The licensee shall establish that his or her knowledge and skills are up to date, by meeting the following requirements no later than the expiration of his or her current license:

B. An instructor shall pay the processing fee and shall provide evidence of having successfully completed 45 hours of continuing education approved by the ~~office~~ department, including at least 15 hours of teaching-related material and 15 hours related to analysis and use of professional clinical products.

2640.2100 REINSTATEMENT AFTER DENIAL, SUSPENSION, OR REVOCATION.

An applicant shall have a license reinstated for the remainder of its unexpired term or shall be relicensed in the following circumstances:

A. after suspension of license, by meeting the following requirements:

(2) the applicant shall make application for reinstatement of license, in writing and on forms supplied by the ~~office~~ department;

B. after revocation or if the suspended license has expired, reinstatement will be accomplished by meeting the following requirements:

(2) the applicant shall make application for relicensure, in writing and on forms provided by the ~~office~~ department;

2640.3200 SALON LICENSURE.

Subpart 1. **All salon licenses.** The requirements of parts 2640.3100, 2640.3200, 2640.3700, 2640.3800, and 2640.4100 shall be met by all applicants proposing to establish a salon. Upon compliance, the ~~office~~ department will issue a provisional license which will enable the salon to open for business. The salon's compliance with all applicable provisions of Minnesota Statutes, chapter 155A and these rules shall be confirmed by an operational inspection by the ~~office staff~~ department. A permanent license for the balance of the three-year license cycle shall be issued upon confirmation of the salon's compliance.

Subp. 2. **Application.** The person, association, firm, or corporation proposing to establish a cosmetology, esthetician, or manicure salon shall apply in writing to the ~~office~~ department, on forms supplied by the ~~office~~ department, giving the following information:

2640.3300 MAINTAINING A SALON LICENSE.

The following requirements shall be met by all salons:

B. The manager shall advise the ~~office~~ department of a change in name of the salon in writing, including both new and old name and address, within 30 days of the change.

2640.3400 SALON LICENSE RENEWAL.

Subp. 2. **Request for renewal.** All licenses expire on December 31 of the year due and each licensee is responsible for renewing his or her license. A salon license that is not renewed by December 31 of the year due is considered unlicensed as of January 1. A postmark of December 31 constitutes timely renewal. Not receiving a notice of renewal from the ~~office~~ department does not constitute a valid excuse for not renewing the license.

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2640.3600 SALON REQUIREMENTS.

Subp. 5. **Change of name.** The salon manager or owner shall inform the ~~office~~ department in writing, within 60 days, of a name change, including old and new name, and pay the processing fee. A license will be issued in the new name for the remaining term of the old license. The old license shall be returned to the ~~office~~ department upon receipt of the license in the new name.

2640.4000 SALON SUPERVISION.

E. The manager shall maintain, on the salon premises, the work time records of each employee, as required by Minnesota Statutes, section 177.30. Time records shall be provided upon written request to the licensee or to the ~~office~~ department.

2640.5100 COMPLIANCE BY PRESENT LICENSEES AND STUDENTS.

Subp. 8. **Interpreters.** Foreign language students whose enrollment registration is on file in the ~~office~~ department on April 1, 1983, may use an interpreter at the examinations, provided that they have first demonstrated to the ~~office~~ department that they have a sufficient grasp of the English language to read, comprehend, and follow chemical product labels and instructions.

Subp. 10. **Variances.** The ~~director~~ commissioner may grant a variance from physical requirements to schools not otherwise exempted by this rule upon receipt of documentation demonstrating an existing physical limitation or economic hardship in excess of reasonably anticipated costs of meeting the requirement.

2640.5200 SCHOOL LICENSURE.

Subpart 1. **Application contents.** The person, association, firm, or corporation proposing to establish a cosmetology school shall make written application to the ~~office~~ department, on forms supplied by the ~~office~~ department, giving the following information:

Subp. 4. **Surety bond.** The applicant shall file with the ~~director of the office~~ commissioner a continuous corporate surety bond in the amount of $10,000, conditioned upon the faithful performance of all contracts and agreements with students made by the applicant. The bond shall run to the state of Minnesota and to any person who may have a cause of action against the applicant arising at any time after the bond is filed and before it is canceled for breach of any contract or agreement made by the applicant with any student. The aggregate liability of the surety for all breaches of the conditions of the bond shall not exceed $10,000. The surety of the bond may cancel it upon giving 60 days notice in writing to the ~~director of the office~~ commissioner and shall be relieved of liability for any breach of condition occurring after the effective date of cancellation.

2640.5300 MAINTAINING A SCHOOL LICENSE.

Subp. 2. **Notification of changes.** Each school shall notify the ~~office~~ department within 30 days of the effective date, unless otherwise indicated below, and in writing, of all alterations, additions, and deletions in the information contained in its original license application, and supply current information, including but not limited to:

A. changes in managerial or instructional staff including additions and terminations, or changes in employment status (full-time, part-time, or number of hours worked). The school shall notify the ~~office~~ department of all such changes within ten days of the effective date of the change;

Subp. 3. **Retention of ad copies.** The school shall maintain copies of all advertisements for clinic services for three years. They shall be provided to the ~~office~~ department at its request.

2640.5400 SCHOOL LICENSE RENEWAL.

All of the following requirements shall be met in order to renew a license:

A. The licensee shall be responsible for requesting renewal of his or her school license, in writing, before that license expires. This may be accomplished on the license renewal notice form provided by the ~~office~~ department. However, if this renewal notice is not received, it is still the licensee's responsibility to properly renew the school license.

F. The licensee shall have filed with the ~~director of the office~~ commissioner a surety bond as required by part 2640.5200, subpart 4.

2640.5500 DELINQUENT SCHOOL LICENSES.

Failure to renew a school license prior to its expiration date shall result in a delinquent license. The applicant shall comply with the following:

B. If more than 30 days have elapsed since the expiration of the license, the licensee shall reapply for a school license as if no license had been previously issued. The school's operation without a valid license shall be a violation of the law and no student training provided during that period will be recognized by the ~~office~~ department.

2640.5600 CERTIFICATE OF IDENTIFICATION.

Subpart 1. **Issuance.** Upon written request to the ~~office~~ department, a licensee may be issued a certificate of identification

authorizing his or her lawful practice in a place other than a licensed salon. To obtain the certificate, the individual shall:

B. provide documentation to the ~~office~~ department of at least 2700 hours of lawful practice in Minnesota;

2640.5700 DUPLICATE LICENSE.

A duplicate license will be issued only upon the loss or destruction of the initial license. The licensee shall submit to the ~~office~~ department an affidavit indicating why a duplicate license is required, and submit the required fee.

2640.5800 BASIC REQUIREMENTS FOR SCHOOLS.

Subp. 5. **Change of name.** The school owner or manager shall inform the ~~office~~ department, in writing, of a name change within 60 days of the effective date of the change and pay the school name change fee. A license will be issued in the new name for the unexpired term of the old license, which shall be returned to the ~~office~~ department upon receipt of the license in the new name.

2640.5900 FACILITIES REQUIREMENTS FOR LICENSURE.

In addition to the requirements of parts 2640.5200 and 2640.5800, the requirements contained in parts 2640.6000 to 2640.7500 shall be met by the school before a license will be issued. Compliance with these requirements shall be confirmed by an inspection by ~~cosmetology unit staff~~ the department. The license shall be issued after a satisfactory initial inspection.

2640.6000 PHYSICAL REQUIREMENTS.

Subpart 1. **Space.** Space:

A. There shall be a combined clinic and classroom size of at least 25 square feet for each enrollee to be accommodated. This space shall exclude all ~~office~~ department space, storage areas, lounge facilities, and restrooms.

2640.6200 SUPPLIES AND MATERIALS.

Subp. 4. **Instructional aids.** The school shall have instructional aids to provide the required instruction to all enrollees. There shall be at least one bulletin board, located in the student lounge, which shall contain, but not be limited to, all communications addressed to the students from the ~~office~~ department and copies of the student rules and disciplinary policies. There shall be at least one blackboard in each classroom.

2640.6600 CURRICULUM APPROVAL AND CONTENT.

Each cosmetology school shall have a curriculum approved by the ~~office~~ department to provide instruction, divided into daily lesson plans. The curriculum shall include theory and practical application of skills, including the instruction set forth in parts 2640.6700 to 2640.7000.

2640.6700 COSMETOLOGIST TRAINING.

E. Documentation of the student's completion of the required quotas in each category in item D shall be sent to the ~~office~~ department with the documentation of successful completion of the entire course of training.

2640.6800 ESTHETICIAN TRAINING.

D. There shall be planned clinical instruction and experience of approximately 200 hours in the applied sciences.

(2) Documentation of the student's completion of the required facials or makeup applications shall be sent to the ~~office~~ department with the documentation of successful completion of the entire course of training.

2640.6900 MANICURIST TRAINING.

D. There shall be planned clinical instruction and experience of approximately 150 hours in applied sciences and skills.

(2) The documentation of the student's completion of the required manicures shall be sent to the ~~office~~ department with documentation of successful completion of the course of training.

2640.7000 REFRESHER COURSES.

A licensed cosmetology school, salon, or a professional association may plan and offer a refresher course taught by licensed instructors of at least 40 hours in length for cosmetologists, estheticians, and/or manicurists. The course shall focus on knowledge, skills, and product types related to chemical services and shall balance lectures, demonstrations, and clinical experiences. It shall be held in a licensed salon or school. Sponsors of a proposed course shall apply for ~~office~~ department approval at least ten business days prior to the course date. The course sponsor shall pay the processing fee. The course sponsor shall provide the individuals who

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successfully pass a final course examination with course completion certificates. The class attendees are then responsible for providing a copy of the completion certificates to the Department of Commerce when required.

2640.7800 INSTRUCTORS.

A. There shall be at least two licensed instructors on the school premises during the time students are present; and each school shall have a minimum ratio of one instructor for each 1 to 20 students to be accommodated; and all students shall be under the supervision of an instructor at all times when in a classroom, clinic, or other area in which they are performing cosmetology services.

(2) The school shall notify the ~~office~~ department in writing within ten days of each occurrence of failure to meet the required instructor quota.

B. If a school is not in compliance with item A, students will be notified by the ~~office~~ department that it will not accept hours accrued during the period of noncompliance.

2640.8200 STUDENT RECORDS.

Student records shall be maintained as follows:

A. All records relating to students shall be maintained and up-to-date, in a secure and orderly fashion and shall be kept on the school premises. All student records shall be legible and shall be available for inspection by a representative of the ~~office~~ department during normal business hours of the school or by mail upon the written request of the ~~office~~ department.

E. The school shall maintain the following reports for each student:

(4) a progress evaluation report. Upon completion of one-half of the total required hours, the school shall give the student and the ~~office~~ department a written progress evaluation assessing the student's progress towards successful fulfillment of the license requirements;

(5) certification of readiness to take the written examination. Documentation signed by school owner or manager, shall indicate that the student has successfully completed 1,350, 500, and 315 hours, for cosmetologist, esthetician, and manicurist respectively, of preclinical and clinical training, and is prepared to take the written state licensing examinations. This certification must be received by the ~~student~~ department before the student will be scheduled for the written examinations;

(6) documentation signed by school owner or manager, shall indicate that the student has successfully completed the course of training for which he or she enrolled , including documentation of the student's completion of the practical exercises, as required by parts 2640.6700, item D, 2640.6800, item D, subitem (1), and 2640.6900, item D, subitem (1), and documentation of the student's successful completion of the skills certification review, on a form provided by the ~~office~~ department;

Department of Commerce

Adopted Rules Relating to Real Estate Broker Licensing and Education

The rules proposed and published at *State Register*, Volume 10, Number 50, pages 2449-2459, June 9, 1986 (10 S.R. 2449) are adopted with the following modifications:

Rules as Adopted

2800.6800 CONTINUING EDUCATION.

Subp. 10. **Professional designations.** Courses leading to the following professional designations shall automatically qualify for continuing education credit:

H. Certified Real Estate Broker (CRB) offered by the National Association of Realtors.

I. Certified Residential Specialist (CRS) offered by the National Association of Realtors.

Department of Jobs and Training

Adopted Rules Relating to Sheltered Workshops

The rules proposed and published at *State Register*, Volume 10, Number 37, pages 1838-1851, March 10, 1986 (10 S.R. 1838) are adopted with the following modifications:

Rules as Adopted

3300.2050 DEFINITIONS.

Subp. 6. **Disability adjusted average hourly earnings factor.** "Disability adjusted average hourly earnings factor" means an

average wage calculation for the extended employment program. The calculation has as its numerator the sum of the products which result from multiplying each participant's disability index conversion score by each participant's total wages in the reporting period. Total wages include remuneration for paid holidays and paid sick, vacation, and other paid leave. The calculation has as its denominator the total number of hours worked in the reporting period by the total unduplicated number of participants. Number of hours worked is defined in subpart ~~19~~ 20. The mathematical formula for the wage calculation is represented as follows:

$$\frac{\text{Sum of (the sum of wages in the reporting period for each program participant multiplied by that participant's disability index conversion score)}}{\text{Total number of hours worked by the total unduplicated number of participants in the reporting period}} = \text{Disability adjusted average hourly earnings factor}$$

Subp. 7. **Disability index.** "Disability index" means an index which measures the effect that disability levels have on sheltered employees in achieving their vocational potential. The disability index incorporates by reference the Functional Assessment Inventory (FAI) as revised in May 1983. This inventory was developed and authored by Nancy M. Crewe, Ph.D., and Gary T. Athelstan, Ph.D. and is published by the University of Minnesota. The inventory is not subject to frequent change. It is available for loan and inspection at the State Law Library and for inspection at the Minnesota Department of Jobs and Training, Division of Rehabilitation Services, 390 North Robert Street, Fifth Floor, Saint Paul, Minnesota 55101. The elements of the disability index and the relative power of each element are the following:

C. the FAI adaptivity factor score which is based upon FAI items ~~18, 19, 20, 21, 22, 23, and 26~~ 24, 25, 26, 27, 28, and 29 with a relative power of 3.15;

Subp. 11. **Extended employment programs.** "Extended employment programs" means programs providing paid work and service hours as a step in the rehabilitation process for those who cannot be readily absorbed in the competitive labor market, or during such time as employment opportunities for them in the competitive labor market do not exist. Extended employment programs are the following:

A. long-term employment program as defined in subpart 16;

B. work activity program as defined in subpart ~~32~~ 33;

C. work component program as defined in subpart ~~33~~ 34;

D. community based employment program as defined in subpart 3.

Subp. 19. **Nonemployment income.** "Nonemployment income" means regular income that is received by the sheltered employee from human services programs or other legally obligated sources.

Subp. 20. **Number of hours worked.** "Number of hours worked" means the hours for which a sheltered employee receives pay for performing work, including hours of paid holidays and paid sick, vacation, and other leave, but not including service hours as defined in subpart ~~29~~ 30.

Subp. ~~20~~ 21. **Opportunities for sheltered employees to participate in decisions affecting their employment.** "Opportunie ties for sheltered employees to participate in decisions affecting their employment" means organized activities sponsored by the long-term sheltered workshop to encourage sheltered employees' participation in decisions affecting their employment and must include the following:

A. sheltered employee representation on safety committees in long-term sheltered workshops;

B. at least quarterly meetings where sheltered employees may discuss with staff matters of concern affecting their employment; and

C. at least semi-annual consultation with sheltered employees' representatives at management staff meetings.

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Subp. ~~21~~ 22. **Participant.** "Participant" means a sheltered employee who receives one or more days of service or paid work in a specified extended employment program during a reporting period.

Subp. ~~22~~ 23. **Placement.** "Placement" means an offer by an employer and acceptance by a sheltered employee of competitive employment after a written plan has been developed which specifies the number of hours per week of employment and the provision of services reasonably expected to assure continued employment or work.

Subp. ~~23~~ 24. **Program efficiency.** "Program efficiency" means a measurement of the cost of providing a combination of paid work and service hours to program participants in the reporting period. The cost per hour rate results when the allocation for the extended employment program in the reporting period is divided by the combined total of the sum of the number of hours worked by program participants and the sum of the number of service hours provided to program participants in the reporting period. The mathematical calculation is represented as follows:

$$\frac{\text{Program allocation}}{\text{Total hours worked and service hours provided}} = \text{Program efficiency}$$

Subp. ~~24~~ 25. **Rate of placement in competitive employment.** "Rate of placement in competitive employment" means a ratio in which the numerator is the sum of the disability index conversion scores of all participants placed in competitive employment during a reporting period and in which the denominator is the total unduplicated number of participants in all extended employment programs offered by a long-term sheltered workshop during that reporting period. Participants not counted are described in part 3300.2450, subpart 1. The mathematical formula for the calculation is represented as follows:

$$\frac{\text{Sum of disability index conversion scores of participants placed in competitive employment}}{\text{Total unduplicated number of participants in all extended employment programs}} = \text{Rate of placement in competitive employment}$$

Subp. ~~25~~ 26. **Rate of retention in competitive employment.** "Rate of retention in competitive employment" means a ratio in which the numerator is the sum of the disability index conversion scores of participants for each extended employment program who were placed during the previous reporting period and who continued in competitive employment one year or more and in which the denominator is the total unduplicated number of participants in all extended employment programs in the previous reporting period. Participants not counted are described in part 3300.2450, subpart 1. The mathematical formula is represented as follows:

$$\frac{\text{Sum of disability index conversion scores for all participants placed in competitive employment during the previous reporting period who were employed twelve months or more}}{\text{Total unduplicated number of participants in all extended employment programs in the previous reporting period}} = \text{Rate of retention in competitive employment}$$

Subp. ~~26~~ 27. **Rate of transfer to long-term employment.** "Rate of transfer to long-term employment" means a rate derived from a calculation for the work activity program and the work component program in which the numerator is the sum of the disability index conversion scores of the participants who were transferred to long-term employment during the reporting period and in which the denominator is the total unduplicated number of participants of the work activity and work component programs of the long-term sheltered workshop during the reporting period. The mathematical formula for the calculation is represented as follows:

$$\frac{\text{Sum of the disability index conversion scores for participants transferred to long-term employment in the reporting period}}{\text{Total unduplicated number of participants of the work activity and work component programs in the reporting period}} = \text{Rate of transfer to long-term employment}$$

Subp. ~~27~~ 28. **Rate of work and service in community based employment.** "Rate of work and service in community based employment" means a ratio in which the numerator is the sum in all extended employment programs of each participant's number of hours worked and paid service hours provided in community based settings multiplied by each participant's disability index conversion score and in which the denominator is the total number of hours of work and paid service hours provided in all extended employment programs offered by a long-term sheltered workshop. Participants not counted are described in part 3300.2450, subpart 1. The mathematical formula for the calculation is represented as follows:

$$\frac{\text{Number of hours worked and paid service hours provided in community based employment multiplied by each participant's disability index conversion score}}{\text{Total number of hours worked and paid service hours provided in all extended employment programs}} = \text{Rate of work and service in community based employment}$$

Subp. ~~28~~ 29. **Responsiveness to grievances.** "Responsiveness to grievances" means that (1) a grievance resolution procedure has been implemented with binding arbitration as its final step (2) education and training of participants in the use of the procedure has occurred (3) the procedure has accommodated participants' disabling conditions and (4) the grievances have been responded to in accordance with the approved procedure.

Subp. ~~29~~ 30. **Service hours.** "Service hours" means the hours of service which an extended employment program provides to participants to maximize their vocational potential, whether paid or unpaid, which are recognized as an expense incurred by the program. Service hours may be provided either on or off the premises of a long-term sheltered workshop. Each of the following categories qualifies as hours of service:

A. money management training;

B. training in independent living skills;

C. utilization of public transportation training and drivers training;

D. training in grooming and personal care skills;

E. training in job seeking skills;

F. job and safety training;

G. coordination of support services;

H. behavioral management;

I. sign language training;

J. social skill training; ~~and~~

K. simulated work training; and

L. orientation, mobility, braille, and electronic communications training.

Subp. ~~30~~ 31. **Sheltered employee.** "Sheltered employee" means an individual with severe physical, mental, emotional, or behavioral disabilities working for pay while participating in any extended employment program offered through a long-term sheltered workshop.

Subp. ~~31~~ 32. **Sheltered employee productivity.** "Sheltered employee productivity" means the extent to which a sheltered employee is using the employee's own current capacity for work in an extended employment program.

Subp. ~~32~~ 33. **Work activity program.** "Work activity program" means a program within the meaning of Minnesota Statutes, section 129A.01, paragraph (f) and which complies with state and federal law, including the federal Fair Labor Standards Act of 1938, as amended, which provides paid work and other services and which permits a level of production below that required for a long-term employment program.

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Subp. ~~33~~ 34. **Work component program.** "Work component program" means a cooperative effort agreed to between a long-term sheltered workshop for a long-term employment or a work activity program and a developmental achievement center licensed by the Minnesota Department of Human Services or other facility to provide a work activity program on a limited scale designed so that the primary responsibility over vocational outcomes will be vested in the long-term employment or work activity program.

3300.2150 CERTIFICATION REQUIREMENTS AND TYPES OF CERTIFICATES.

Subp. 2. **Full certificate.** Requirements for a full long-term sheltered workshop certificate are the following:

J. Each long-term employment program must provide participants with fundamental personnel benefits as defined in part 3300.2050, subpart 14, with a procedure for resolution of grievances which has binding arbitration as a final step and provides responsiveness to grievances as defined in part 3300.2050, subpart ~~28~~ 29, and with opportunities for sheltered employees to participate in decisions affecting their employment as defined in part 3300.2050, subpart ~~20~~ 21.

Subp. 3. **Provisional certificate.** A provisional long-term sheltered workshop certificate may be issued to new entities for new extended employment programs or to existing long-term sheltered workshops for expanded programs for a specified period of time, not to exceed 18 months. In order to obtain a provisional certificate, all new or expanded extended employment programs covered by the certificate must be in full compliance with all the requirements of subpart 2, except item B. However, the extended employment programs must demonstrate that there is a reasonable likelihood that the programs will meet the requirements in subpart 2, item B, within 18 months. If at the end of the 18-month period all of the programs covered by the provisional certificate have not met the requirements in subpart 2, item B, or are no longer meeting any of the other requirements of subpart 2, the commissioner will not issue a full long-term sheltered workshop certificate for the programs. However, a long-term sheltered workshop has the option of removing any noncomplying program from consideration for inclusion under a full certificate. Denial of a full certificate under this subpart means the termination of program certification as provided in part 3300.2250, subpart 7, for all the programs covered by the provisional certificate.

3300.2350 STANDARDS FOR STATE FUNDING.

Subpart 1. **Evaluation factors in general.** After fulfilling the certification requirements of part 3300.2150 and submitting approved plans and budgets as provided in Minnesota Statutes, section 129A.08, subdivision 2, extended employment programs are eligible to receive state funding. Funding of extended employment programs by the commissioner must take into consideration an evaluation of individual program effectiveness. The evaluation factors to be considered are the following:

Subp. 2. **Nonquantifiable evaluation factors.** Before an individual program offered by a long-term sheltered workshop, except a new or expanded program as provided in subpart 6, may receive state funding under part 3300.2550 the individual program must be in full compliance with the nonquantifiable evaluation factors listed in subpart 1, items B, F, G, H, and I. An individual program, except a new or expanded program as provided in subpart 6, must remain in full compliance with the nonquantifiable evaluation factors during the reporting period as established by audit or have all allocated funds withdrawn as authorized by part 3300.2650, item C.

Subp. 3. **Quantifiable evaluation factors.** The quantifiable evaluation factors are listed in subpart 1, items A, C, D, E, J, K, and M. The quantifiable evaluation factors applicable to a long-term employment program and a community based employment program are those at subpart 1, items A, C, D, E, J, and K. The quantifiable evaluation factors applicable to a work activity program and a work component program are listed in subpart 1, items A, C, D, E, J, K, and M. An individual program, except a new or expanded program as provided in subpart 6, must attain the applicable minimum standard as provided in subpart 4 or have all allocated funds withdrawn as authorized by part 3300.2650, item D.

Subp. 4. **Minimum standard for quantifiable evaluation factors.** A program will fail to meet minimum standards when its performance on quantifiable evaluation factors appropriate to the program averages more than one half of one standard deviation below the mean or in the bottom ~~17~~ 31 percent compared with similar programs. The minimum standard is one half of one standard deviation below the mean on a scale which averages the conversion point scales for the quantifiable evaluation factors. A new or expanded program is exempt from attaining the applicable minimum standard during its initial two years of operation as described in subpart 6.

Subp. 5. **Audit.** Before the end of each state fiscal year, the Division of Rehabilitation Services will assess each individual program at least once on its effectiveness as measured by all the evaluation factors in subpart 1, the number of FTEs, the FAI data, and the nonemployment income data. The applicable audited figures from the evaluation factors in subpart 1 and the audited number of FTEs will be used to adjust allocations as found in part 3300.2550, subpart 7. If the total disability indexes resulting from the audited FAI and nonemployment income data vary more than ten percent plus or minus from disability indexes calculated by each individual program, the audited data will be used as the basis to adjust allocations as found in part 3300.2550, subpart 7. If the results of an audit reveal that an individual program, except a new or expanded program as provided in subpart 6, is not fully complying with the nonquantifiable factors in subpart 2, allocated funds will be withdrawn as authorized by part 3300.2650, item C. If the results of an audit reveal that an individual program, except a new or expanded program as provided in subpart 6, has not attained the applicable

minimum standard as described in subpart 4, the individual program will be placed on funding probation. After two continuous years on funding probation as established by audit, the individual program must attain the applicable minimum standard by the end of the following year or have all allocated funds withdrawn as authorized by part 3300.2650, item D.

Subp. 6. **New program evaluation.** An entity offering a new or expanded extended employment program must have been issued a certificate as provided in part 3300.2250 and have submitted an approved plan and budget before it may be eligible to receive state funding and be evaluated under this part. A new or expanded program from its startup must be in full compliance with the nonquantifiable factors listed in subpart 1, items B, F, and G, and must remain in full compliance with those factors during the reporting period as established by audit or have all allocated funds withdrawn as authorized by part 3300.2650, item C. As measured at the end of the first year of operation, a new or expanded individual program must also be in full compliance with the nonquantifiable evaluation factors listed in subpart 1, items H and I as established by audit, or have all allocated funds withdrawn as authorized by part 3300.2650, item C. As measured at the end of the second year of operation, a new or expanded individual program must meet the applicable minimum standard in subpart 4 or the new or expanded program will be placed on funding probation. After two continuous years on funding probation as established by audit, a new or expanded program must attain the applicable minimum standard by the end of the following year or have all its allocated funds withdrawn as authorized by part 3300.2650, item D.

3300.2450 OPERATIONAL POLICIES FOR FUNDING STANDARDS.

Subpart 1. **Exclusions in calculating rates of placement in competitive employment, retention in competitive employment, and work and service in community based employment.** For purposes of the formulas in part 3300.2050, subparts ~~24~~ 25, ~~25~~ 26, and ~~27~~ 28, for rates of placement in competitive employment, retention in competitive employment, and work and service in community based employment, respectively, sheltered employees who are over the age of 60 or who have physically degenerative diseases may be excluded from the denominators in the formulas if:

Subp. 2. **Policies for calculating the rate of placement in competitive employment.** If a sheltered employee is placed twice in competitive employment in a given year, both placements may be included in calculating the placement rate as defined in part 3300.2050, subpart ~~24~~ 25. Any subsequent placement of that sheltered employee in the reporting period will not be considered in calculating the rate of placement. When a sheltered employee is placed in competitive employment but also continues on a part-time basis with an extended employment program, the sheltered employee will be considered to have been placed in competitive employment if the sheltered employee's wages from participation in the extended employment program are at or above 100 percent of the prevailing wage rate for the work performed.

3300.2550 ALLOCATION OF FUNDS.

Subpart 1. **Statewide program allocation.** From the total grant funds available each state fiscal year, the commissioner will establish a statewide program allocation for each of the four extended employment programs unless otherwise directed by the legislature and will determine the ~~approved~~ number of full-time equivalents for each individual program. The total of the individual program FTEs will constitute the ~~approved~~ statewide FTE level. The elements of the statewide allocation for each of the extended employment programs ~~will be determined by the commissioner based upon~~ and the weighted relative power of each element in terms of percentages are the following:

A. the net program costs for each statewide program in the previous state fiscal year, with a relative power of ten percent;

B. the net program costs for each statewide program based on budgets submitted for the current state fiscal year, with a relative power of ten percent;

C. the number of FTEs for each statewide program at the end of the previous state fiscal year, with a relative power of 20 percent;

D. the number of hours worked in each statewide program in the previous state fiscal year, with a relative power of ten percent;

E. the need for the services of each statewide program in the current state fiscal year as demonstrated by periodic surveys of the incidence of disability levels and disability types, by periodic surveys of rehabilitation counselors and staff, by research and by waiting lists maintained by long-term sheltered workshops, with a relative power of 40 percent; and

F. the effect on services provided to current participants in each statewide program of changes in the level of statewide allocation from the previous state fiscal year, with a relative power of ten percent.

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Subp. 2. **Statewide program allocation base rate.** The commissioner will use ~~65~~ 49 percent of each statewide program allocation as calculated in subpart 1 to provide a base rate allocation to each individual program offered by a long-term sheltered workshop in direct proportion to the number of ~~approved~~ FTEs in these individual programs. The base rate per FTE is determined by dividing ~~65~~ 49 percent of the statewide program allocation by the total number of full-time equivalents ~~approved~~ for the statewide program. The mathematical calculation is represented as follows:

$$\frac{(\text{~~.65~~ .49 x statewide program allocation})}{\text{~~approved~~ full-time equivalents}} = \text{Uniform per-FTE base rate}$$

The base rate allocation for each individual program is determined by multiplying the per-FTE base rate from the above formula by the number of ~~approved~~ FTEs in the individual program.

Subp. 3. **Statewide program allocation set aside.** The commissioner will set aside ~~35~~ 51 percent of each statewide program allocation in each current state fiscal year as determined in subpart 1 in order to distribute allocations to individual programs as provided in subpart 4. The distribution in subpart 4, will be based on evaluation factors found in part 3300.2350, subpart 1. The evaluation factors applicable to each statewide program will be weighted in terms of percentages of each statewide program allocation. The factors and percentages applicable to the extended employment programs are the following:

FUNDING FACTOR WEIGHTINGS BY PROGRAM, EXPRESSED AS PERCENTAGES OF TOTAL PROGRAM ALLOCATION

FACTOR	PROGRAM			
	Long-term	Work Activity	Work Comp.	Community-based
1. Disability Level	~~5~~ 6	~~5~~ 6	~~5~~ 6	~~5~~ 6
2. Economic Conditions	~~10~~ 23	~~10~~ 23	~~10~~ 23	~~10~~ 23
3. Program Efficiency	2	2	2	2
4. Hourly Earnings	~~5~~ 6	~~5~~ 6	~~5~~ 6	~~5~~ 6
5. Community based Employment rate	~~5~~ 6	~~5~~ 6	~~5~~ 6	~~5~~ 6
6. Competitive Employment Placement Rate	4	3	3	4
7. Competitive Employment Retention Rate	4	3	3	4
8. Transfer rate to Long-term		2	2	
TOTAL	~~35~~ 51	~~35~~ 51	~~35~~ 51	~~35~~ 51

Subp. 6. **New or expanded program funding.** The commissioner will accept a new or expanded individual program for funding based upon the following:

A. the need for the new or expanded individual program;

B. the relationship of the new or expanded individual program to any current programs in terms of defined needs;

C. the performance of current individual programs; and

D. the geographic distribution of current programs and the new or expanded program in relationship to geographic needs.

When a new or expanded individual program offered by a long-term sheltered workshop is accepted for funding, the commissioner will fund its first and second years of operation based upon its relative percentage of the statewide FTE in that program. A new or expanded program's funding will be determined by dividing its FTE by the statewide FTE, and multiplying that fraction times the statewide allocation for that program. A new or expanded individual program has the right to appeal the commissioner's denial of initial funding as provided in part 3300.3050.

$$\frac{\text{New or expanded individual program FTE}}{\text{Total program FTE}} \times \text{Total program allocation} = \text{New or expanded program allocation}$$

Beginning with their third year of operation, new or expanded programs will be funded in the same manner as all other programs.

Subp. 7. **Reconciliation.** Allocations based on the ~~approved~~ number of FTEs each fiscal year, the quantifiable evaluation factors, the FAI data, and the nonemployment income data will be reconciled with the actual ~~number of FTEs~~ numbers and data at the end of the reconciliation period as provided in part 3300.2350, subpart 5. Adjustments to the allocations resulting from reconciliations, if any, will be made to allocations for the following state fiscal year. Any long-term sheltered workshop aggrieved by a decision of the commissioner under this subpart has the right to appeal using the procedures of part 3300.3050.

3300.2650 WITHDRAWAL OF ALLOCATED STATE FUNDS.

Subpart 1. **Criteria for withdrawal of allocated state funds.** The commissioner may withdraw allocated state funds from an individual extended employment program which has been accepted for state funding. A program is eligible to receive allocated state funds after it has fulfilled the certification requirements of part 3300.2150 and submitted an approved plan and budget. Allocated state funds ~~may~~ will be withdrawn when:

A. unencumbered but allocated state funds are not needed for the individual program to which they were allocated; or

B. an individual program is not being administered in accordance with its approved plan and budget as provided in Minnesota Statutes, section 129A.08, subdivision 2; or

C. an individual program, including a new or expanded individual program as provided in part 3300.2350, subpart 6, has not fully complied with the nonquantifiable evaluation factors found in part 3300.2350, subpart 2, as established by audit; or

D. an individual program, including a new or expanded individual program as provided in part 3300.2350, subpart 6, which has been placed on funding probation, has failed to meet the applicable minimum standard of effectiveness in part 3300.2350, subpart 4, as established by audit for three continuous years following the onset of probation; or

Subp. 3. **Right of appeal.** Any long-term sheltered workshop, including a new entity or existing long-term sheltered workshop operating an extended employment program under a provisional certificate, has the right to appeal the commissioner's withdrawal of allocated state funds from any of its individual programs. The appeal procedure is provided for in part 3300.3050.

Subp. 5. **Reallocation.** Withdrawn funds will be reallocated by the commissioner whenever possible. The commissioner will reallocate by increasing the number of ~~approved~~ full-time equivalents for extended employment programs capable of serving additional persons.

3300.3050 APPEAL PROCEDURE.

Subpart 1. **Scope.** The procedure in this part governs all appeals initiated by an aggrieved party having a right of appeal under part 3300.2650, subpart 3, or 3300.2550, subpart 6 or 7.

Pollution Control Agency

Adopted Permanent Rules Relating to Acid Deposition Control

The rules proposed and published at *State Register*, Volume 10, Number 25, pages 1354-1357, December 16, 1985 (10 S.R. 1354) are adopted with the following modifications:

Rules as Adopted

7005.4010 DEFINITIONS.

Subp. 2. **Electric utility.** "Electric utility" means persons, corporations, or other legal entities, their lessees, trustees, and receivers operating, maintaining, or controlling in Minnesota facilities used for the generation of electricity.

Subp. 3. **Offsets.** "Offsets" means any documented reductions in actual emissions of sulfur dioxide that are legally enforceable.

Subp. 4. **Reasonably available control technology (RACT).** "Reasonably available control technology" (RACT) means the lowest emmission limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.

Subp. ~~3~~ 5. **Sensitive areas.** "Sensitive areas" means the areas listed by the agency pursuant to Minnesota Statutes, section 116.44 because the agency has determined these areas contain natural resources sensitive to the impacts of acid deposition.

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7005.4050 ACID DEPOSITION CONTROL REQUIREMENTS IN MINNESOTA.

Subpart 1. **Specific Emission limitations.** ~~The owners and operators listed below may not emit from their emission facilities within Minnesota total emissions of sulfur dioxide in excess of the amount of emissions listed below. These limitations shall apply beginning January 1, 1990.~~

~~Owner/Operator~~	~~Sulfur Dioxide Emissions~~
~~Northern States Power Company~~	~~91,000 tons per year~~
~~Minnesota Power Company~~	~~39,000 tons per year~~

Any electric utility whose electric generating facilities located in Minnesota have a total combined net generating capacity greater than 1,000 megawatts may not emit from the emission facilities which it owns, operates, maintains, or controls in Minnesota total emissions of sulfur dioxide in excess of 130 percent of the number of tons of sulfur dioxide emitted from the electric utility's emissions facilities in 1984. This limitation shall apply beginning January 1, 1990. The determination as to the number of tons emitted by an electric utility's emission facilities shall be made by the director based on emission information obtained from the electric utility pursuant to Minnesota Rules, part 7005.1870.

Subp. 2. **Offsets required.** In the event that an ~~owner or operator listed~~ electric utility described in subpart 1 intends to increase emissions of sulfur dioxide from its emission facilities in Minnesota after January 1, 1990, beyond the limitations specified in subpart 1, ~~such owner or operator~~ the electric utility shall obtain sulfur dioxide emission offsets equal to the amount to be emitted in excess of the limitation specified.

Subp. 3. **Transfer requiring reduced emissions.** ~~In the event of the sale or other transfer of ownership of~~ If any ~~of the~~ emission ~~facilities~~ facility owned by ~~Northern States Power Company on July 1, 1985, or of any of the emission facilities owned by Minnesota Power Company~~ an electric utility described in subpart 1 on July 1, 1985, is sold or transferred to any person other than another electric utility described in subpart 1, and if the transfer results in the operation of the transferred emission facility by a person other than the seller, the amount of sulfur dioxide emissions allowed by ~~Northern States Power Company or Minnesota Power Company~~ the seller under subpart 1 shall be reduced by the amount of sulfur dioxide emissions emitted by the transferred emission facility in 1984 or the maximum SO_2 emissions allowed under the permit issued to the new owner or operator whichever is greater. If any emission facility owned by an electric utility described in subpart 1 on July 1, 1985, is sold or transferred to another electric utility described in subpart 1, and if the transfer results in the operation of the transferred emission facility by a person other than the seller, the amount of sulfur dioxide emissions allowed by the seller under subpart 1 shall be reduced by the maximum amount of sulfur dioxide emissions allowed under the permit issued to the new operator, and the amount of emissions allowed by the buyer under subpart 1 shall be increased by the maximum amount of sulfur dioxide emissions allowed under the permit issued to the new operator.

Subp. 5. ~~**King facility limitation.**~~ **Requirement for application of reasonably available control technology.** On and after January 1, 1990, the owner or operator of ~~the Allen S. King~~ any electric generating facility that contains indirect heating equipment with a rated heat input of greater than 5,000 million BTU per hour shall ~~limit the emissions of~~ reduce sulfur dioxide ~~from~~ emissions at the facility to ~~an annual average of 1.2 pounds per million BTU~~ a level consistent with RACT.

Subp. 6. ~~**Boswell facility limitation.** On and after January 1, 1990, the owner or operator of the Clay Boswell electric generating facility, units 1 through 4, shall limit the emissions of sulfur dioxide from the facility to an annual average of 0.75 pounds per million BTU.~~

~~Subp. 7.~~ **1994 recommendations required.** On or before February 1, 1992, the director shall make a recommendation to the agency as to what, if any, additional regulatory requirements need to be imposed on emission facilities in Minnesota in order to maintain or achieve a statewide sulfur dioxide emission limitation of 194,000 tons per year on and after January 1, 1994.

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 and Economic Development Business Financial Management Division

Tax Exempt Financing Issuance Authority

Notice of Availability

Pursuant to Minn. Laws 1986, Ch. 465, Article 1, Section 22

The Department gives notice that the amounts of tax exempt financing issuance authority available to qualified issuers as of August 25, 1986, is as follows:

Competitive Pool (Existing Law)

Pursuant to Minn. Laws 1986, Ch. 465, Article 1, Section 13

Total Pool Available (Priority to Manufacturing Projects)	$295,471,015.
For:	
Pollution Control/Waste Management Projects	$ 49,564,560.
Commercial Redevelopment Projects	$106,731,195.

Competitive Pool (Federal Volume Limitation Act)

Pursuant to Minn. Laws 1986, Ch. 465, Article 1, Section 19

Total Pool Available (Priority to a-General Obligation Projects, b-Manufacturing Projects)	$264,834,452.
For:	
Pollution Control/Waste Management Projects	$ 59,856,247.
Commercial Redevelopment/Multifamily Housing Projects	$ 82,301,647.

Qualified 501(c)(3) Bond Pool (Federal Volume Limitation Act)

Pursuant to Minn. Laws 1986, Ch. 465, Article 1, Section 20

Total Pool Available	$ 31,865,000.

Pursuant to Minn. Laws 1986, Ch. 465, Article 1, Section 13, Subd. 2, Section 19, Subd. 2, Section 20, Subd. 3, and Section 21, Subd. 2, issuers requesting allocations of issuance authority must submit applications, any applicable deposit and any other supporting documents required. Application forms are available from the Department upon request.

Department of Human Services Long Term Care Management Division

End of Solicitation Period for Comment Concerning Proposed Amendments to the Permanent Rules of the State Department of Human Services Governing the Determination of Payment Rates for Nursing Homes Participating in the Medical Assistance Program, Parts 9549.0010 to 9549.0080 (Permanent Rule 50)

Notice is hereby given that the comment period for the notice of intent to solicit outside opinion concerning proposed amendments to the permanent rules of the Department of Human Services governing the determination of payment rates for nursing homes

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.

participating in the medical assistance program, parts 9549.0010 to 9549.0080 (permanent rule 50) published in the *State Register* on July 14, 1986, will end on September 5, 1986.

Questions concerning the comment period may be addressed to:

Jane Delage
Rules Unit
4th Floor, Centennial Building
St. Paul, Minnesota 55155
Telephone: 612/297-4302

Department of Revenue
Special Taxes Division

Outside Opinion Sought Regarding Proposed Rules Governing the Ethanol Development Fund

Notice is hereby given that the Minnesota Department of Revenue is seeking information or opinions from sources outside the agency in preparing to promulgate rules governing the administration of the Ethanol Development Fund. The promulgation of these rules is authorized by M.S. 41.09, subd. 4.

Interested persons or groups may submit written statements of information. Statements will be accepted until September 30, 1986, and should be sent to:

Gregory J. Heck
Minnesota Department of Revenue
Legal and Legislative Affairs Division
P.O. Box 64446
St. Paul, Minnesota 55164

Any written material shall become part of the record in the event a rule is proposed and a public hearing is held.

21 August 1986

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 September 23, 1986.

ADVISORY COUNCIL ON THE MINNESOTA STATE ACADEMY FOR THE DEAF AND MINNESOTA STATE ACADEMY FOR THE BLIND has 1 vacancy open for a member. Preference will be given to applicants who reside in Congressional Districts #3, 6, 7 and 8. The council shall advise the Board of Education on policies pertaining to the control, management, and administration of these academies. Members shall be representative of the various geographic regions of the state. All members shall have knowledge, experience and interest in the problems of visually disabled or hearing impaired children. Members are appointed by the Board of Education. Members receive $35 per diem. For specific information contact the Advisory Council on the Minnesota State Academy for the Deaf and Minnesota State Academy for the Blind, Wade M. Karli, P.O. Box 308, Faribault 55021; (507)332-3363.

COMPENSATION COUNCIL has 8 vacancies open immediately for members (one from each congressional district of whom no more than four may belong to the same political party). The council is created each even numbered year to assist the legislature in establishing the compensation of constitutional officers, members of the legislature, justices of the supreme court and judges of the court of appeals, district court, county court and county municipal courts. The Council will be appointed by October 1. Members are appointed by the Governor. members receive $35 per diem. For specific information contact the Compensation Council, Rachel Wobschall, 130 Capitol, St. Paul 55155; (612)296-0057.

BOARD FOR COMMUNITY COLLEGES has 1 vacancy open for a person who is a community college student or who has been a student within one year of appointment. The board sets rules and policies for management of community college system. Members are appointed by the Governor and confirmed by the Senate. Members must file with the Ethical Practices Board.

Bimonthly meetings alternate between St. Paul and various community college campuses. For specific information contact the Board for Community Colleges, 203 Capitol Square Bldg., St. Paul 55101; (612)296-3356.

MEDICAL SERVICES REVIEW BOARD has 1 vacancy open for an alternate member for a specialty neurologist-physician. The board advises the department on medical matters relating to workers compensation and hears appeals on decisions of the department. Members are appointed by the Commissioner of Labor and Industry. Members receive $35 per diem plus expenses. Members must file with the Ethical Practices Board. For specific information contact the Medical Services Review Board, Dept. of Labor and Industry, Office of Public Affairs, 444 Lafayette Rd., St. Paul 55101; (612)297-4373.

Board of Teaching

Notice of Intent to Solicit Outside Opinion Concerning Proposed Rules Relating to the Licensure of School Librarians, Teachers of Business Education, Teachers of Computer Science, and Teachers of Early Childhood/Family Education; Continuing Education; Provisional Licensure; and Teacher Examinations

Notice is hereby given that the Board of Teaching is seeking information or opinions from sources outside the Board in preparing to propose the adoption and/or amendment of rules governing the licensure of School Librarians, Teachers of Business Education, Teachers of Computer Science, and Teachers of Early Childhood/Family Education; Continuing Education; Provisional Licensure; and Teacher Examinations. Any interested persons may submit data or views on these subjects in writing or orally to:

Kenneth L. Peatross
Minnesota Board of Teaching
608 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101
(612) 296-2415

Any written material received by the Board shall become part of the hearing record in the event that the rules governing these subjects are promulgated.

Dated: 22 August 1986

Kenneth L. Peatross, Executive Secretary
Minnesota Board of Teaching

Department of Transportation Program Management Division

Notice of Intent to Solicit Outside Opinion Regarding Rules and the Definitions of "Significant Centers of Population and Commerce" and "Temporary Emergency Service"

NOTICE IS HEREBY GIVEN THAT that State Department of Transportation (Mn/DOT) is seeking information and opinions from sources outside the agency in preparing proposed rules to define "significant centers of population and commerce" and "temporary emergency service". The adoption of rules is authorized by Minnesota Statutes, section 169.832, subdivision 13 (c) (Laws 1986, Chapter 398, Article 13, Section 10) which requires the Commissioner to adopt rules which define "significant centers of population and commerce" and "temporary emergency service" to assist in determining which state trunk highways will serve as market artery routes.

Minnesota Statutes, section 169.832, subdivision 13 identifies a market artery as "a trunk highway or segment thereof that:

(i) connects significant centers of population or commerce;

(ii) connects highways described in clause (i);

(iii) provides access to a transportation terminal; or

(iv) provides temporary emergency service to a particular shipping or receiving point on a market artery."

State trunk highways which are determined to be market artery routes are intended to be unrestricted for maximum allowable vehicle weights. Minnesota Statutes, section 169.832, subdivision 13 specifies that the Commissioner may impose seasonal load

restrictions on a market artery only after providing advance notice of weight restrictions on market artery routes to certain committees of the state House of Representatives and Senate. Minnesota Statutes, section 169.832, subdivision 13 also specifies that the Commissioner shall provide with each notice a plan to improve the market artery within the next three years so that seasonal load restrictions will not be necessary on it.

An interim definition of "significant centers of population and commerce" has been provided in the statute. Until rules are effective, "significant centers of population and commerce" means "all home rule charter or statutory cities that had total retail sales of at least $50,000,000 as reported in the 1982 Census of Retail Trade of the United States Department of Commerce."

These rules may have an effect on the transportation activities of small businesses. Minnesota Statutes, section 14.115 states that small business means "a business entity, including its affiliates, that (a) is independently owned and operated; (b) is not dominant in its field; and (c) employs fewer than 50 full-time employees or has gross annual sales of less than $4,000,000." Trunk highways which are determined to be market arteries will represent the principal access routes for the shipment of commodities to and from geographic areas of supply and demand in Minnesota. As such, small businesses located on state trunk highway market artery routes may achieve some shipping advantage.

Promulgation of these rules will not result in the imposition of agency fees as described in Minnesota Statutes, section 16A.128. The rules will not require the expenditure of public monies by local public bodies as defined in Minnesota Statutes, section 14.11, subdivision 1. Additionally, the rules will not result in mandated costs for local agencies or school districts described in Minnesota Statutes, section 3.982.

The State Department of Transportation requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comments orally or in writing. Written statements should be addressed to: Jonette Kreideweis, Highway Planning Unit, Room 807, Transportation Building, St. Paul, Minnesota, 55155.

Oral statements will be received during regular business hours over the telephone at (612) 296-8477. In addition, at least four public meetings will be held in various parts of the state prior to preparing the final draft of the rule. Notice of these public meetings will be published in the *State Register.*

All statements of information and comment shall be accepted until December 15, 1986. Any written material received by the State Department of Transportation will become part of the record in the event that the rules are adopted.

Dated: 25 August 1986

Richard P. Braun, Commissioner
Minnesota Department of Transportation

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 completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

Commodities contracts with an estimated value of $5,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers by calling 296-6152. If the appropriate buyer is not available, contact Harvey Leach or Barbara Jolly at 296-3779.

Department of Administration—Procurement Division

Contracts and Requisitions Open for Bid

Call 296-6152 for Referral to Specific Buyers.

Commodity for Bid	Bid Closing Date at 2 pm	Department or Division	Delivery Point	Requisition #
Valves	September 2, 1986	Various	Various	Price-Contract
Snow Removal	September 3, 1986	Lakewood Community College	White Bear Lake	27-154-45466

Commodity for Bid	Bid Closing Date at 2 pm	Department or Division	Delivery Point	Requisition #
Gas Salt Kiln—Rebid	September 3, 1986	State University	Bemidji	26-070-12063
Snow Removal Capitol Complex	September 3, 1986	Administration—Plant Management	Plant Management	Price-Contract
Developer/Toner—Rebid	September 3, 1986	Administration—Information Management	St. Paul	02-410-51380
Virginia Metal Partitions—Rebid	September 3, 1986	Economic Security	Economic Security	21-200-13535
Rubbish Removal—Rebid	September 3, 1986	Lakewood Community College	White Bear Lake	27-154-46569-2
VHF Radio Communications Equipment—Rebid	September 3, 1986	Correctional Facility	Shakopee	02-310-14941
Used Cad System	September 3, 1986	Correctional Facility	Stillwater	78-620-00037
Snow Removal Contract	September 4, 1986	Anoka Ramsey Community College	Anoka	27-152-46275-Price-Contract
Continuous Data Processing Forms—Carbon Interleaved and One Part	September 4, 1986	Various	Various	Price-Contract
Geodetic Survey Disk	September 4, 1986	Transportation	St. Paul	79-000-70818
Liquid Petroleum Gas	September 5, 1986	Various	Various	Sch.-93A-Rebid
Color Coded Folders	September 5, 1986	Labor & Industry	St. Paul	42-203-10018
Welding Equip.	September 5, 1986	Correctional Facility	Stillwater	78-620-00046
Display Cubes	September 8, 1986	State University	Bemidji	26-070-12122
Cotton for Mattresses	September 8, 1986	Correctional Facility	St. Cloud	78-830-08340
Repair Aircraft Mechanical Body	September 8, 1986	Public Safety	St. Paul	07-500-39531
Wood Office Furniture	September 8, 1986	Pollution Control	St. Paul	02-310-15015
Computer Equip.	September 8, 1986	Finance—Central Payroll	St. Paul	10-100-02742
Photo Supplies	September 12, 1986	State University	Bemidji	26-070-12042-Rebid
Drafting Tables	September 8, 1986	Community College	Hibbing	27-143-43024
Terminals	September 8, 1986	Transportation	St. Paul	79-000-70795

Department of Energy and Economic Development Division of Science and Technology Office of Software Technology Development

Notice of Request for Proposals for Agency to Provide Evaluation and Advisory Services

Notice is hereby given that the Office of Software Technology Development, Minnesota Department of Energy and Economic Development (DEED) requires the services of a qualified agency with established expertise to provide necessary evaluation and advisory services relating to the Technology Product Investment Program.

The Technology Product Investment Program was implemented to provide low-interest loans to eligible applicants for the development and marketing of technology-related products that exist as completed products, prototypes, or as conceptual product designs. Under the direction of the Office, the loan application process includes an evaluation analysis of the marketing and financial plans of applicant companies as well as a review of managerial strengths and weaknesses. It is anticipated that 6-10 reviews will be conducted by the Office this fiscal year. The awarded agency will also provide advisory (i.e., marketing, financial, technical advice) and referral services to software producers which have limited operating capital. Also, the agency will maintain a listing of software producers and their capabilities for referral purposes. Further, the agency will be responsible for the development and coordination of seminars and workshops to assist groups of software developers in common problem areas.

These activities will be conducted in the most effective and efficient manner possible. Therefore, due to the specific industry focus of the Technology Product Investment Program and the diverse types of services needed by loan applicants, it is recommended that RFP applicants have staffs with expertise in the following areas: research and evaluation, business services (i.e., legal, management and fiscal), quality assurance, market needs assessment and personnel development and supply. Also, due to the confidential nature of investment program applications, agency staffs must be without possible conflicts of interest. In addition, technical consultation services will be provided over a broad range of application fields (i.e., education, agriculture, medical) as well as the computer technology field. Special consideration will be given to those agencies which have access to these fields in terms of technical support.

The estimated fee range for this project is $22,000 to $28,000. Firms desiring consideration should request a copy of the Request for Proposals (RFP) Statement of Work or direct inquiries to:

Dr. Rosemary T. Fruehling, Director
Office of Software Technology Development
Minnesota Department of Energy and Economic Development
900 American Center Building
150 East Kellogg Boulevard
St. Paul, MN 55101

The deadline for submission of proposals will be 4:30 p.m. on September 22, 1986.

Dated: 1 September 1986

Rosemary T. Fruehling

Department of Energy and Economic Development Division of Science and Technolgy Office of Software Technology

Notice of Request for Proposals for Education and Training/Industry/Software Development Consultant

Notice is hereby given that the Office of Software Technology Development (OSTD), Minnesota Department of Energy and Economic Development (DEED) requires the services of a qualified, part-time consultant knowledgeable about education and training programs as they relate to the computer software development industry in Minnesota. This position is available from October, 1986 through June 30, 1987.

In an effort to realize support and implementation of the "Center for the Development of the Software Industry," technical assistance is required by the OSTD to further refine objectives and strategies. Responsibilities of the consultant will include providing

leadership in further developing the Center concept. The primary purposes of the industry-based concept include providing industry-specific services to the Minnesota software industry, creating more direct industry involvement and retaining a close relationship with the educational community. Services to the software industry available through the "Center for the Development of the Software Industry" could include the following:

1. The Center will use available business and technical services to help software companies solve problems that would otherwise hinder their success; and the Center staff will use an up-to-date data bank to link qualified service providers to companies and individuals in need of these services.

2. The Center will use/develop educational programs to keep the industry and the consumer knowledgeable and qualified in using and/or developing software; and the Center staff will work with educational institutions to develop and provide the industry-specific educational seminars, forums and workshops.

3. The Center will identify sources for research or quality control assistance available in Minnesota post-secondary institutions; and the Center staff will assist individuals and companies to gain easy access to these services.

4. The Center will promote markets for the Minnesota software industry within the state, nationally and internationally; and the Center staff, with assistance from the software industry, will develop and carry out the promotional plans.

This activity will be conducted in the most effective and efficient manner possible. Therefore, due to the education and training focus of this project, it is recommended that the applicant have a thorough background in the field of curriculum and school administration at the post-secondary (or beyond) level. The estimated fee range for this project is $22,000 to $26,000. Individuals desiring consideration should request a copy of the Request for Proposals (RFP) Statement of Work or direct inquiries to:

Dr. Rosemary T. Frjuehling, Director
Office of Software Technology Development
Minnesota Department of Energy and Economic Development
900 American Center Building
150 East Kellogg Boulevard
St. Paul, MN 55101

The deadline for submission of proposals will be 4:30 p.m. on September 22, 1986.

Dated: 1 September 1986

Department of Human Services

Notice of Request for Proposal for the Development, Implementation, and Operation of Payment Error Prone Profiles for Health Care Providers

Notice is hereby given that the Health Care Programs Division, Department of Human Services, is seeking proposals concerning the development of error prone profiles for health care providers and the use of these profiles to screen health care claims submitted to the Department by enrolled providers in the Medical Assistance and General Assistance Medical Care programs.

This Request for Proposal does not obligate the State to complete the project and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

I. Scope of Project:

To develop, implement, and operate a medical claims error prone profile system for the Medical Assistance and General Assistance Medical Care programs.

II. Objectives:

To prevent erroneous payments of medical claims and/or recoup erroneous payments previously made.

III. Project Tasks:

1. Design error prone profile system.

   a. Error prone profile system must be compatible with existing Medicaid Management Information System.

   b. Error prone profile system must not duplicate functions of existing edits or screens in the Medicaid Management Information System nor any of the functions of the Surveillance and Utilization Review Subsystem.

2. Implement the error prone profile system.

3. Operate the error prone profile system.

Responder should propose additional tasks or activities if they will substantially improve the results of the project.

IV. Department Contacts:

Robert Baird, Director, Health Care Programs, 444 Lafayette Road, St. Paul, MN.

V. Submission of Proposals:

All proposals must be received by 4:00 p.m., September 26, 1986. Late proposals will not be accepted. Responder shall submit four copies of the proposal. Proposals are to be sealed in mailing envelopes or packages with responder's name and address clearly written on the outside. Each copy of the proposal must be signed by an authorized representative of the responder.

VI. Project Costs:

The Department has estimated that the annual cost of this project shall not exceed $400,000.00. It is the Department's intent to pay for this project on a contingency basis. Each proposal shall specify the percentage of expected savings it is willing to accept as reimbursement for this project.

VII. Proposal Contents:

The following will be considered minimum contents of the proposal.

1. Statements which show or demonstrate the responder's understanding of the nature of the project.

2. Outline of responder's background and experience with particular emphasis on local, state, and federal government work. Identify personnel to conduct the project and detail their training and work experience. No change in personnel assigned to the project will be permitted without the approval of the state project director/manager.

3. Responders will prepare a detailed work plan which will identify the major tasks to be accomplished and be used as a scheduling and managing tool.

4. Identify the Department's participation in the project as well as any other service to be provided by the Department.

VIII. Evaluation

All proposals received by the deadline will be evaluated by representatives of the Department of Human Services. Factors upon which proposals will be judged include, but are not limited to the following:

1. Expressed understanding of the project.

2. Project work plan.

3. Cost to the Department.

4. Qualification of both company and personnel. Experience of personnel will be given greater weight than that of the firm.

Evaluation and selection will be completed by October 24, 1986. Results will be sent immediately by mail to all responders.

STATE GRANTS

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Bureau of Mediation Services

Applications Accepted for Funding Under the Minnesota Area Labor-Management Committee Program

The Bureau of Mediation Services will begin accepting applications for funding of new or existing Area Labor-Management Committee programs on September 2, 1986, pursuant to Minn. Stat. 179.81-85 (1985).

Persons interested in applying for such funds may secure an application form and program policies by requesting them in writing from:

Paul W. Goldberg, Director
Bureau of Mediation Services
205 Aurora Avenue
St. Paul, Minnesota 55103

Applications for funding during fiscal year 1987 will be accepted until October 15, 1986.

Paul W. Goldberg
Director

SUPREME COURT DECISIONS

Decisions Filed Friday 22 August 1986

Compiled by Wayne O. Tschimperle, Clerk

C9-85-2381 State of Minnesota, petitioner, Appellant, v. Jean Lambert. Court of Appeals.

Legislation is not needed for trial courts to adopt advisory, nonbinding local sentencing guidelines for misdemeanor and gross misdemeanor cases.

Reversed and sentence reinstated. Amdahl, C.J.

Department of Administration

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NEW PUBLICATIONS:

Physicians Directory 1985. Names and addresses in alphabetical order of licensed chiropractors, doctors of medicine and osteopaths, optometrists, podiatrists and registered physical therapists. Code #1-1. $15.00.

Health Care Facilities Directory 1986. Contains a list of hospitals and related institutions licensed and/or certified in Minnesota. Alphabetical listing by county. Includes town and facility name, ownership, capacity, available services, address, phone number, and director's name. Code #1-89. $15.00.

OTHER PUBLICATIONS:

Legislative District Maps. A six-map set of Minnesota Legislative and U.S. Congressional Districts. Shows boundaries since redistricting. (3 maps 17″ × 22″, 1 map 25″ × 29″, 2 maps 28″ × 40″). Sent to you in a sturdy mailing tube. Code #7-7. $4.95.

MN Hazardous Waste Rules (as in effect 2-10-86). MN Rules Chapter 7045 and 7046. The rules governing the permits, storage, production and shipment of Hazardous Waste. Code #3-71. $13.50.

Occupational Safety and Health Rules (as in effect 1-6-86). Chapters 5205-5206, 5210, 5215. State standards for safe working conditions including: personal protective equipment, walking and working surfaces, illumination and ventilation. 84 pp. Code #3-18. $9.00.

The Medical Alley Directory. Reach the decision-makers without delay at more than 300 medical and bio-tech companies and healthcare delivery organizations. Entries include major products and/or services, company background, special interests, trade name(s), major activities, and addresses and phone numbers. (Code #40-7. $109.00)

The following two publications are discounted more than 40%.

Education Laws 1984. A complete extract from the 1984 Minnesota Statutes of the empowering legislation relating to public schools. Code #2-83. ~~$16.00~~ reduced to $9.00.

Education Laws 1985 Supplement. The 1986 Education Laws (with changes incorporated from the 1986 Legislative Session) will not be available until the Winter of 1986. Code #2-83s1. ~~$12.50~~ reduced to $7.00.

* ***Minnesota Laws 1986.*** All laws passed in the Regular and Special Sessions. Code #18-4. $23.00, plus $1.38 tax.

* ***Minnesota Rules 1985.*** 10-volume set. Code #18-200. Single volumes: $13.00 plus 78¢ tax; Full set: $125.00 plus $7.50 tax.

* ***Minnesota Rules 1986 Supplement Number 1.*** Code #18-200A. $15.00 + 90¢ tax.

State Register Index. Contains cumulative finding aids to Volume 9 of the *State Register*, including Minnesota Rules Amendments and Additions. Executive Orders list & index. Agency & Subject Matter indices. Code #13-9 SR INDEX. $5.00.

SUBSCRIPTIONS:

State Register. Minnesota's official weekly publication for agency rules and notices, executive orders of the Governor, state contracts, Supreme Court Calendar, Supreme Court and Tax Court Decisions. Annual subscription $130; Trial Subscription (13 weeks) $40.00; Single copies $3.50.

Workers Compensation Decisions. Volume 38. Selected landmark decisions of the Worker's Compensation Court of Appeals. Annual subscription, quarterly updates. $89.50.

SERVICES:

Mailing Lists. Lists of Minnesota licensed professionals and permit holders. Write or call (612) 297-2552 for a free mailing list catalog which contains available lists, selections, formats, pricing and ordering information.

Minnesota's Seasons. Catalog of lake maps, fishing guides, bikeway maps, cookbooks, travel guides, and more. Free.

Minnesota State Documents Center 1986 Catalog. Contains list of publications available through Minnesota Documents Center. Free.

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State of Minnesota

STATE REGISTER

Department of Administration—Print Communications Division



Rules edition
Published every Monday

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STATE REGISTER

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

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official notices, state and non-state contracts, contract awards, grants, supreme court and tax court decisions, and a monthly calendar of cases to be heard by the state supreme court.

***A Contracts Supplement* is published every Thursday and contains additional state contracts and advertised bids, and the most complete source of state contract awards available in one source.**

Printing Schedule and Submission Deadlines

Vol. 14 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
9	Monday 14 August	Monday 21 August	Monday 28 August
10	Monday 21 August	Monday 28 August	Tuesday 5 September
11	Monday 28 August	Friday 1 September	Monday 11 September
12	Tuesday 5 September	Monday 11 September	Monday 18 September

*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 *State Register* editorial offices, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-4273.

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In accordance with expressed legislative intent that the *STATE REGISTER* be self-supporting, the following subscription rates have been established: the Monday edition costs $130.00 per year and includes an index issue published in August (single issues are available at the address listed above for $3.50 per copy); the combined Monday and Thursday editions cost $195.00 (subscriptions are not available for just the *Contracts Supplement*); trial subscriptions are available for $60.00, include both the Monday and Thursday edition, last for 13 weeks, and may be converted to a full subscription anytime by making up the price difference. No refunds will be made in the event of subscription cancellation.

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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:

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Contact: Senate Public Information Office
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(612) 296-0504

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This Week—weekly interim bulletin of the House.

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Room 175 State Office Building, St. Paul, MN 55155
(612) 296-2146

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

The ***State Register*** is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the ***State Register***. Published every Monday, the ***State Register*** makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific ***Minnesota Rule*** chapter numbers. Every odd-numbered year the ***Minnesota Rules*** are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the ***State Register***.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the ***Official Notices*** section of the ***State Register***. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the ***State Register***. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the ***State Register*** as **Adopted Rules**. These final adopted rules are not printed in their entirety in the ***State Register,*** only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the ***State Register***, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the ***Minnesota Guidebook to State Agency Services.***

The ***State Register*** features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the ***State Register***, a subscription, the annual index, the ***Minnesota Rules*** or the ***Minnesota Guidebook to State Agency Services***, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-9747.

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Proposed Rules

Pursuant to Minn. Stat. §§ 14.22, 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 25 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 the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Human Services

Proposed Permanent Rules Relating to Aid to Families with Dependent Children

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Department of Human Services intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes*, section 256.851.

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.

All persons have 30 days or until 4:30 p.m. on September 27, 1989 in which to submit comment in support of or in opposition to the proposed rule amendments or any part or subpart of the rule amendments. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to: Dan Lipschultz, Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3816.

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A free copy of the rule is available upon request from Nancy Bishop, Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3816. A copy of the rule may also be viewed at any of the 87 county welfare or human services agencies in the State of Minnesota.

The AFDC program provides assistance payments, social services, and medical care to families that include a child who is deprived of the support or care of one of the parents. This rule will affect AFDC recipients and local agencies.

Amendments are proposed to the AFDC rule in the definition section on county of financial responsibility, dependent child, full-time student, minor caretaker, recipient and residence. Additional amendments are proposed on determining an applicant's emergency needs; reducing time local agencies have to process AFDC applications; permitting addendums to AFDC applications; outlining residency requirements; providing conditions under which a caretaker's or child's temporary absence from the home will not affect eligibility; specifying new limits on the amount of land and certain personal property that can be excluded in determining eligibility for AFDC; changing guidelines on excluded income concerning educational grants, insurance payments, self-employment, rental income and overpayments; revising guidelines on eligibility factors to be verified; clarifying composition of the family unit and application of standards; revising termination procedures; clarifying what must be considered in gross income and employment disregards; revising recoupment of overpayment procedures; clarifying payment procedures to protective, vendor or second parties; revising applicant and recipient responsibilities with regard to household reports, social security numbers, and "good cause" for noncooperation; revising agency requirements on mailing notices; revising state appropriation for special needs; clarifying payment of employment preparation expenses and emergency assistance; and clarifying county of responsibility and settlement of disputes about county of responsibility.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Nancy Bishop, Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3816 upon request.

Adoption of these rules will not result in additional spending by local public bodies in excess of $100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11. A fiscal note prepared according to the requirements of *Minnesota Statutes*, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available from Nancy Bishop, Department of Human Services.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Dan Lipschultz, Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3816.

Charles C. Schultz
Deputy Commissioner

Rules as Proposed

9500.2060 DEFINITIONS.

Subpart 1. to 34. [Unchanged.]

Subp. 35. **County of financial responsibility.** "County of financial responsibility" means the county liable for the county share of a recipient's assistance under *Minnesota Statutes*, chapter 256G.

Subp. 36. to 38. [Unchanged.]

Subp. 39. **Dependent child.** "Dependent child" means a child who is living in the home of a parent or other caretaker, who is

deprived of the support or care of a parent as specified in parts 9500.2180 to 9500.2300, who is in financial need according to part 9500.2480, and who meets one of the conditions in items A ~~to C~~ and B:

A. is less than 18 years of age; or

B. is 18 years of age and is a full-time student, as defined in subpart 58, ~~item A, B, or F,~~ at an accredited high school or its equivalent in vocational or technical training, and is expected to graduate or complete the school program before reaching age 19~~; or~~.

~~C. is 18 years of age and is a full-time student, as defined in subpart 58, item C.~~

Subp. 40. to 57. [Unchanged.]

Subp. 58. **Full-time student.** "Full-time student" means a person who is~~:~~

~~A.~~ enrolled in and attending a graded or ungraded primary, intermediate, ~~or~~ secondary, GED preparatory, trade, technical, vocational, or postsecondary school, and ~~attending classes at least 20 hours a week, of which up to half may be satisfied by employment which is approved through a work study program of the school in which the person is enrolled, or enrolled in and making satisfactory progress in a graded educational program approved by the school district when a physical, emotional, or mental impairment prevents classroom attendance;~~ who meets the school's standard for full-time attendance.

~~B. enrolled in a trade or technical institute or in GED preparatory training which provides certification equivalent to a secondary education and attending at least 20 hours a week, of which up to half may be satisfied by employment which is approved through a work study program of the school in which the person is enrolled;~~

~~C. enrolled in and attending classes at least 20 hours a week in an ungraded educational or vocational program approved by the school district because that person has a physical, emotional, or mental impairment which precludes graded coursework;~~

~~D. enrolled in and attending a postsecondary technical institute for at least 20 hours a week, including the time spent in shop practice;~~

~~E. registered for and attending classes which total at least 12 quarter or semester credits at an accredited college or university; or~~

~~F. enrolled in a graded or ungraded primary, intermediate, secondary, trade, or technical institute, and attending that school when the school documents, at the request of the student, that the student meets the school's standard for full-time attendance.~~

Subp. 59. to 89. [Unchanged.]

Subp. 90. **Minor caretaker.** "Minor caretaker" means

A. a person under the age of 18 years ~~or who is age 18 and meets the definition of a dependent child under subpart 39~~; and

B. who has applied as a caretaker on behalf of himself or herself and his or her dependent child.

Subp. 91. to 112. [Unchanged.]

Subp. 113. **Recipient.** "Recipient" means a person who is currently receiving assistance. A person who ~~returns~~ fails to withdraw or access electronically any portion of his or her assistance payment by the end of the payment month transfer or who returns an uncashed assistance check and withdraws from the program is not a recipient. A person who withdraws an assistance payment by electronic transfer or receives and cashes an assistance check and is subsequently determined to be ineligible for assistance for that period of time is a recipient, regardless of whether that assistance is repaid. The term "recipient" includes the caretaker relative and the dependent child whose needs are included in the assistance payment. A person in an assistance unit who does not receive an assistance ~~check~~ payment because he or she has been suspended from AFDC or because his or her need falls below the $10 minimum payment level is a recipient.

Subp. 114. to 117. [Unchanged.]

Subp. 118. [See Repealer.]

Subp. 119. to 154. [Unchanged.]

9500.2100 APPLICATION FOR ASSISTANCE.

Subpart 1. to 3. [Unchanged.]

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.

Subp. 4. **Assessment of and issuance for initial needs.** When a person inquires about assistance, a local agency shall ask the person if immediate or emergency needs exist. When a person has emergency needs, the local agency shall determine that person's eligibility for emergency assistance unless the person's needs can be met through other sources or by promptly processing an application for monthly assistance.

~~A. When emergency assistance payment is issued for a person who makes application for AFDC, and that person is later determined to be eligible for assistance, the issuance under emergency assistance must be considered an assistance payment when:~~

~~(1) the emergency assistance payment is issued for basic needs included in the AFDC family allowance standard;~~

~~(2) the emergency assistance payment is issued for current needs for a payment month or months in which that person is also eligible for assistance; and~~

~~(3) the emergency assistance payment for a month does not exceed the amount that person is eligible to receive under part 9500.2620.~~

~~B. When a person qualifies under item A, subitems (1) and (2) must apply.~~

~~(1) When all of the emergency assistance payment is later counted as an assistance payment, the person shall not be considered a recipient of emergency assistance, and the limitations under part 9500.2820, subpart 12 must not apply.~~

~~(2) When emergency assistance payment for a current month's need is less than the assistance payment determined under part 9500.2620 for that same month, additional assistance must be issued for the difference.~~

~~C.~~ When an emergency does not exist, a local agency may issue assistance before it completes the verification of eligibility. However, when an applicant is later found ineligible for that assistance, the local agency may not claim federal or state AFDC financial participation in the cost of the assistance issued. When federal and state AFDC financial participation is not available, the local agency may request general assistance state financial participation retroactive to the date of application for AFDC according to general assistance payment standards if the applicant was eligible for that program.

Subp. 5. [Unchanged.]

Subp. 6. **Processing application.** Upon receiving an application, a local agency shall determine the applicant's program eligibility, approve or deny the application, inform the applicant of its decision according to part 9500.2740, subpart 5, and issue assistance when the applicant is eligible. When a local agency is unable to process an application within ~~45~~ 30 days, the local agency shall inform the applicant of the reason in writing. When an applicant establishes the inability to provide required verification within the ~~45-day~~ 30-day processing period, the local agency may not use the expiration of that period as the basis for denial.

Subp. 7. and 8. [Unchanged.]

Subp. 9. **Additional applications.** Until a local agency issues notice of approval or denial, additional applications submitted by an applicant are void. However, an application for monthly assistance and an application for emergency assistance may exist concurrently. More than one application for monthly assistance or emergency assistance may exist concurrently when the local agency decisions on one or more earlier applications have been appealed to the commissioner and the applicant asserts that a change in circumstances has occurred that would allow program eligibility.

A local agency shall require additional application forms or supplemental forms as prescribed by the commissioner when a payee changes his or her name, when the basis for program eligibility changes, ~~or~~ when a caretaker requests the addition of another person to the assistance unit, or when a person required to be in the filing unit must be added to the assistance unit.

An addendum to an existing application may be used to add persons to an assistance unit regardless of whether the persons being added are required to be in the filing unit. When a person is added by addendum to an assistance unit and that person is required to be in a filing unit, eligibility begins on the date the new member enters the home or the date the new member is required to be included in the assistance unit, whichever is later. When a person is added by addendum to an assistance unit and the person is not required to be included in the filing unit, eligibility begins on the date the signed addendum is submitted to the local agency or all eligibility criteria are met, whichever is later.

9500.2140 BASIC ELIGIBILITY REQUIREMENTS.

Subpart 1. [Unchanged.]

Subp. 2. **Minnesota residence.** Minnesota residence is an eligibility requirement for AFDC. A person who enters Minnesota from another state and receives assistance from that state must not be considered a Minnesota resident until the last month in which that state issues an assistance payment. Minnesota residence is established according to the provisions in items A to E.

A. A person who lives in Minnesota and who entered Minnesota with a job commitment or to seek employment in Minnesota, whether or not that person is currently employed, is considered a resident of Minnesota. Neither a length of prior ~~or future~~ residence nor an intent to remain in Minnesota is required.

B. A person who voluntarily enters Minnesota for a reason other than seeking employment, and who intends to remain in Minnesota, is a resident of Minnesota. No length of prior residence is required.

C. to E. [Unchanged.]

Subp. 3. and 4. [Unchanged.]

Subp. 5. **Physical presence.** To be eligible for AFDC, a dependent child and a caretaker must live together except as provided in items A to C.

A. and B. [Unchanged.]

C. The absence of a caretaker or child does not affect eligibility for the month of departure when he or she received assistance for that month and lived together immediately prior to the absence. Eligibility also exists in the following month when the absence ends on or before the tenth day of that month. A temporary absence of a caretaker or a child which continues beyond the month of departure must not affect eligibility when the home is maintained for the return of the absent family member, the caretaker continues to maintain responsibility for the support and care of the dependent child, and when one of subitems (1) to (7) apply:

(1) when a recipient caretaker or recipient child is absent due to illness or hospitalization, and the absence is expected to last no more than six months beyond the month of departure;

(2) when a recipient child is out of the home due to ~~a~~ placement in foster care ~~placement~~ as defined in *Minnesota Statutes*, section 260.015, subdivision 7, when the placement will not be paid through Title IV-E funds, and when the absence is expected to last no more than six months beyond the month of departure;

(3) when a recipient child is out of the home for a vacation, the vacation is not with an absent parent, and the absence is expected to last no more than two months beyond the month of departure;

(4) when a recipient child is out of the home due to a visit or vacation with an absent parent under part 9500.2260, the home of the child remains with the caretaker under part 9500.2260, subpart 3, the absence meets the conditions of part 9500.2260, subpart 4, item C, and the absence is expected to last no more than two months beyond the month of departure;

(5) when a recipient caretaker is out of the home due to a death or illness of a relative, incarceration, training, or employment search and suitable arrangements have been made for the care of the child, or when a recipient child is out of the home due to incarceration, and the absence is expected to last no more than two months beyond the month of departure;

(6) when a recipient caretaker and a recipient child are both absent from Minnesota due to a situation described in subitem (5) or vacation, and the absence is expected to last no more than one month beyond the month of the departure; or

(7) when a recipient child has run away from home~~, and another person has not made application for that child~~ or when a recipient child has been taken from home without the consent of the recipient caretaker or a court order and the caretaker has initiated legal action for the return of the child, assistance must continue for no more than two months following the month of departure, provided another person has not made application for the recipient child.

Subp. 6. [Unchanged.]

9500.2340 PROPERTY LIMITATIONS.

Subpart 1. [Unchanged.]

Subp. 2. **Real property limitations.** Ownership of real property by an applicant or recipient is subject to the limitations in items A and B.

A. A local agency shall exclude the homestead of an applicant or recipient, according to the provisions in subitems (1) to (3).

(1) An applicant or recipient who is purchasing real property through a contract for deed and using that property as a home is considered the owner of real property.

(2) The total amount of land that can be excluded under this subpart is limited to ~~two contiguous platted lots in an incorporated city or town, all contiguous acres in an incorporated city or town when that land is not platted into lots, and all contiguous acres in other areas~~ surrounding property which is not separated from the home by intervening property owned by others. Additional ~~contiguous platted lots~~ property must be assessed as to ~~their~~ its legal and actual availability according to subpart 1.

(3) When real property that has been used as a home by a recipient is sold, the local agency shall treat the cash proceeds

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from that sale as excluded property for a period of six months when the recipient intends to reinvest them in another home and maintains those proceeds, unused for other purposes, in a separate account.

B. [Unchanged.]

Subp. 3. **Other property limitations.** The equity value of all nonexcluded real and personal property must not exceed $1,000. To determine whether the value of an item of real or personal property is to be counted, a local agency shall exclude the value of real and personal property listed in items A to P:

A. One motor vehicle, when its equity value does not exceed $1,500 exclusive of the value of special equipment for a handicapped household member. To establish the equity value of a vehicle, a local agency shall subtract any outstanding encumbrances from the ~~loan~~ average trade-in value listed in the N.A.D.A. Official Used Car Guide, Midwest Edition, for newer model cars. The N.A.D.A. Official Used Car Guide, Midwest Edition, is incorporated by reference. It is published monthly by the National Automobile Dealers Used Car Guide Company and is available through the Minitex interlibrary loan system. It is subject to frequent change. When a vehicle is not listed in the guidebook, or when the applicant or recipient disputes the value listed in the guidebook as unreasonable given the condition of the particular vehicle, the local agency may require the applicant or recipient to document the value by securing a written statement from a motor vehicle dealer licensed under *Minnesota Statutes*, section 168.27 stating the amount that the dealer would pay to purchase the vehicle. The local agency shall reimburse the applicant or recipient for the cost of a written statement that documents a lower value.

B. The value of personal property needed to produce earned income, including tools, implements, farm animals, and inventory, ~~but excluding automobiles and other motor vehicles used to provide transportation of persons or goods~~ business checking and savings accounts used exclusively for the operation of a self-employment business, and any motor vehicles if the vehicles are essential for the self-employment business.

C. to G. [Unchanged.]

H. Money held in escrow under part 9500.2380, subpart 7, item B, by a self-employed person, when the money is used for those purposes at least ~~quarterly~~ annually.

I. [Unchanged.]

J. Income received in a budget month ~~until~~ through the end of ~~a corresponding payment~~ the budget month.

K. to P. [Unchanged.]

Q. Lump sums that create a period of ineligibility are excluded from the date of receipt through the period of ineligibility. Lump sums that do not create a period of ineligibility are excluded only through the budget month.

9500.2380 INCOME.

Subpart 1. [Unchanged.]

Subp. 2. **Excluded income.** A local agency shall exclude items A to DD from income:

A. to E. [Unchanged.]

F. all educational grants ~~to an undergraduate student for educational or rehabilitative purposes when that grant is made or insured under a program administered by the United States Commissioner of Education~~ and loans, including income from work study programs;

G. ~~educational grants issued by the Bureau of Indian Affairs, when assistance income was considered in determining the amount of the grant;~~

~~H. income from federally funded college work study;~~

~~I.~~ loans, regardless of purpose, from public or private lending institutions, governmental lending institutions, or governmental agencies;

~~J.~~ H. loans from private individuals, regardless of purpose, provided an applicant or recipient documents that the lender expects repayment;

~~K.~~ I. state and federal income tax refunds except for the earned income tax credit;

~~L.~~ J. funds received for reimbursement, replacement, or rebate of personal or real property when these payments are made from public agencies, issued by insurance companies, awarded by a court, solicited through public appeal, or made as a grant by a federal agency subsequent to a presidential declaration of disaster;

~~M. payments issued by insurance companies which are specifically designated as compensation to a member of an assistance unit for partial or total permanent loss of function or body part or for payment of medical bills, as required by *Minnesota Statutes*, section 256.74, subdivision 1, clause (7);~~

K. the portion of an insurance settlement that is designated and used to pay medical, funeral, and burial expenses, or to repair or replace insured property;

~~N.~~ L. reimbursements for medical expenses which cannot be paid by medical assistance;

~~O.~~ M. payments by the vocational rehabilitation program administered by the state under *Minnesota Statutes,* chapter 129A, except those payments that are for current living expenses;

~~P.~~ N. in-kind income, including any payments directly made by a third party to a provider of goods and services;

~~Q.~~ O. assistance payments to correct underpayments ~~in a previous~~, but only for the month in which the payment is received and for the following month;

~~R.~~ P. payments to an applicant or recipient issued under part 9500.2820;

~~S.~~ Q. payments issued under part 9500.2800;

~~T.~~ R. Minnesota property tax refund credits received by an applicant or recipient who does not receive AFDC housing allowances under part 9500.2800, subpart 2;

~~U.~~ S. nonrecurring cash gifts of $30 or less, such as those received for holidays, birthdays, and graduations, the total amount excluded not to exceed $30 per recipient in a calendar quarter;

~~V.~~ T. tribal settlements excluded under Code of Federal Regulations, title 45, section 233.20(a)(4)(ii)(e), (k), and (m);

~~W.~~ U. any form of energy assistance payment made by LIHEAP, payments made directly to energy providers by other public and private agencies, benefits issued by energy providers when the Minnesota Department of Jobs and Training determines that those payments qualify under Code of Federal Regulations, title 45, section 233.53, and any form of credit or rebate payment issued by energy providers;

~~X.~~ V. the first $50 of child support paid under *Code of Federal Regulations,* title 45, section 302.51(b)(1);

~~Y.~~ W. income, including retroactive payments, from supplemental security income;

~~Z.~~ X. income, including retroactive payments, from Minnesota supplemental aid;

~~AA.~~ Y. proceeds from the sale of real or personal property;

~~BB.~~ Z. payments made from state funds for subsidized adoptions under *Minnesota Statutes,* section 259.40;

AA. state-funded Family Subsidy Program payments made under *Minnesota Statutes,* section 252.32, to help families care for children with mental retardation or related conditions;

~~CC.~~ BB. interest payments and dividends from property which is not excluded from and which does not exceed the $1,000 limit under part 9500.2340, subpart 3;

~~DD.~~ CC. income which is otherwise specifically excluded from AFDC program consideration in federal law, state law, or federal regulation.

Subp. 3. to 5. [Unchanged.]

Subp. 6. **Self-employment deductions.** Self-employment expenses must be subtracted from gross receipts except for the expenses listed in items A to N:

A. to E. [Unchanged.]

F. transportation costs which exceed the ~~amount~~ maximum standard mileage rate allowed for use of a personal car in the *United States Internal Revenue Code;*

G. to N. [Unchanged.]

Subp. 7. **Self-employment budget period.** Except for farm income under subpart 8, the self-employment budget period begins in the month of application for AFDC applicants and in the first month of self-employment for AFDC recipients. Gross receipts from self-employment must be budgeted in the month in which they are received. Expenses must be budgeted against gross receipts in the month in which those expenses are paid except for items A to C.

A. to C. [Unchanged.]

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Subp. 8. [Unchanged.]

Subp. 9. **Rental income.** Income from rental property must be considered self-employment earnings when ~~effort is expended by the owner to maintain or manage the property~~ the owner spends an average of 20 hours per week on maintenance or management of the property. A local agency must deduct an amount for upkeep and repairs according to subpart 6, item L, for real estate taxes, insurance, utilities, and interest on principal payments. When an applicant or recipient lives on the rental property, the local agency must divide the expenses for upkeep, taxes, insurance, utilities, and interest by the number of rooms to determine the expense per room. The local agency shall deduct expenses from rental income only for the number of rooms rented, not for rooms occupied by an assistance unit. When ~~no effort is expended by the owner to maintain or manage~~ an owner does not spend an average of 20 hours per week on maintenance or management of the property, income from rental property must be considered unearned income. The deductions described in this subpart must be subtracted from gross rental receipts.

Subp. 10. and 11. [Unchanged.]

9500.2420 DOCUMENTING, VERIFYING, AND REVIEWING ELIGIBILITY.

Subpart 1. to 3. [Unchanged.]

Subp. 4. **Factors to be verified.** A local agency shall verify factors of program eligibility at the time of application, when a factor of eligibility changes, and at each redetermination of eligibility under subpart 5.

A. A local agency shall verify:

(1) the social security number of each adult and child applying for assistance;

(2) ~~the~~ age~~, identity, and citizenship or resident alien status~~ if required to establish eligibility;

(3) the identity of each adult ~~and child~~ applying for assistance;

(4) the resident alien status of each adult and child applying for or receiving assistance if the applicant or recipient reports that he or she is not a citizen;

~~(3)~~ (5) the incapacity of a parent when the basis of eligibility is an incapacitated parent under part 9500.2220;

~~(4)~~ (6) the wage and employment history for both parents for the period preceding application when the basis of eligibility is unemployed parent under part 9500.2300. When an applicant cannot document employment, a local agency shall verify the employment by contacting the employer. When this verification and other primary or alternate forms of verification are not available, a local agency shall accept an affidavit from an applicant as a satisfactory substitute for that verification;

~~(5)~~ (7) the first day of the third trimester when either program eligibility under part 9500.2140, subpart 4, or WIN exemption status under part 9500.2700, subpart 15, item M is based on pregnancy;

~~(6)~~ (8) school attendance and the date of anticipated completion of school for an 18 year old child;

~~(7) the WIN registration of a nonexempt adult or child in a WIN county;~~

~~(8)~~ (9) the registration with a Job Service office of a principal wage earner living in a non-WIN county or exempt under part 9500.2700, subpart 15, item G;

~~(9) the marital status of a parent who applies for assistance on the basis of continued absence under part 9500.2260, when a stepparent of the child is living in the home;~~

(10) the relationship of a caretaker to the child for whom application is made; and

(11) ~~a WIN exemption based on illness, injury, incapacity, or physical or mental impairment when an applicant or child is not exempt from WIN registration on another basis under part 9500.2700, subpart 15;~~ residence.

~~(12) a WIN exemption based on 30 hours of employment when an adult or child is not exempt from WIN registration on another basis under part 9500.2700, subpart 15; and~~

~~(13) a WIN exemption based on school attendance for a 16 or 17 year old dependent child who lives in a county with a WIN program.~~

B. A local agency shall verify the information in subitems (1) to ~~(7)~~ (6) when it is either acknowledged by an applicant or recipient or obtained through a federally mandated verification system:

(1) earned income, including gross receipts and business expenses from self-employment;

(2) unearned income;

(3) termination from employment;

(4) real property;

(5) personal property;

(6) dependent care costs of an employed caretaker~~;~~ ~~and~~ at the time of application, redetermination, or a change in provider.

~~(7) the number of hours a person is absent from a child when the person's WIN exemption is based on part 9500.2700, subpart 15, item I.~~

C. A local agency may verify additional program eligibility and assistance payment factors when it ~~either documents~~ determines that information on the application is inconsistent with statements made by the applicant, other information on the current application, information on previous applications, or other information received by the local agency. The local agency must document the reason for verifying the factor in the case record of an assistance unit ~~or when it establishes written procedures that identify those circumstances in which additional verification may be required~~. A local agency may also verify additional program eligibility and assistance payment factors when it has received department approval to verify those factors on a county-wide basis because of unique circumstances.

Additional factors that may be verified, subject to the conditions of this item, are:

(1) the presence of a child in the home;

(2) death of a parent or spouse;

(3) continued absence of a parent;

(4) ~~residence~~ citizenship;

(5) marital status~~, except as provided under item A, subitem (9)~~; and

(6) income and property that an applicant or recipient has not acknowledged receiving or having.

Subp. 5. [Unchanged.]

9500.2440 FAMILY COMPOSITION AND ASSISTANCE STANDARDS.

Subpart 1. [Unchanged.]

Subp. 2. **Filing unit composition.** When an application for assistance is made for a dependent child, that child and all blood related and adoptive minor siblings of that child, including half-siblings, along with the parents of that child who live together, must be considered a single filing unit. Program eligibility may exist for a part of a filing unit even though one or more members are ineligible.

Subp. 3. and 4. [Unchanged.]

Subp. 5. **Application of standards.** The standards that apply to an assistance unit are set forth in items A to E.

A. to C. [Unchanged.]

D. The special child standard must be used for an assistance unit that contains no adult because a parent or parents are excluded from an assistance unit either because of failure to ~~register or~~ cooperate with WIN under ~~part 9500.2700, subparts 16 and 17~~ parts 9500.2724 and 9500.2726, or because of failure to cooperate with child support enforcement under part 9500.2700, subpart 11~~, and the parent or parents do not have income to meet their need under subpart 6~~. The special child standard must be used whenever the only adult or adults in the household receives supplemental security income or Minnesota supplemental aid or both. When an assistance unit includes more than one eligible child, the special child standard must be determined by substituting the first adult standard for the needs of the last eligible child in an assistance unit and combining that amount with the children standard for the remaining children.

E. [Unchanged.]

Subp. 6. and 7. [Unchanged.]

9500.2500 AFDC ELIGIBILITY TESTS.

Subpart 1. [Unchanged.]

Subp. 2. **When to terminate.** When an assistance unit is prospectively ineligible for AFDC for at least two consecutive months, assistance must end.

When an assistance unit is terminated prospectively for a payment month due to excess income, income received in the two budget months before termination must be reviewed. The local agency shall apply the payment eligibility test and the gross income test to determine whether there is an overpayment for one or both of these months. There is no overpayment any month both tests are met.

When an assistance unit is prospectively ineligible for only one month and is prospectively eligible the following month, assistance

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must not end. The income for the single month in which prospective ineligibility exists must be applied retrospectively as described in part 9500.2520, subpart 3 resulting in suspension for the corresponding payment month.

Subp. 3. [Unchanged.]

Subp. 4. **Gross income test.** A local agency shall apply a gross income test both prospectively and retrospectively for each month of program eligibility. An assistance unit is not eligible when income equals or exceeds 185 percent of the AFDC family allowance for the assistance unit. The income applied against the gross income test must include the income of a parent in the filing unit even when that parent is not included in the assistance unit. It must include the earned and unearned income of an eligible relative who seeks to be included in the assistance unit. It must include the unearned income of a dependent child who seeks to be included in the assistance unit. It must include the gross earned income of a dependent child in the assistance unit who is not a full-time student and whose income is from a source other than the Job Training Partnership Act. It must also include the earned or unearned income of a dependent child who is a member of the filing unit but is excluded from the assistance unit because of failure to register or cooperate with WIN. The income in items A to G must be considered in the gross income test:

A. to F. [Unchanged.]

G. Income as determined under items A to C of a stepparent, a parent of a minor caretaker, and a legal guardian of a minor caretaker who lives in the household and is not in the assistance unit. Subitems (1) to (6) must be deducted from this income:

(1) child or spousal support paid to a person who lives outside of the household;

(2) payments to meet the need of another person who lives outside of the household and who is or could be claimed as a dependent for federal personal income tax liability;

(3) $75 for work ~~expense when employment equals or exceeds 30 hours per week or $74 when employment is less than 30 hours per week~~ expenses;

(4) an amount for the needs of one parent or legal guardian of a minor caretaker or a stepparent at the first adult standard;

(5) an amount for the needs of the second parent or legal guardian of a minor caretaker at the second adult standard; and

(6) an amount for the needs of other persons who live in the household but are not included in the assistance unit and are or could be claimed by a parent of a minor caretaker, legal guardian of a minor caretaker, or stepparent as dependents for determining federal personal income tax liability. This amount must equal the AFDC family allowance for a family group of the same composition as the dependent persons described in this subitem.

Subp. 5. [Unchanged.]

9500.2580 EMPLOYMENT DISREGARDS.

A local agency shall deduct the disregards in items A to D from gross earned income as defined in part 9500.2380:

A. [Unchanged.]

B. A monthly deduction for ~~documented~~ costs for care of a dependent child or an adult dependent who is in the assistance unit. These costs must be documented according to part 9500.2420, subpart 4, item B, subitem 6. This disregard must only be deducted from the gross income of a member of an assistance unit or an ineligible parent, except that sanctioned persons who are not allowed allocations under part 9500.2600, item C must not receive this disregard. The deduction must not exceed ~~$160 per~~ $175 for each dependent age two or older, or $200 for each dependent under the age of two when employment equals or exceeds 30 hours per week~~, or $159 per~~. The deduction must not exceed $174 for each dependent age two or older, or $199 for each dependent under the age of two when employment is less than 30 hours per week. A deduction for dependent care costs is not allowed when the care is provided by a member of an assistance unit, by a parent of a dependent child, or by a spouse of a caretaker of a dependent child.

C. and D. [Unchanged.]

9500.2640 CORRECTION OF OVERPAYMENTS AND UNDERPAYMENTS.

Subpart 1. to 3. [Unchanged.]

Subp. 4. **Recouping overpayments from current recipient.** An overpayment may be repaid voluntarily, in part or in full, even if assistance is reduced under this subpart, until the total amount of the overpayment is repaid. When an assistance unit is currently eligible for assistance, the local agency shall recoup an overpayment by reducing one or more monthly assistance payments until the overpayment is repaid. To determine the amount of repayment to deduct from the monthly assistance payment, the local agency shall estimate the amount of income the assistance unit is expected to receive for the month of the assistance payment~~,~~ and deduct anticipated work expenses according to ~~this~~ subpart~~, and add the value of liquid assets available to the assistance unit at the beginning of that month using the verified information most recently reported by the caretaker~~ 5. Once the ~~total of~~ net income ~~and liquid assets~~ is determined, the local agency shall determine the amount of the repayment for that month. When an overpayment occurs due to client error, the local agency shall reduce the assistance payment to an amount which, when added to the anticipated net income ~~and current~~

~~liquid assets~~, equals 95 percent of the AFDC family allowance. When an overpayment occurs due to agency error, or a combination of client and agency error, the local agency shall reduce the assistance payment to an amount which, when added to the anticipated ~~liquid assets and~~ net income, equals 99 percent of the AFDC family allowance. Once a state computerized client eligibility and information system is implemented in one or more counties, all local agencies shall reduce the assistance payment by three percent of the assistance unit's AFDC family allowance or the amount of the monthly payment, whichever is less, for all overpayments including those due solely to agency error. A local agency shall adjust the amount of recoupment when:

~~A. an assistance unit documents prior to the first day of the payment month that actual liquid assets are less than the estimated liquid assets; or~~

~~B.~~ an assistance unit documents prior to the last day of the month that actual income is less than the estimated income.

Subp. 5. **Determining net income.** A local agency shall determine net income for purposes of recoupment by ~~using~~ deducting:

A. ~~estimates of federal and state income taxes, social security withholding taxes, and mandatory retirement fund deductions~~ the first $75 of earned income and, for self-employed persons, the expenses directly related to and necessary for the production of goods and services; and

B. ~~an estimate for dependent care costs without regard to the $159 and $160 maximums in part 9500.2580, item B;~~ an amount equal to the actual expenditures for the care of each dependent child or incapacitated person living in the same household and receiving aid, except that the amount deducted shall not exceed the maximums in part 9500.2580 for persons not engaged in full-time employment.

~~C. other personal employment expenses equal to ten percent of an assistance unit's gross earned income unless the caretaker chooses to itemize these expenses. When a caretaker chooses to itemize expenses, the caretaker shall provide the local agency with documentation for those expenses. The local agency shall deduct the expenses in subitems (1) to (6) in lieu of the ten percent:~~

~~(1) transportation costs to and from work at the amount allowed by the Internal Revenue Service for personal car mileage;~~

~~(2) costs of work uniforms, union dues, and medical insurance premiums;~~

~~(3) costs of tools and equipment used on the job;~~

~~(4) $1 per work day for the costs of meals eaten during employment;~~

~~(5) public liability insurance required by an employer when an automobile is used in employment and the cost is not reimbursed by the employer; and~~

~~(6) the amount paid by an employee from personal funds for business costs which are not reimbursed by the employer.~~

Subp. 6. to 9. [Unchanged.]

9500.2680 PAYMENT PROVISIONS.

Subpart 1. ~~**Checks**~~ **Payments.** This subpart applies to monthly assistance payments and corrective payments.

A. to C. [Unchanged.]

D. A local agency that makes payments by means other than check must also comply with the time limits in items B and C when issuing payments.

Subp. 2. **Protective, vendor, and two-party payments; when allowed.** Alternatives to paying assistance directly to a recipient may be used only:

A. to D. [Unchanged.]

E. When a caretaker has exhibited a continuing pattern of mismanaging funds under the conditions specified in *Code of Federal Regulations*, title 45, section 234.60(a)(2).

(1) The director of a local agency must approve a proposal for protective, vendor, or two-party payment for money mismanagement. During the time a protective, vendor, or two-party payment is being made, the local agency shall provide services designed to alleviate the causes of the mismanagement in accordance with *Code of Federal Regulations*, title 45, section 234.60(a)(8).

(2) The continuing need for and method of payment must be documented and reviewed every ~~six~~ 12 months. The director of a local agency must approve the continuation of protective, vendor, or two-party payment.

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(3) When it appears that the need for protective, vendor, or two-party payments will continue or is likely to continue beyond two years because the local agency's efforts have not resulted in sufficiently improved use of assistance in behalf of the child, judicial appointment of a legal guardian or other legal representative must be sought by the local agency.

Subp. 3. **Choosing payees for protective, vendor, and two-party payments.** A local agency shall consult with a caretaker regarding the selection of the form of payment, the selection of a protective payee, and the distribution of the assistance payment to meet the various costs incurred by the assistance unit. The local agency shall notify the caretaker of a consultation date. If the caretaker fails to respond to the local agency's request for consultation by the effective date on the notice, the local agency shall choose a protective payee for that payment month and subsequent payment months until the caretaker responds to the agency's request for consultation. The local agency shall notify the caretaker of the right to appeal the determination that a protective, vendor, or two-party payment should be made or continued and to appeal the selection of the payee.

When a local agency is not able to find another protective payee, a local agency staff member may serve as a protective payee. A person who is not to serve as protective payee is: a member of the county board of commissioners; the local agency staff member determining financial eligibility for the family; special investigative or resource staff; the staff member handling accounting fiscal processes related to the recipient; or a landlord, grocer, or other vendor dealing directly with the recipient.

Subp. 4. **Discontinuing protective, vendor, and two-party payments.** A local agency shall discontinue protective, vendor, or two-party payments ~~in the month following compliance with WIN requirements under part 9500.2700, subpart 16;~~ in the month following ~~qualification as a member of an assistance unit when a WIN exemption is established under part 9500.2700, subpart 15~~ compliance with the employment search or employment requirements under part 9500.2728; in the month following cooperation with the child support enforcement unit under part 9500.2700, subpart 10; and in two years or in the month following the local agency's failure to grant six-month approval to a money management plan, whichever occurs first. At least once every ~~six~~ 12 months, a local agency shall review the performance of a protective payee acting under subpart 2, items A, B, and E to determine whether a new payee should be selected. When a recipient complains about the performance of a protective payee, a review must occur within 30 days.

9500.2700 APPLICANT AND RECIPIENT RESPONSIBILITIES.

Subpart 1. to 4. [Unchanged.]

Subp. 5. **Household reports.** Each ~~assistant~~ assistance unit with a member who has earned income or a recent work history, and each ~~assistant~~ assistance unit that has income allocated to it from a financially responsible person living with that unit who has earned income or a recent work history, shall complete a monthly household report form. "Recent work history" means the individual received earned income in any one of the three calendar months preceding the current payment month. Monthly reports must also be completed by each assistance unit in a category that has a greater proportion of the state's total program errors than that category's proportion of the state's total program caseload, as identified through the quality control review process, and when monthly reporting is expected to reduce the error rate for that category. ~~All other assistance units shall complete a quarterly household report form.~~ To be complete, a household report form must be signed and dated by a caretaker no earlier than the last day of the reporting period; all questions required to determine assistance payment eligibility must be answered, and documentation of earned income must be included. A recipient shall submit the household report form in time for the local agency to receive it by the eighth calendar day of the month following the reporting period covered by the form. When the eighth calendar day of the month falls on a weekend or holiday, a recipient must submit the household report form in time for the local agency to receive it by the first working day that follows the eighth calendar day. Delays in submitting the completed household report form may delay an assistance payment in the month following the month in which the form is due. When the household report form is late without good cause, except as qualified in subpart 6, item C, the recipient is subject to the ~~penalties in items A and B~~ following penalty:

~~A.~~ When a completed household report form is received by a local agency after the last day of the month following the month in which the form is due, and when the delayed household report form reports earned income, an assistance unit shall lose the earned income disregards under part 9500.2580 for the payment month corresponding to the last month covered by the household report form.

~~B. When a household report form is received by a local agency on or after the first day of the month following the month in which the form is due, assistance must end. When a person requests further assistance, the local agency shall require the assistance unit to reapply. The assistance unit is eligible for assistance payment on the date of reapplication or the date all other eligibility factors are met, whichever is later.~~

Subp. 6. **Late household report forms.** Items A to C apply to the requirements in subpart 5.

A. [Unchanged.]

B. When a complete household report form is not received by a local agency before the last ten days of the month in which the form is due, the local agency shall send notice of proposed termination of assistance. When a recipient submits an incomplete form on or after the date the notice of proposed termination has been sent, the termination is valid unless the recipient submits a complete form before the end of the month. However, an assistance unit required to submit a household report form is considered to

have continued its application for assistance effective the date the required report is received by the local agency if a complete household report form is received within a calendar month after the month in which assistance was received, except that no assistance shall be paid for the period beginning with the first day of the month in which the report was due and ending with the date the report was received by the local agency.

C. A local agency shall allow good cause exemptions from the ~~penalties~~ penalty under subpart 5~~, items A and B,~~ when the factors in subitems (1) to (5), singly, or in combination, cause a recipient to fail to provide the local agency with a completed household report form before the end of the month in which the form is due.

(1) an employer delays completion of employment verification;

(2) a local agency does not help a recipient complete the household report form when the recipient asks for help;

(3) a recipient does not receive a household report form due to mistake on the part of the department or the local agency or due to a reported change in address;

(4) a recipient is ill, or physically or mentally incapacitated; or

(5) some other circumstance occurs that a recipient could not avoid with reasonable care which prevents the recipient from providing a completed household report form before the end of the month in which the form is due.

Subp. 7. and 8. [Unchanged.]

Subp. 9. **Requirement to provide social security numbers.** To receive assistance, ~~an applicant or recipient~~ each member of the assistance unit shall provide his or her social security number to the local agency. When a social security number ~~and social security card are~~ is not provided to the local agency for verification, this requirement is satisfied when ~~an applicant or recipient~~ each member of the assistance unit cooperates with the procedures for verification of numbers, issuance of duplicate cards, and issuance of new numbers which have been established jointly between the Social Security Administration and the commissioner.

Subp. 10. and 11. [Unchanged.]

Subp. 12. **Good cause exemption from cooperating with support requirements.** Before requiring a caretaker to cooperate, a local agency shall notify an applicant that he or she may claim a good cause exemption from cooperating with the requirements in subpart 10, items B to D, under the conditions specified in Code of Federal Regulations, title 45, sections 232.12 and 232.40 to 232.49 at the time of application or at any subsequent time. When a caretaker submits a good cause claim in writing, action related to child support enforcement must stop. The caretaker shall submit evidence of a good cause claim to the local agency within 20 days of submitting the claim.

A. to G. [Unchanged.]

H. Following a determination that a caretaker has good cause for refusing to cooperate, a local agency ~~shall~~ may take ~~no~~ further action to enforce child support ~~until the good cause exemption ends according to item E~~ if it is determined by the local agency that enforcement can proceed without risk of harm to the child or caretaker relative if the enforcement or collection activities did not involve their participation.

9500.2740 APPLICANT AND RECIPIENT RIGHTS AND LOCAL AGENCY RESPONSIBILITIES TO APPLICANTS AND RECIPIENTS.

Subpart 1. to 6. [Unchanged.]

Subp. 7. **Mailing of notice.** Notices under subparts 5 and 6 must be made according to items A to C:

A. and B. [Unchanged.]

C. A local agency shall mail a notice to a recipient no later than the effective date of the action when:

(1) the local agency receives a recipient's monthly ~~or quarterly~~ household report form which includes facts that require payment reduction, suspension, or termination and which contains the recipient's signed acknowledgment that he or she understands that this information will be used to determine program eligibility or the assistance payment amount;

(2) the local agency verifies the death of a recipient or the payee;

(3) the local agency receives a signed statement from a recipient that assistance is no longer wanted;

(4) the local agency receives a signed statement from a recipient that provides information which requires the termination

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or reduction of assistance, and the recipient shows in that statement that he or she understands the consequences of providing that information;

(5) the local agency verifies that a recipient is hospitalized and does not qualify under part 9500.2140, subpart 5, item C, subitem (1);

(6) the local agency verifies that a recipient has entered a state hospital or a licensed residential facility for medical or psychological treatment or rehabilitation;

(7) the local agency verifies that a member of an assistance unit has been approved to receive assistance by another county or state;

(8) the local agency verifies that a member of an assistance unit has been placed in foster care, except as specified in part 9500.2140, subpart 5, item C, subitem (2); or

(9) the local agency cannot locate a caretaker's whereabouts and mail from the local agency has been returned by the post office showing that the post office has no forwarding address.

Subp. 8. to 12. [Unchanged.]

Subp. 13. **Right to protection.** Under the circumstances defined in this subpart, a local agency shall refer an applicant or recipient to the social services unit of the local agency. Neither a referral for social services nor an applicant's or recipient's cooperation with the referral is a condition of eligibility for continued assistance. Referral must be made according to items A and B.

A. Referral must be made when a minor caretaker does not live with his or her parent ~~or~~, legal guardian, or other adult caretaker or in a group or foster home licensed by the department. The local agency shall inform the minor caretaker that a referral is being made to the social services unit and that use of and cooperation with the social services unit is not a requirement for the receipt of assistance. Minor parents must be informed that all or part of their assistance may be paid in the form of protective or vendor payments if they do not participate and cooperate in the development of a social service plan.

B. [Unchanged.]

9500.2800 AFDC PAYMENTS FOR FUNERALS, HOUSING, AND SPECIAL NEEDS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **State appropriation for special needs.** Payments for special need items, as defined and conditioned in subparts 4 to ~~9~~ 10, must be paid to a recipient subject to the amount appropriated by the Minnesota legislature. Each quarter, the commissioner shall ~~allocate~~ provide a base allocation from this appropriation to a local agency in proportion to the number of assistance units the local agency served ~~by that local agency~~ through the AFDC program in the previous calendar year, compared to the number served in the state.

A. A local agency shall issue these funds to meet special needs of a recipient. Notwithstanding subparts 4 to ~~9~~ 10, a local agency is not required to provide special need payments that are more than the amount allocated to the local agency by the commissioner. A local agency must develop written procedures for meeting priority needs of a recipient and may establish waiting lists. A local agency must inform inquirers of the procedures and assure that the procedures are applied consistently within a quarter. A local agency shall log requests for special need items and shall use this log to develop or modify procedures for future quarterly allocations. Dispositions of each request must be included in the log.

B. At the end of each quarter, a local agency shall report the amount of any remaining funds to the commissioner. The commissioner shall determine whether the quarterly statewide allocation is underspent or overspent and adjust future allocations in the same fiscal year ~~so that the remaining funds are reallocated to local agencies which have provided special needs beyond their individual allocations~~. This reallocation must be ~~made on a pro rata basis in proportion to the amount by which a local agency exceeded its allocation~~ determined subject to the conditions in subitems (1) and (2).

(1) When the statewide allocation is underspent, local agencies that overspent their quarterly allocation will be compensated for their overexpenditures before any remaining funds are reallocated. Remaining funds will be reallocated to all local agencies using the allocation method described in the first paragraph of this subpart.

(2) When the statewide allocation is overspent, any remaining funds from underspent local agencies will be reallocated to local agencies who overspent their quarterly allocation. The reallocation shall be in proportion to the local agency's overexpenditures for that quarter, compared to the total for all local agencies with overexpenditures.

C. In all quarters, except the final quarter of each state fiscal year, special needs funds committed but unspent by local agencies may be reserved to prevent reallocation to over spent counties. Each quarter, committed funds plus expenditures will be limited to the local agency's quarterly allocation.

D. Local agencies which have overspent their allocation at the end of the state fiscal year will be required to reimburse the state for the state share of the overexpenditure.

Subp. 4. to 8. [Unchanged.]

Subp. 8a. **Employment preparation expenses.** A local agency may pay for child care, transportation, tuition, and other incidental expenses related to employment preparation provided funds for the nonfederal share of employment special needs expenses are available. Items A to G specify the restrictions which apply to special needs payments for employment preparation expenses.

A. The expense must be an obligation of the recipient.

B. The local agency must determine if the recipient is eligible for other funding which would cover all or part of the expense. If funding is available through another program, these funds should be used before using employment special needs to pay for the expense. Educational grants and scholarships are considered available resources only when considering an employment special need payment for tuition.

C. The need for the expense must be documented in an employability plan developed by an individual or agency approved by the local agency to develop employability plans.

D. The local agency must provide prepayment approval for the expense.

E. A local agency must not make special needs payments for expenses directly related to on-the-job activities, including work study jobs, of an employed recipient.

F. A local agency must not make special needs payments for expenses resulting from participation in the Community Work Experience Program (CWEP) or the Employment Search Program (ESP).

G. A local agency shall make payment for employment preparation expenses directly to a recipient unless the recipient requests vendor payment. The types of employment preparation expenses that may be covered by employment special needs are listed in subitems (1) to (6):

(1) child care expenses up to the maximum child care rates allowed by the Child Care Fund under *Minnesota Statutes*, section 268.91, subdivision 8;

(2) transportation expenses;

(3) tuition expenses, excluding post-baccalaurate tuition, of a recipient who has applied for educational grants or scholarships and not received assistance sufficient to cover tuition expenses;

(4) payments for incidental expenses related to employment preparation, such as safety equipment needed for participation in an educational or training program;

(5) job search expenses; and

(6) vocational counseling or testing expenses.

Subp. 9. **Verification and preauthorization requirements.** Payments made under subparts 6 to ~~8~~ 8a must be made only when a recipient's need for the item is verified by the local agency. A local agency may require prior authorization as a condition of payment, but when the need for a special need item occurs at a time outside of the local agency's business hours, this requirement is satisfied when a recipient contacts the local agency on the next working day to request authorization.

Subp. 10. **Postpayment verification.** Postpayment verification is required for all payments made under subpart 8a. Failure to provide postpayment verification shall result in an overpayment.

9500.2820 EMERGENCY ASSISTANCE.

Subpart 1. to 14. [Unchanged.]

Subp. 15. **Termination of utility service.** Assistance payments must be made when an otherwise eligible family has had a termination or is threatened with a termination of municipal water and sewer service, electric, gas, or heating fuel service, or lacks wood when that is the heating source, subject to the conditions of items A and B.

A. [Unchanged.]

B. A local agency must not issue assistance for utility costs for an applicant who~~:~~

~~(1) effective October 1, 1986, and thereafter, paid less than four percent of the family's gross income toward utility costs due during the utility budget period or while the application is pending;~~

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~~(2) effective October 1, 1987, and thereafter, paid less than six percent of the family's gross income toward utility costs due during the utility budget period or while the application is pending; and~~

~~(3) effective October 1, 1988, and thereafter,~~ paid less than eight percent of the family's gross income toward utility costs due during the utility budget period or while the application is pending.

C. Items A and B must not be construed to prevent the issuance of assistance when a local agency must take immediate and temporary action necessary to protect the life or health of a child.

Subp. 16. **Amounts of payment.** A local agency shall issue assistance for utility costs in an amount that is dependent upon the percent of the family's gross income paid toward utility costs and the percent of the total utility costs paid before the issuance of assistance. A local agency shall determine those amounts according to items A to E.

A. Payment of the balance owed to a utility provider must be paid in full for an applicant who~~:~~

~~(1) effective October 1, 1986, and thereafter, paid no less than eight percent of the family's gross income toward utility costs due during the utility budget period or while the application is pending;~~

~~(2) effective October 1, 1987, and thereafter, paid no less than 12 percent of the family's gross income toward utility costs due during the utility budget period or while the application is pending; and~~

~~(3),~~ effective October 1, 1988, and thereafter, paid no less than 16 percent of the family's gross income toward utility costs due during the utility budget period or while the application is pending.

B. Payment on the balance owed to a utility provider must be limited to the amounts under item C for an applicant who~~:~~

~~(1) effective October 1, 1986, and thereafter, paid at least four percent and less than eight percent of gross income toward utility costs due during the utility budget period or while the application is pending;~~

~~(2) effective October 1, 1987, and thereafter, paid at least six percent and less than 12 percent of gross income toward utility costs due during the utility budget period or while the application is pending; and~~

~~(3),~~ effective October 1, 1988, and thereafter, paid at least eight percent and less than 16 percent of gross income toward utility costs due during the utility budget period or while the application is pending.

C. to E. [Unchanged.]

Subp. 17. to 19. [Unchanged.]

9500.2880 COUNTY OF RESPONSIBILITY POLICIES AND DISPUTES.

Subpart 1. **Determining the county of financial responsibility.** The county of financial responsibility is the county in which a dependent child lives on the date the application is signed, unless subpart 4 applies. The county in which a woman with no children lives on the date the application is signed under part 9500.2140, subpart 4 is the county of financial responsibility unless subpart 4 applies. When more than one county is financially responsible for the members of an assistance unit, ~~the caretaker's needs must be met by the county of financial responsibility for the most children. When each county is financially responsible for the same number of children, the county of financial responsibility for the oldest child is responsible for the needs of the caretaker.~~ financial responsibility must be assigned to a single county beginning the first day of the calendar month after the assistance unit members are required to be in a single assistance unit. Financial responsibility must be assigned to the county that was initially responsible for the assistance unit member with the earliest date of application. The county in which the assistance unit is currently residing becomes financially responsible for the entire assistance unit beginning two full calendar months after the month in which financial responsibility was consolidated in one county.

Subp. 2. **Change in residence.** When ~~a dependent child~~ an assistance unit moves from one county to another and continues to receive assistance, the new county of residence becomes the county of financial responsibility when that ~~child~~ assistance unit has lived in that county in nonexcluded status for two full calendar months~~, unless subpart 4 applies~~. When a dependent child moves from one county to another to reside with a different caretaker, the caretaker in the former county is eligible to receive assistance for that child only through the last day of the month of the move. The caretaker in the new county becomes eligible to receive assistance for the child the first day of the month following the move or the date of application, whichever is later. Nonexcluded status means the period of residence that is not considered excluded time under *Minnesota Statutes*, section 256G.02, subdivision 6.

A. to C. [Unchanged.]

Subp. 3. [Unchanged.]

Subp. 4. ~~**Out-of-county placement**~~ **Excluded time.** ~~When a plan of treatment for health rehabilitation, foster care, child care or training, or a correctional plan requires that a recipient move from one county to another to meet the goals of the plan, the county in which the assistance unit lives at the time the plan is developed is the county of financial responsibility until the goals of the plan are met or until the plan is ended. When the family or child continues to live in the second county, the former county is the county~~

~~of financial responsibility until two full calendar months have elapsed following the completion or end of the plan. This delay in the transfer of financial responsibility to another county also applies when a woman leaves her county of residence to enter a battered women's shelter or a maternity shelter in another county. When an applicant or recipient had contact with a local agency staff member before moving, the contact must be evaluated to determine whether the move was a placement pursuant to a plan of treatment or whether the local agency had an existing legal obligation to consider and undertake such a placement.~~ When an applicant or recipient resides in an excluded time facility as described in *Minnesota Statutes*, section 256G.02, subdivision 6, the county that is financially responsible for the applicant or recipient is the county in which the applicant or recipient last resided outside such a facility immediately before entering the facility. When an applicant or recipient has not resided in Minnesota for any time other than excluded time as defined in *Minnesota Statutes*, section 256G.02, subdivision 6, the county that is financially responsible for the applicant or recipient is the county in which the applicant or recipient resides on the date the application is signed.

Subp. 5. **Settlement of disputes.** When a local agency receives an application for assistance or a request for transfer under subpart 2 and does not believe it is the county of financial responsibility, items A to E apply.

A. The local agency that has received the application or transfer request shall, simultaneously:

(1) accept the application, determine program eligibility, and when the applicant or recipient is eligible, calculate and issue the assistance payment; and

(2) ~~refer the current case record within 15 days to the county it believes to be the county of financial responsibility~~ send a copy of the application or transfer request, together with the record of any investigation it has made, to the local agency it believes is financially responsible. The copy and record must be sent within 60 days of the date the application or transfer request was received.

B. The local agency ~~that is alleged to be the county of financial responsibility shall determine if it accepts financial responsibility, and, within 15 days of receipt of the current case record provided for under item A, the local agency shall:~~ receiving the copy of the application and the record of the investigation, if any, must accept or reject financial responsibility within 30 days after receiving the copy and record. If the local agency receiving the copy and record fails to respond within the 30-day period, it becomes financially responsible. If the local agency receiving the copy and record rejects financial responsibility, it should provide the department and the initially responsible local agency with a statement of all facts and documents necessary for the department to determine financial responsibility. The statement must identify the specific basis upon which the submitting local agency is denying financial responsibility.

~~(1) notify the referring county that it accepts financial responsibility; or~~

~~(2) notify the referring county that it does not accept financial responsibility and the reasons. The referring county shall then either accept financial responsibility or submit the matter to the commissioner for a settlement.~~

C. ~~The commissioner shall provide both counties with the opportunity to state their positions, review the case facts, and determine from the case facts which county is the county of financial responsibility. The commissioner's determination binds both counties unless it is appealed to district court within 30 days of the date of the determination and the commissioner's decision is reversed by that court.~~ The initially responsible local agency has 15 days to provide the department with its position and any supporting evidence. If the initially responsible local agency does not submit its written position to the department, the department may issue a binding order based on the evidence received.

D. ~~The county that accepts financial responsibility, or is determined by the commissioner to be the county of financial responsibility, shall reimburse the other county for costs the nonresponsible county previously paid. Reimbursement must be for the total costs incurred, rather than the county share, only when the nonresponsible county has not received AFDC federal and state reimbursement.~~ The department shall decide disputes within 60 days of receipt of the initially responsible local agency's submission of its position and supporting evidence or 60 days after the deadline for submission of its position and evidence. The department may make any investigation it considers necessary to decide a dispute.

E. ~~The provisions in this part must not be construed to require, authorize, or permit a local agency to delay either a determination of eligibility or issuance of an assistance payment when that local agency believes that another county may ultimately be financially responsible.~~ The department's decision binds both local agencies unless the decision is appealed to the district court within 30 days after the decision is made and the decision is reversed by the district court. Assistance payments must continue, provided the recipient remains eligible, while the district court appeal is pending.

REPEALER. *Minnesota Rules*, part 9500.2060, subpart 118, is repealed.

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Department of Trade and Economic Development

Proposed Permanent Rules Relating to Tourism Loan Program

Notice of Intent to Adopt Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Trade and Economic Development intends to adopt the above entitled rule without a public hearing following the procedures set forth in *Minnesota Statutes*, § 14.22-14.28.

The rules are authorized by *Minnesota Statutes 1988*, section 116J.035, subd. 2, 116J.980, subd. 1(1), and *Laws of Minnesota 1989*, ch. 335, art. 1, sect. 139.

All persons have 30 days in which to submit comments in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rule may be modified in final adoption if modifications are supported by the data and views submitted to the Department of Trade and Economic Development and do not result in a substantial change in the proposed language.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If twenty-five or more persons submit written requests for a public hearing on the proposed rule within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. The written request must be specific on which part or subpart of the rule a hearing is desired. Identification of the particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are desired. If a public hearing is required, the department will proceed pursuant to the provisions of *Minnesota Statutes*, § 14.131-14.20.

Persons who wish to submit comments or written request for a public hearing, or persons who wish to receive a copy of this notice and/or a copy of the proposed rule, should address their correspondence to:

Wayne Sames
Tourism Loan Program
Minnesota Department of Trade and Economic Development
Community Development Division
900 American Center Building
150 East Kellogg Boulevard
St. Paul, MN 55101-1421

A free copy of the proposed rule and a statement that describes the need for and reasonableness of each provision of the proposed rule is available from the Department of Trade and Economic Development upon request.

The proposed rule will have an impact on small businesses as defined in *Minnesota Statutes*, 14.115. The rule will establish the maximum amount of state financial assistance to be provided to tourism-related businesses, as well as the level of interest on loans and the terms of loans. The proposed rule will also specify the eligibility criteria for borrowers, types of projects and costs and the application procedures required.

Participation in the program is voluntary, so the proposed rule will have an impact only on those small tourism-related business owners who choose to apply for assistance. For those who do apply for assistance, the proposed rule may limit the size of the proposed project due to the limit on the amount of state financial assistance allowed. It may, however, tend to direct available funds to smaller tourism-related businesses rather than to larger businesses. The eligibility and security requirements of the proposed rule will tend to favor small tourism-related business owners with well-planned projects, well-managed operations and sound financial status.

The process of applying for assistance will require time and effort equivalent to applying for a bank loan on the part of interested small tourism-related business owners, but will also result in substantial economic assistance to their businesses.

Upon adoption of the final rule without a public hearing, the proposed rule, this notice, the statement of need and reasonableness, all written comments received, and the final rule as adopted will be delivered to the Attorney General for review as to legality and form, to the extent the form relates to legality. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rule as proposed for adoption, should submit a written request to the above address.

Please be advised that *Minnesota Statutes* chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. *Minnesota Statutes* § 10A.01, subdivision 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 travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative 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, 625 North Robert Street, St. Paul, Minnesota 55101-2520, telephone (612) 296-5148.

David J. Speer, Commissioner
Department of Trade and Economic Development

Rules as Proposed (all new material)

4308.0010 PURPOSE OF TOURISM LOAN PROGRAM.

The purpose of the tourism loan program of the department is to provide loans or to participate in loans to tourism-related businesses in Minnesota for upgrading and improvement of facilities. The program will provide both direct loans and participation loans in cooperation with local financial institutions. The state will share credit risks with the financial institutions and provide for lower interest rates than are otherwise available.

4308.0020 DEFINITIONS.

Subpart 1. **Scope.** The following terms used in parts 4308.0010 to 4308.0110 have the meanings given them.

Subp. 2. **Commissioner.** "Commissioner" means the commissioner of the Department of Trade and Economic Development or persons delegated to act in the commissioner's behalf.

Subp. 3. **Community development application.** "Community development application" means the official consolidated development application form as developed by the department to be used to apply for funding assistance from various community assistance programs administered by the Community Development Division.

Subp. 4. **Community Development Division.** "Community Development Division" means the Community Development Division of the Department of Trade and Economic Development. The Community Development Division has been designated by the commissioner to receive applications, administer the program, review applications, and approve loans.

Subp. 5. **Department.** "Department" means the Department of Trade and Economic Development.

Subp. 6. **Eligible borrower.** "Eligible borrower" means a sole proprietorship, partnership, corporation, or other person engaged in, and determined by the Community Development Division to constitute, a tourism-related business or other entity that is defined by the standard industrial classification codes of 7011 and 7033 in Code of Federal Regulations, title 13, section 121.2. A person to whom a loan has been made under parts 4308.0010 to 4308.0110 must maintain the standard industrial classification code through the term of the loan. A borrower is not eligible to receive another loan under the tourism loan program for three years from approval of the earlier loan to approval of the next loan.

Subp. 7. **Eligible project.** "Eligible project" means a project proposed by an eligible borrower that meets the requirements of parts 4308.0010 to 4308.0110.

Subp. 8. **Financial institution.** "Financial institution" means a bank, trust company, mortgage company, credit union, mortgage banker, national banking association, savings bank, savings association, savings and loan association, building and loan association, insurance company, financial organization dealing in commercial credit or venture capital, or a lender certified by the secretary of Housing and Urban Development or by the secretary of Veterans Affairs, or approved or certified by the administrator of the Farmers Home Administration or any other financial lending institution, whether organized under federal law or the laws of any state of the United States, and whether located within or without this state.

Subp. 9. **Local unit of government.** "Local unit of government" means a county, city, township, or Indian tribe or band recognized by the federal government.

Subp. 10. **Real property.** "Real property" means property consisting of land and all appurtenances, such as buildings and other immovable articles, including improvements made to or upon land and buildings.

Subp. 11. **Participation loan.** "Participation loan" means a loan made under a contract with a financial institution in which the department purchases a share of a financial institution's loan to an eligible borrower.

Subp. 12. **Tourism revolving loan program or program.** "Tourism revolving loan program" or "program" means the tourism loan program created in *Minnesota Statutes*, section 116J.617.

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4308.0030 ELIGIBILITY OF PROJECT FOR TOURISM LOANS.

A direct loan or a participation loan must be to an eligible borrower for an eligible cost in an eligible project. The maximum state contribution for either kind of loan may not be for more than 50 percent of the total cost of the project loan, with a maximum state loan of $50,000 for any one project.

Proposed eligible projects of $10,000 or greater require a participation loan. Proposed eligible projects of under $10,000 may receive a direct loan. The Community Development Division may require a participation loan in lieu of a direct loan if it determines that such action would further the purposes of the tourism revolving loan program.

4308.0040 ELIGIBLE COSTS FOR TOURISM LOANS.

Subpart 1. **Eligible costs.** Eligible costs for the program include costs not prohibited by subpart 2 for:

A. building construction and improvement;

B. site preparation;

C. equipment;

D. other construction costs, such as construction of facilities other than buildings, or costs that may be capitalized as part of overall construction costs; and

E. fees that may be required by the department for administration of the loan.

Subp. 2. **Ineligible costs.** Project-related costs incurred more than 30 days before submission of a completed application as required by the community development application process are ineligible costs.

Subp. 3. **Determination of eligible or ineligible costs.** The Community Development Division shall make the determination of which proposed project costs are eligible or ineligible.

4308.0050 INTEREST RATE FOR TOURISM LOANS.

The interest rate on a direct loan or on the department's portion of a participation loan shall be determined at the time of closing by the department and shall be set at, or up to, three percentage points below a full faith and credit obligation of the United States government of comparable maturity, calculated at the time of initial implementation of the program, rounded to the nearest one-half percent, and revised as needed on a semiannual basis. The interest rate on a participation loan to the borrower shall be a blended rate of the bank's rate and the state's rate in proportion to the respective rate of participation.

4308.0060 TERM OF LOAN FOR TOURISM LOANS.

The maximum term of a direct loan or participation loan must not exceed the useful life of the real property, or 80 percent of the useful life of the equipment or machinery, or the following limits, whichever is less:

A. ten years for land, buildings, or other real property;

B. five years for equipment or machinery; or

C. a weighted average of the limits under items A and B for loans for a combination of real property and equipment or machinery.

4308.0070 SECURITY REQUIREMENTS FOR TOURISM LOANS.

All loans must be secured by collateral. The financial institution or the department shall take a security interest in any collateral acceptable to the financial institution. The personal guarantee of principal owners must also be given to the financial institution or department before the loan is approved. For purposes of this part, principal owners are those having 20 percent or more ownership of tourism project.

4308.0080 APPLICATION PROCESS FOR TOURISM LOANS.

Subpart 1. **General procedures.** Applications for loans under the program must be made by the borrower and, if applicable, in coordination with a financial institution. Written evidence of support for the proposed project by the local unit of government within which it would be located must accompany the application. Applications may be submitted year round to the Community Development Division using the Community Development Division's community development application.

Subp. 2. **First part of application.** The first part of the community development application must include:

A. a description of the borrower, including the borrower's standard industrial classification code;

B. a narrative summarizing the need for the proposed tourism-related project; and

C. a project summary outlining the construction, site preparation, equipment, or other activities or items to be completed or acquired and the scope of the project.

Subp. 3. **Second part of application.** The second part of the community development application must include:

A. an activities description and budget detailing the specific estimated costs associated with each proposed activity or acquisition;

B. a description of the proposed collateral;

C. supporting materials that are designed to verify or support information presented in subparts 1 and 2 and in items A and B including, if applicable, a copy of the financial institution's file regarding the borrower's loan application and a letter containing the financial institution's assessment of the risks associated with the loan, and the creditworthiness of the borrower;

D. a statement by the borrower, in the form provided in *Minnesota Statutes*, section 13.05, subdivision 4, paragraph (d), or a form similar to it if the borrower is a corporation, consenting to the dissemination of private or nonpublic data applicable to the loan; and

E. copies of building permits, conditional use permits, resolutions, correspondence, and other documentation that the proposed project has been reviewed and approved by the appropriate local government officials.

Subp. 4. **Additional information.** The Community Development Division may require additional information from the applicant if it is necessary to clarify and evaluate the application.

4308.0090 PROCEDURE FOR TOURISM LOAN EVALUATION AND APPROVAL.

Subpart 1. **Evaluation of eligibility.** Upon receipt of the first part of the community development application, the Community Development Division shall make a determination whether the borrower, project, and costs are eligible for consideration. If it is determined that the borrower, project, or costs are ineligible, the Community Development Division shall notify the borrower and, if applicable, the financial institution and suggest any modifications that would make the application eligible for consideration. If it is determined that the borrower, project, and costs are eligible, the Community Development Division shall notify the borrower and, if applicable, the financial institution and advise the borrower and, if applicable, the financial institution of the additional information required to complete the second part of the community development application.

Subp. 2. **Evaluation of the completed application.** Upon receipt of the completed community development application, the Community Development Division shall evaluate the application based on the following criteria:

A. the ability of the borrower to reasonably repay the loan;

B. the extent to which the proposed project would contribute to upgrading, expanding, and improving Minnesota's tourism industry;

C. the degree to which the proposed project would contribute to the economic viability of the tourism-related facility operated by the borrower;

D. the degree to which the proposed project would contribute to protection or enhancement of the local tax base;

E. demonstration of an overall positive economic impact on the surrounding community; and

F. the degree to which the proposed project would help retain lakeshore and other outdoor recreation and tourism amenities for general use.

Subp. 3. **Approval.** The Community Development Division may reject or disapprove an application for a direct loan or a participation loan that does not provide sufficient documentation or otherwise comply with part 4308.0010 to 4308.0110. If the Community Development Division approves an application for a direct loan or participation loan, it shall address a commitment letter to the financial institution and the borrower. It shall also notify the financial institution and the borrower of the amount of the loan and the amount of interest charged on the department's portion of the loan.

Subp. 4. **Documentation required.** The state shall require an executed promissory note, an executed participation agreement, recorded mortgage, security agreements, personal guarantees, and other documentation needed to close the loan. The Community Development Division shall prepare a loan agreement to be signed by the financial institution, the borrower, and the state. The financial institution shall also certify in the participation agreement that the interest rate approved by the Community Development Division will be passed on to the borrower.

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.

4308.0100 LOAN SERVICING.

Subpart 1. **Collection responsibilities.** In cases where a participation loan is approved, the financial institution shall collect payments according to the payment schedule outlined in the promissory note. The financial institution must remit to the department its pro rata share of a payment within 15 days of receipt. The financial institution may retain interest collected as payment for duties performed by it under the contract in the amount of one percent per annum of the department's share of the loan.

Subp. 2. **Loan default.** The financial institution shall notify the Community Development Division within 30 days after a determination by the financial institution of a default. The financial institution must pursue all reasonable means to collect the defaulted loan from the borrower and must apply and exhaust the loan security as necessary to effect payment of the loan. The financial institution must remit to the department its pro rata share of any amounts collected after subtracting costs to collect upon the defaulted loan. In lieu of foreclosure, either before or after declaring a default, the financial institution and the Community Development Division may agree to refinance or renegotiate the loan when doing so will enhance the possibility of recovery of the debt.

4308.0110 AMORTIZATION SCHEDULES.

Loan payments shall be made according to an amortization schedule established by the Community Development Division for direct loans, or by the financial institution for department participation loans. In the case of participation loans, the Community Development Division shall review and approve the proposed amortization schedule.

The financial institution shall allow loan payments to be made on other than a monthly basis to meet the amortization schedule established by the financial institution. A nonmonthly payment schedule shall allow for seasonal payments, where income is generated or primarily generated, because of seasonal business.

Department of Transportation

Proposed Permanent Rules Relating to State Highway Market Artery System

Notice of Intent to Adopt a Rule Without a Public Hearing and Notice of Intent to Adopt a Rule With a Public Hearing if Twenty-Five or More Persons Request a Hearing

NOTICE IS HEREBY GIVEN that the State Department of Transportation intends to adopt the above entitled rule without a public hearing following the procedures for adopting rules without a public hearing set forth in *Minnesota Statutes*, Sections 14.22 to 14.28. The specific statutory authority to adopt the rule is *Minnesota Statutes*, Section 169.832, Subdivision 13, and *Laws 1986,* Chapter 398, Article 13, Section 10.

All persons have 30 days in which to submit comments in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30 day comment period. If 25 or more persons submit written request for a public hearing within the 30 day comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing should state his or her name and address and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change propoposed.

If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, Section 14.131 to 14.20. PLEASE NOTE THAT IF 25 OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITHIN 30 DAY COMMENT PERIOD, A HEARING WILL BE HELD ON TUESDAY, OCTOBER 10, 1989, THROUGH WEDNESDAY OCTOBER 11, 1989, IN THE COUNCIL CHAMBERS, CITY HALL, 400 SECOND STREET, SOUTH, ST. CLOUD, MINNESOTA. THE HEARING WILL COMMENCE AT 9:30 A.M. ON OCTOBER 10, 1989 AND CONTINUE ON TO OCTOBER 11, 1989, IF ADDITIONAL TIME IS NECESSARY TO PROVIDE INTERESTED OR AFFECTED PERSONS WITH AN OPPORTUNITY TO PARTICIPATE. THE HEARING WILL BE CANCELLED IF SUFFICIENT NUMBER WITHDRAW THEIR REQUEST, IN ACCORDANCE WITH THE NOTICE OF PUBLIC HEARINGS ON THESE SAME RULES, PUBLISHED IN THIS ISSUE OF THE *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION. TO VERIFY WHETHER OR NOT A HEARING WILL BE HELD, **YOU MUST CALL** THE DEPARTMENT OF TRANSPORTATION BETWEEN OCTOBER 5, 1989 AND OCTOBER 9, 1989, AT 612-296-8477 OR 612-296-1635.

Comments or written requests for a public hearing must be submitted to:

Jonette Kreideweis
Minnesota Department of Transportation
Room 807, Transportation Building
St. Paul, Minnesota 55155
(612) 296-8477

Comments or requests for a public hearing must be received by the Department by 4:30 p.m. on October 4, 1989.

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this notice. A free copy of the rule is available upon request from Jonette Kreideweis at the address noted above.

The terms will be used to assist in determining which state trunk highways will serve as market artery routes. State trunk highways designated as market arteries will represent priority routes for the elimination of seasonal truck axle-weight load restrictions.

Data from the most recent population and economic censuses published by the United States Department of Commerce, Bureau of the Census, were utilized to determine which cities met the criteria for defining "significant centers of population and commerce".

In addition to defining "significant centers of population and commerce", the proposed rule will permit the department to designate "temporary emergency service" routes to particular shipping or receiving points on market artery routes. Under the proposed rule, "temporary emergency service" could be provided for a limited and specified period of time on trunk highways with seasonal weight restrictions or on alternate routes when service on a trunk highway market artery has been disrupted.

The department will allow trunk highways designated for "temporary emergency service" to be used by heavier trucks to move specific commodites to particular shipping and receiving points on market arteries during unanticipated emergencies which threaten the loss of life or significant property damage.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Jonette Kreideweis upon request.

The adoption of the rule will not require the expenditure of money by local public bodies within the meaning of *Minnesota Statutes*, Section 14.11. The proposed rule will not have an effect on agricultural land. The rule will not impose "costs mandated by the state," or require a local agency or school district to take action that incurs costs mandated by the state within the meaning of *Minnesota Statutes*, Section 3.982. The rule imposes no fees.

The proposed rule may have an impact on the transportation activities of small businesses located in the cities or rural areas that do not meet the criteria included in the rule for defining "significant centers of population and commerce".

This rule specifies the criteria for defining which cities in Minnesota will be identified as "significant centers of population and commerce" for the purpose of *Minnesota Statutes*, Section 169.832, Subdivision 13. The rule is designed to identify Minnesota cities which are major regional centers and businesses which are large trunk traffic generators.

Businesses located on trunk highway market arteries that connect cities defined as "significant centers of population and commerce" may achieve some shipping advantage over businesses which are located on routes which have not been identified as market arteries. This situation may result because of the priority that will be given to eliminating seasonal weight restrictions on market artery routes.

The department has considered the impact of the rule on small businesses in compliance with *Minnesota Statutes*, Section 14.115, Subdivision 2.

The proposed rule does not establish compliance or reporting requirements or performance standards. It imposes no requirements on any business large or small.

The rule offers cities alternative ways to show that they are "significant centers of population and commerce". These provisions will minimize impacts of the rule on small businesses located in cities that might otherwise be unable to show that they are "significant centers of population and commerce" due to:

- a lack of available published population or commerce data due to data privacy or census reporting provisions; or
- population or commerce changes that have occurred during the time period between traditional census reporting periods.

Small businesses needs have also been considered in defining "temporary emergency service". For example, the Minnesota Department of Transportation will respond to requests for the designation of a temporary emergency service market artery route within twenty-four hours of receiving the request. The department's rapid response to such requests is intended to minimize delays and costs for shippers that find themselves faced with an immediate and urgent need to move commodities at weights up to the 80,000 pound maximum allowable vehicle load during unanticipated emergency situations.

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.

Many opportunities have been provided for small business to participate in this rulemaking process. The Notice of Intent to Solicit Outside Opinion made special reference to the potential impact of the rule on small business. In addition, throughout the public involvement activities surrounding this rulemaking, special efforts have been undertaken to encourage small business involvement in public meetings and in the review and comment of draft criteria for defining "significant centers of population and commerce" and "temporary emergency services".

The following actions were taken by the department to encourage business participation in the rulemaking:

a) Twelve public information meetings were held at various locations throughout the state to explain the rulemaking and solicit comments on alternative draft definitions for the rule.

b) Public notices stating the dates, time and locations of the public information meetings and the potential effects of the rule on small businesses were prepared.

Copies of the notice were:

- published in the *State Register* on September 7, 1987
- forwarded to all weekly and daily newspapers in the state
- mailed to several hundred businesses, shippers, trucking companies and private citizens identified by the regional development commissions and the department's nine district offices
- forwarded to the major agricultural and business associations in Minnesota

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent that the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit a written request to Jonette Kreideweis at the address indicated above.

Dated: 7 August 1989

Leonard W. Levine
Commissioner

Notice of Hearing and Notice of Intent to Cancel Hearing If Fewer Than Twenty-Five Persons Request a Hearing in Response to Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that a public hearing on the above entitled matter will be held in the Council Chambers, City Hall, 400 Second Street, South, St. Cloud, Minnesota, 56301 on October 10, 1989. The hearing will commence at 9:30 a.m. on October 10, 1989 and continued on to October 11, 1989 at this location, if additional time is necessary to provide interested or affected persons with an opportunity to participate. Notice of the hearing will be given to all persons who have registered with the Minnesota Department of Transportation in order to receive rulemaking notices. The Department of Transportation intends to give discretionary additional public notice of the proposed adoption of the rule to the active Regional Development Commissions in Minnesota by mailing a copy of the proposed rule and the Notice of Hearing/Notice of Intent to Adopt a Rule Without a Hearing to these persons. The proposed rule may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rule, you are urged to participate in the rule hearing process.

PLEASE NOTE, HOWEVER, THAT THE HEARING WILL BE CANCELED IF FEWER THAN 25 PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE OF INTENT TO ADOPT THIS SAME RULE WITHOUT A PUBLIC HEARING, PUBLISHED IN THIS *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE DEPARTMENT OF TRANSPORTATION.

TO VERIFY WHETHER OR NOT A HEARING WILL BE HELD, **YOU MUST CALL** the Minnesota Department of Transportation between October 5, 1989 and October 9, 1989 at 612-296-8477 or 612-296-1635.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to Phyllis Reha, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55425; telephone 612-341-7611, either before the hearing or within five working days after the public hearing ends. The Administrative Law Judge may at the hearing, order the record be kept open for a longer period not to exceed 20 calendar days. The comments received during the comment period shall be available for review at the Office of Administrative Hearings. Following the close of the comment period the agency and all interested persons have three business days to respond in writing to any new information submitted during the comment period. During the three-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. No additional evidence may be submitted during the three-day period. The written responses shall be added to the rulemaking record.

Upon the close of the record the Administrative Law Judge will write a report as provided in *Minnesota Statutes*, sections 14.15 and 14.50. The rule hearing is governed by *Minnesota Statutes*, sections 14.14 to 14.20 and by *Minnesota Rules*, parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the Administrative Law Judge.

The adoption of the rule is authorized by *Minnesota Statutes*, Section 169.832, Subdivision 13.

The purpose of this proposed rule is to identify criteria for defining "significant centers of population and commerce" and "temporary emergency service". These terms will be used to assist in determining which state trunk highways will serve as market artery routes. State trunk highways designated as market arteries will represent priority routes for the elimination of seasonal truck axle-weight restrictions.

A copy of the proposed rule is included with this notice. One free copy of the rule may also be obtained from Jonette Kreideweis, 807 Transportation Building, St. Paul, MN., 55155, (612) 296-8477.

The Department has considered the impact of this rule on small business in compliance with *Minnesota Statutes*, Section 14.115, Subdivision 2. The proposed rule does not establish compliance or reporting requirements or performance standards. It imposes no requirements for any business large or small. However, businesses located on trunk highway market arteries that connect cities defined as "significant centers of population and commerce" may achieve some shipping advantage over businesses which are located on routes which have not been identified as market arteries. This situation may result because of the priority that will be given to eliminating weight restrictions on market artery routes.

Many opportunities have been provided for small businesses to participate in this rulemaking process. The Notice of Intent to Solicit Outside Opinion made special reference to the potential impact of the rules on small business. In addition, throughout the public involvement activities surrounding this rulemaking, special efforts have been undertaken to encourage small business involvement in public meetings and in the review and comment on draft criteria for defining "significant centers of population and commerce" and "temporary emergency service."

Each of the above mentioned provisions of the proposed rule and the steps taken to encourage participation by small businesses are discussed in greater detail in the Notice of Intent to Adopt Rules Without a Public Hearing that is published with this Notice in this *State Register*, and in the Statement of Need and Reasonableness.

The adoption of this rule will not require the expenditure of money by local public bodies within the meaning of *Minnesota Statutes*, Section 14.11. The proposed rule will not have an effect on agricultural land. The rule will not impose "costs mandated by the state," or require a local agency or school district to take action that incurs costs mandated by the state within the meaning of *Minnesota Statutes*, Section 3.982. The rule imposes no fees.

NOTICE: Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the agency may not take any final action on the rule for a period of five working days. If you desire to be notified, you may indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rule was adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified, you may indicate at the hearing or send a request in writing to the agency at any time prior to the filing of the rule with the Secretary of State.

NOTICE IS HEREBY GIVEN that a Statement of Need and Reasonableness is now available for review at the agency and at the Office of Administrative Hearings. The Statement of Need and Reasonableness includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule. Copies of the Statement of Need and Reasonableness may be reviewed at the agency or the Office of Administrative Hearings. Copies may be obtained from the Office of Administrative Hearings for the cost of reproduction.

Minnesota Statutes, Chapter 10A, requires each lobbyist to register with the State Ethical Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes*, Section 10A.01, Subdivision 11, 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 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 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.

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.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert St., St. Paul, Minnesota 55105-2520, telephoine 612-296-5148.

Dated: 7 August 1989

Leonard W. Levine
Commissioner
Minnesota Department of Transportation

Rules as Proposed (all new material)

8815.0100 DEFINITIONS

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Transportation.

Subp. 3. **Emergency.** "Emergency" includes flood, tornado, fire, or other disaster that threatens loss of life or destruction or damage to property or crops of such magnitude as to seriously endanger the public health, safety, and welfare.

Subp. 4. **Manufacturing employees.** "Manufacturing employees" refers to the number of full-time, nonseasonal employees established by:

A. the most recent Census of Manufactures, Geographic Area Series, Minnesota, prepared by the United States Department of Commerce, Bureau of the Census, referred to in this chapter as the Census of Manufactures, which is incorporated by reference. The publication is subject to change every five years, upon completion of a new census, and is available at most public libraries and through the Minitex interlibrary loan system at Minnesota public libraries; or

B. information submitted to the commissioner that demonstrates that a city has a business or combination of businesses within its jurisdiction engaged in manufacturing, as described in the Census of Manufactures, that employs over 450 full-time, nonseasonal employees.

Subp. 5. **Population.** "Population" refers to the population established by:

A. the most recent Census of Population, Characteristics of the Population, Minnesota, prepared by the United States Department of Commerce, Bureau of the Census, referred to in this chapter as the Census of Population, which is incorporated by reference. The publication is subject to change every ten years, upon completion of a new Census of Population, and is available at most libraries and through the Minitex interlibrary loan system at Minnesota public libraries; or

B. a special census conducted under contract with the United States Bureau of the Census.

Subp. 6. **Retail sales.** "Retail sales" has the meaning given it by the most recent Census of Retail Sales, Geographic Area Series, Minnesota, prepared by the United States Department of Commerce, Bureau of the Census, referred to in this chapter as the Census of Retail Trade, which is incorporated by reference, as measured in dollar value. The publication is subject to change every five years, upon completion of a new Census of Retail Trade, and is available in most libraries and through the Minitex interlibrary loan system at Minnesota public libraries.

Subp. 7. **Seasonal weight restrictions.** "Seasonal weight restrictions" means vehicle weight prohibitions or restrictions determined and imposed by the commissioner under *Minnesota Statutes,* section 169.87.

Subp. 8. **Temporary.** "Temporary" means a specified time period determined by the commissioner for the duration of an emergency or in the initial stages of recovery from the emergency.

Subp. 9. **Wholesale sales.** "Wholesale sales" has the meaning given it by the most recent Census of Wholesale Trade, Geographic Area Series, Minnesota, prepared by the United States Department of Commerce, Bureau of the Census, referred to in this chapter as the Census of Wholesale Trade, which is incorporated by reference, as measured in dollar value. The publication is subject to change every five years, upon completion of a new Census of Wholesale Trade, and is available in most libraries and through the Minitex interlibrary loan system at Minnesota public libraries.

8815.0200 TEMPORARY EMERGENCY SERVICE; WHEN ALLOWED.

"Temporary emergency service" means service that is provided on a trunk highway route on which seasonal weight restrictions are in effect; or provided on a highway route designated by the commissioner under *Minnesota Statutes,* section 161.25, when service on an identified market artery route is interrupted by an emergency. Temporary emergency service may be provided only under all of the following limitations:

A. to respond to sudden unanticipated circumstances that create an urgent and immediate need to move loads that exceed the posted seasonal weight restrictions, but do not exceed the maximum gross vehicle weight permitted in *Minnesota Statutes,* section 169.825;

B. to provide service to a particular shipping or receiving point on a market artery during an emergency or during the initial stages of recovery;

C. to preserve public health or welfare or to avert or alleviate the effect of natural disasters;

D. to provide service only to move specific products or commodities needed to avert or alleviate the emergency; and

E. to provide service only when to do so does not create an undue hazard to traffic safety.

8815.0300 SIGNIFICANT CENTERS OF POPULATION AND COMMERCE.

"Significant centers of population and commerce" means:

A. cities inside Minnesota that have any one of the following:

(1) population of 5,000 or more persons;

(2) $50,000,000 or more in retail sales;

(3) 450 or more manufacturing employees; or

(4) $50,000,000 or more in wholesale sales; or

B. cities in surrounding states or Canadian provinces that have a population of 50,000 or more persons.

Minnesota Racing Commission

Proposed Permanent Rules Relating to Televised Racing Days

Notice of Proposed Adoption of a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Racing Commission proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes*, section 240.23 (1986).

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Richard Krueger
Minnesota Racing Commission
11000 West 78th Street, Suite 201
Eden Prairie, MN 55344
Telephone: (612) 341-7555

The proposed rule may be modified if the modifications are supported by data and views and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this notice.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from the Minnesota Racing Commission upon request.

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.

Promulgation of the proposed rule will not result in the expenditure of public monies by local public bodies, fix of adjust any fees, or have an impact on agricultural land. The affect, if any, that the proposed rule may have on small businesses is discussed in the Statement of Need and Reasonableness.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to the Minnesota Racing Commission at the address listed above.

Dated: 18 August 1989

Richard Krueger, Acting Director
Minnesota Racing Commission

Rules as Proposed

7869.0100 DEFINITIONS.

Subpart 1. to 30. [Unchanged.]

Subp. 30a. **Guest racetrack.** "Guest racetrack" means a class B licensed racetrack within the state which receives broadcasts of races by television from a licensed racetrack outside of this state.

Subp. 31. and 32. [Unchanged.]

Subp. 32a. **Host racetrack.** "Host racetrack" means a licensed racetrack located outside of this state which broadcasts its races by television to a licensed racetrack within this state.

Subp. 33. [Unchanged.]

Subp. 33a. **Live racing day.** "Live racing day" means a racing day assigned by the commission on which pari-mutuel betting is conducted on horse races run at a licensed racetrack including approved simulcasts.

Subp. 34. to 47. [Unchanged.]

Subp. 47a. **Presiding official.** "Presiding official" means an official of the commission appointed by the director of pari-mutuel racing, presiding over races conducted on approved televised racing days.

Subp. 48. to 51. [Unchanged.]

Subp. 51a. **Racing day.** "Racing day" means a day assigned by the commission on which racing is conducted. Racing day includes a televised racing day.

Subp. 52. to 65. [Unchanged.]

Subp. 65a. **Televised racing day.** "Televised racing day" means a racing day assigned by the commission on which pari-mutuel betting is conducted on separate pool and/or commingled pool wagering and only on horse races run at racetracks outside of the state which are broadcast by television at a licensed racetrack.

Subp. 66. to 69. [Unchanged.]

7870.0420 PAYMENT OF CLASS A AND B LICENSE FEES.

A Class A or B license does not become effective until the commission receives a certified check or bank draft to the order of the state of Minnesota in the amount of the license fee as follows and is void if the license fee is not received within ten days, as computed pursuant to *Minnesota Statutes*, section 645.15, after issuance:

A. a nonrefundable fee of $10,000 for a Class A license;

B. a fee for a Class B license equal to $100 ~~times the optimum number of~~ for each live racing ~~days~~ day and $50 for each televised racing day sought in the license application. The commission must refund promptly to the licensee any amount by which the fee paid exceeds ~~$100 times~~ the number of actual days of racing sponsored and managed by the licensee.

CHAPTER 7871
MINNESOTA RACING COMMISSION
PARI-MUTUEL RULES ON TELEVISED RACING DAYS

7871.0010 APPLICATION FOR PARI-MUTUEL POOLS.

Subpart 1. **Submission of pari-mutuel requests.** A class B licensee may apply for approval of pari-mutuel pools including rules governing calculation of payoffs, disposition of unclaimed tickets, pools offered based on the number of entries, prevention and failure to start, and scratches in effect at the host racetrack by submitting an original and 15 copies of the following:

A. a signed request for approval of pari-mutuel pools;

B. a copy of the administrative rules for pari-mutuel pools in the states in which the host racetracks are located;

C. a detailed statement of how the request meets each of the criteria in part 7871.0020, subpart 2; and

D. any other documentation the commission considers necessary to ensure a complete understanding of the request.

Subp. 2. **Disposition of requests.** The commission must act on a request for approval of pari-mutuel pools under the following procedures:

A. Upon receipt of an application, the commission shall send written notice of the application to all persons registered with the commission for the purpose of notification of approval of pari-mutuel pool on televised racing days and all other Class B licensees. The notice must include a brief description of the request, a statement that all persons wishing to comment may do so in writing within 20 days after issuance of the notice, the time and place of any public hearing on the application, and the earliest and latest date on which the commission may act.

B. If, after an application is filed, the commission determines that additional information from the applicant is necessary to fully consider the request, the commission shall direct the applicant to submit the additional data.

C. If the commission further determines it is necessary to fully understand an application, the commission shall request the applicant or a person submitting comments to appear before the commission. The commission shall request the appearance in writing at least five days in advance.

D. If an applicant fails to comply with subpart 1 and this subpart, the commission shall deny the request.

E. The commission shall approve, deny, or give its qualified approval to an application for pari-mutuel pools not sooner than 30 nor later than 45 days after filing of the application.

F. Within 30 days after action on an application, the commission shall submit in writing to the applicant and persons who submitted written comments the reasons for its action.

Subp. 3. **Motion of commission.** The commission on its own motion may designate pari-mutuel pools as provided in *Minnesota* Statutes, section 240.13, subdivision 3, except that the commission shall perform the duties imposed on an applicant by subpart 1.

Subp. 4. **Submission of contracts.** A copy of the fully executed contracts between the licensee and the host racetracks must be submitted prior to the commencement of televised racing days from the respective host racetracks.

7871.0020 APPROVAL OF PARI-MUTUEL POOLS ON TELEVISED RACING DAYS.

Subpart 1. **Request.** Upon written request of a Class B licensee, or on its own motion, the commission may approve pari-mutuel pools for televised racing days, including types of betting, number and placement of multiple pools in racing programs offered at the host racetracks, and other issues related to pari-mutuel pools which promote the purposes of *Minnesota Statutes*, chapter 240, and the rules of the commission.

Subp. 2. **Basis for approving pari-mutuel pools.** When considering a request for approval of pari-mutuel pools for televised racing days, the commission must consider the success and integrity of racing; the public health, safety, and welfare; public interest, necessity, and convenience; as well as the following factors:

A. the types of betting and number and placement of multiple pools in the racing program at the host racetracks;

B. the integrity of the licensee and the host racetrack;

C. the financial strength of the licensee and the host racetrack;

D. the ability of the licensee and the host racetrack to operate a racetrack and conduct horse racing, including licensee's facilities, systems, policymakers, managers, and personnel;

E. past compliance of the licensee and the host racetrack with all laws, rules, and orders regarding pari-mutuel horse racing;

F. the licensee's market, including area, population, and demographics;

G. the performance of the licensee and host racetrack with previously approved pari-mutuel pools;

H. the impact approving the pari-mutuel pool will have on the economic viability of the racetrack, including attendance and pari-mutuel handle;

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.

I. the quantity and quality of economic activity and employment generated;

J. state tax revenues from racing and related economic activity;

K. the entertainment and recreation opportunities for Minnesota citizens;

L. the variety of racing;

M. the quality of racing;

N. the availability and quality of horses;

O. the development of horse racing;

P. the quality of racetrack facilities;

Q. security;

R. purses;

S. benefits to Minnesota breeders and horse owners;

T. competition among racetracks and with other providers of entertainment and recreation as well as its effects;

U. the social effects;

V. community and government support;

W. sentiment of horsepersons; and

X. any other factors related to pari-mutuel pools which the commission considers crucial to its decision-making as long as the same factors are considered with regard to all requests.

Subp. 3. **Director of pari-mutuel racing.** The director of pari-mutuel racing may approve variations and changes in pari-mutuel pools and placement of pools in the racing program if requested by the licensee and if all changes meet the criteria contained in subpart 2.

7871.0030 PARI-MUTUEL BETTING.

Subpart 1. **Minimum return.** On a televised racing day approved by the commission, the minimum return on each winning wager shall be that amount which is in effect at the host track. The share of liability for insufficient money in the net pool may be as agreed to by the licensee and the host racetrack.

Subp. 2. **Commingling of funds.** With the prior approval of the commission, the licensee may commingle the amounts bet at the licensed racetrack on a televised racing day with the pari-mutuel pools at the host racetrack. If the pari-mutuel pools are commingled, the wagering at the licensed racetrack must be on tabulating equipment capable of issuing pari-mutuel tickets and be electronically linked with the equipment at the host racetrack.

7871.0040 "OFFICIAL" SIGN.

Any ruling of the stewards at the host racetrack with regard to the award of purse money made after the "official" sign has been posted shall have no bearing on the mutuel payoff.

7871.0050 LOST TICKETS.

No claims for lost pari-mutuel tickets shall be considered.

7871.0060 ALTERED OR MUTILATED TICKETS.

A mutilated or altered pari-mutuel ticket that is not easily identifiable as being a valid ticket shall not be accepted for payment.

7871.0070 INFORMATION WINDOW.

Each association shall provide at least one information or complaint window where complaints may be made by members of the public. A current set of all Minnesota commission rules and all administrative rules of the state in which the host racetrack is located regarding pari-mutuel wagering shall be available for public inspection during racing hours at every such window.

7871.0080 TIP SHEETS.

Subpart 1. **Number of tip sheets.** Should the licensee elect to allow the availability of tip sheets, not less than two independently handicapped tip sheets shall be available at a racetrack. Each handicapper must sign and deliver the sheet at least one hour before post time for the first race to the presiding official at the licensee's racetrack.

Subp. 2. **Previous day's sheet to be posted.** The previous race day's tip sheets and their outcome must be displayed in a conspicuous place within the grandstand area of the racetrack for inspection by patrons.

Subp. 3. **Tip sheet vendors must be licensed.** All persons holding a tip sheet concession at the racetrack must be approved and licensed as a vendor by the commission.

7871.0090 SIMULCAST WAGERING ON A TELEVISED RACING DAY.

Subpart 1. **Request.** Upon written request of a Class B licensee, the commission shall approve wagering on races televised to Minnesota from another licensed racing jurisdiction during a televised racing day. A signed reciprocal agreement among the racetrack originating (hosting) the broadcast, the association representing the horsepersons at the host track, the Minnesota racetrack receiving the broadcast, and the association representing the horsepersons at the Minnesota racetrack receiving the broadcast must be filed with the commission prior to the broadcast.

Subp. 2. **Approval.** All approved simulcast races must be conducted at the licensed racetrack on a televised racing day assigned to an association by the commission.

Subp. 3. **Taxes imposed.** There is imposed a tax at the rate of six percent of the total amount withheld from all pari-mutuel pools including breakage on the amounts wagered at the licensee's racetrack.

Subp. 4. **Compliance with laws.** In addition to all state laws and applicable rules of the commission, simulcast wagering on televised racing days must be in compliance with United States Code, title 15, section 3001, et seq.

7871.0100 TELEPHONE ACCOUNT WAGERING.

Subpart 1. **Request.** Upon written request of a Class B or Class D licensee, the commission may approve telephone account wagering to be conducted on the premises of a licensed racetrack. The request must show how the telephone account wagering system will promote the success and integrity of racing, public interest, necessity, and convenience; and the impact on the economic viability of the applicant racetrack and all other racetracks licensed by the commission, including impact on pari-mutuel handle.

Subp. 2. **Requirements.** The association must meet the following requirements prior to conducting telephone account wagering:

A. A Minnesota-only "800" telephone system must be installed to receive wagers. No wagers may be accepted except by use of the required "800" telephone system.

B. The Minnesota-only "800" telephone system must be capable of recording all conversations and transactions conducted. The recording device must be used at all times when calls are received, and all recordings must be kept for a period of no less than 90 days for inspection by the commission.

C. Employees of the association receiving telephone account wagers must be holders of a current Class C pari-mutuel license issued by the commission.

D. The association must use a totalizator system capable of recording all transactions conducted by the telephone account wagering system.

Subp. 3. **Conduct of telephone account wagering.** Telephone account wagering shall be conducted in the following manner:

A. A person desiring to open a telephone wagering account must:

(1) be 18 years old or older and provide proof of identification and age;

(2) deposit with the association no less than $100 in cash or by certified check or money order; and

(3) obtain a code number and code name assigned by the association.

B. All wagering transactions must begin with the customer stating his or her code name and number. Thereafter, transactions shall be identified by the race number, the types and amounts of wagers, and by horse numbers. The information must be repeated by the pari-mutuel clerk and the customer's account balance must be given to the customer after each transaction.

C. The total amount of all telephone account wagers shall be included in the respective pools for each race. The amount wagered from individual accounts shall be debited accordingly, and any winnings shall be automatically credited to such accounts upon the race being declared "official."

D. Actual race results may not be divulged to telephone account customers during racing hours; however, account balances may be given.

Subp. 4. **Reports to be filed.** Each association conducting telephone account wagering must provide complete reports to the commission on a weekly basis. The reports must include a record of all debits, credits, balances, and any complaints received and the disposition of such complaints.

Subp. 5. **Compliance with rules.** Telephone account wagering shall be conducted in compliance with all state and federal laws and other applicable rules of the commission.

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7871.0110 DISTRIBUTION OF PURSE MONEY.

Subpart 1. **Purse amounts.** Pursuant to Minnesota Statutes, section 240.13, subdivision 6, paragraph (d), an amount equal to 25 percent of 22 percent of the amounts required to be withheld from all pari-mutuel pools must be allocated for purses by an association conducting televised horse racing.

Subp. 2. **Escrow accounts.** All money withheld for purses by an association pursuant to subpart 1 must be placed in interest-bearing escrow accounts and set aside for purse monies in the next racing meeting for the breed involved.

7871.0120 APPOINTMENT OF PRESIDING OFFICIAL.

Subpart 1. **Requirement.** All races on which pari-mutuel betting is conducted on televised racing days must be presided over by an official of the commission appointed by the director of pari-mutuel racing.

Subp. 2. **Communication with stewards.** A Class B licensee conducting approved televised racing days must provide the presiding official with telephone communication with the stewards at the host racetrack throughout the racing program each day.

7871.0130 AUTHORITY AND DUTIES OF PRESIDING OFFICIAL.

Subpart 1. **Authority.** The presiding official shall exercise immediate supervision, control, and regulation of racing on each televised racing day on behalf of the commission and shall be responsible only to the commission. The powers of the presiding official include:

A. the authority over all persons, licensed or unlicensed, on association grounds during a televised racing day regarding all matters relating to racing;

B. the authority to suspend, according to applicable law, a Class C licensee;

C. the authority to eject or exclude according to applicable law, from association grounds or any part thereof, licensed or unlicensed persons for violations of law;

D. the authority to interpret and enforce commission rules and determine all questions pertaining to racing and wagering matters in conformity with applicable law and the "customs of the turf"; and

E. the authority to request and receive assistance from commission employees, racing officials, track security, and federal, state, or local police in the investigation of possible violations of law.

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

A. To consider and review all allegations of misconduct or rule infractions and, when warranted, initiate investigations of the allegations and conduct necessary hearings; or take the action necessary to prevent rule infractions.

B. To lock all pari-mutuel betting machines not later than the start of a race.

C. To maintain daily reports of actions taken and observations made during the conduct of each day's racing program. The report must contain the name of the track, the date, weather and track conditions, claims, inquiries and objections, and any unusual circumstances or conditions. The reports must be signed by the presiding official and filed with the commission within 24 hours.

D. To maintain detailed records of all questions, disputes, protests, complaints, or objections brought to the attention of the stewards at the host racetrack, and a summary of interviews, reports of investigations, and rulings issued thereon.

E. Within seven days after the conclusion of a race meeting, the presiding official must submit to the commission a written report containing their observations and comments concerning the conduct of the race meeting and the condition of the association grounds and any appropriate recommendation for improvement.

7871.0140 DISCIPLINARY AND APPEAL PROCEDURES.

In the event the presiding official has reasonable cause to believe that a Class C licensee has committed an act or engaged in conduct in violation of statute or rules of the commission or which in the opinion of the presiding official otherwise adversely affects the integrity of horse racing and pari-mutuel wagering, the procedures contained in Minnesota Rules, part 7897.0150, must be adhered to.

7871.0150 EMERGENCY PROCEDURES FOR THE TOTALIZATOR SYSTEMS WHEN POOLS ARE COMMINGLED.

Subpart 1. **Interruption of the audio/visual satellite signal from the host racetrack.** In the event of an interruption of the audio/visual satellite signal from the host racetrack, the guest track's mutuel manager must:

A. notify the host track of the loss of the signal;

B. establish telephone linkup with the host track announcer to the PA system at the guest racetrack. The licensee may continue to accept wagering on the balance of the program and subsequent programs until the satellite downlink has been reestablished.

Subp. 2. **Computer interface interruption.**

A. In the event the guest totalizator system fails to transfer the data to the host system, the guest mutuel manager must notify host tote system representatives and the stewards of the problem and request additional time prior to the start of the race to allow for a retransmission of the data.

B. If a second data transfer fails, host tote system representatives shall notify the stewards that the transfer has failed and that the pools must be merged manually. In the event of a manual merge:

(1) The guest tote system operator must inform the host tote system operator of the total amount in the pool, the total dollars on winning wagers, and the total dollars on the losing wagers in the pool. The guest tote system operator shall send that information via a facsimile machine to the host tote system;

(2) The stewards at the host racetrack and the presiding official at the guest racetrack must be notified when the procedure has been completed in order to declare the race official;

(3) The licensee's tote system representative shall prepare a report indicating that the transfer of data could not be completed electronically and that the pools were merged manually. The report shall also include the following:

(a) a copy of the pool print report prior to the failure of the transfer of data;

(b) a copy of the final pool print report;

(c) a brief statement as to where the failure occurred, when the stewards were notified, and for what time period were prices delayed; and

(d) a worksheet from the host track signed by the host tote system representative, the host mutuel manager, and the state representative from the host's state racing commission showing total dollars bet in each pool and the final prices.

C. The guest track may continue to accept wagering on the balance of the program on a separate or manually merged commingled pool basis.

D. Any wager on subsequent programs prior to reestablishment of computer interface may be either canceled, or the pools calculated on a separate basis (no commingling), or manually merged on a commingled pool basis.

Subp. 3. **Complete totalizator system failure at the guest track.**

A. In the event the guest track's totalizator system fails, all money wagered on the race in which the tote system failed and all advance wagers must be refunded. Any wagering on the balance of the program or subsequent programs may not be accepted until the totalization system is operational to the satisfaction of the presiding official.

B. The host racetrack's mutuel manager must be notified of the system failure and all wagers at the guest track on the race in which the system failure occurred, and all advance wagers shall be taken out of the pools at the host racetrack.

Subp. 4. **Complete totalizator system failure at the host racetrack.**

A. In the event the host track's totalizator system experiences a complete failure, the guest mutuel manager will instruct the guest tote representative to extract the amount bet at the guest facility into the commingled pools for the race during which the system failure occurred and any advance wagers made on the balance of the program, for the purpose of calculating separate pools on the amounts wagered at the guest facility, or may refund amounts wagered.

B. The guest track may continue to accept wagers on the balance of the program on a separate pool basis or may reestablish commingled pool wagering in the event the host track's totalizator system problem has been corrected, or may refund amounts wagered.

7872.0100 APPLICATION FOR RACING DAYS.

Subpart 1. **Submission of live racing days requests.** On or before ~~May 15~~ December 31 of any year, a Class B or Class D licensee may apply for an assignment of live racing days for up to the next three calendar years by submitting an original and 15 copies of the following:

A. to D. [Unchanged.]

Subp. 2. to 5. [Unchanged.]

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

A. a signed request for assignment of racing days;

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

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

D. any other documentation the licensee deems necessary to ensure a complete understanding of the request.

Subp. 7. **Variations to televised racing days within dates previously approved by commission.** The director of pari-mutuel racing may approve variations and changes in racing programs and host racetracks if requested by the licensee and if all changes meet the criteria in part 7872.0110, subpart 2.

7872.0110 ASSIGNMENT OF RACING DAYS.

Subpart 1. [Unchanged.]

Subp. 2. **Basis for assignment of racing days.** When considering a request for assignment of racing days, the commission must consider the success and integrity of racing; the public health, safety, and welfare; public interest, necessity, and convenience; as well as the following factors:

A. the integrity of the licensee and the host racetrack;

B. the financial strength of the licensee and the host racetrack;

C. the ability of the licensee and the host racetrack to conduct horse racing, including licensee's facilities, systems, policymakers, managers, and personnel;

D. past compliance of the licensee and the host racetrack with ~~statutes~~ all laws, rules, and orders regarding pari-mutuel horse racing;

E. the licensee's market, including area, population, and demographics;

F. the performance of the licensee and host racetrack with previously assigned dates;

G. to Y. [Unchanged.]

Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

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

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

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

Charitable Gambling Control Board

Adopted Permanent Rules Relating to Charitable Gambling

The rules proposed and published at *State Register*, Volume 13, Number 41, pages 2399-2416, April 10, 1989 (13 S.R. 2399) are adopted with the following modifications:

Rules as Adopted

7860.0010 DEFINITIONS.

Subp. 16. **Lawful purpose.** "Lawful purpose" means one or more of the following:

F. any expenditure by, or any contribution to, a hospital or nursing home exempt from taxation under section 501(c)(3) of the Internal Revenue Code; and

G. payment of reasonable costs incurred in complying with the performing of annual audits required under *Minnesota Statutes*, section 349.19, subdivision 9.

"Lawful purpose" does not include: the erection, acquisition, improvement, expansion, repair, or maintenance of any real property or capital assets owned or leased by the organization, other than a hospital or nursing home exempt from taxation under section 501(c)(3) of the *Internal Revenue Code*, unless the board specifically authorizes the expenditures after finding that the property or capital assets will be used exclusively for one or more of the purposes specified in items A to C; the expenditure of gambling funds for the purpose of influencing or attempting to influence any public official or the outcome of any public decision, other than an expenditure made pursuant to item E; or the expenditure of gambling funds for the acquisition of property, other than real property, the ownership or possession of which is retained by the organization, unless the property is used exclusively for one or more of the purposes specified in items A to C.

Subp. 20. **Organization.** "Organization" means any fraternal, religious, veterans, or other nonprofit organization that has been in existence for the most recent three years and which has at least 15 active members, and either has been duly incorporated as a nonprofit organization for at least three years, or has been recognized by the Internal Revenue Service as exempt from income taxation for the most recent three years.

Subp. 26. **Gross profit.** "Gross profit" means the gross receipts collected from lawful gambling, less reasonable sums necessarily and actually expended for prizes.

Subp. 26a. **Net profit.** "Net profit" means gross profit less reasonable sums actually expended for allowable expenses.

7860.0100 LESSOR OF GAMBLING SITE-RESTRICTIONS.

Subpart 1. **Participation in gambling activity prohibited.** If the premises where lawful gambling is to be conducted is a public building or a building where more than four bingo occasions are conducted, the building manager and staff and all officials in a position, individually or collectively, to approve or deny the lease shall not directly or indirectly participate in the selling, distributing, conducting, assisting in the playing of, or participate in lawful gambling at the leased premises.

The lessee shall not permit the lessor or the lessor's immediate family to participate as players in the conduct of lawful gambling on the leased premised site. The lessee shall not permit any of its employees or agents to participate as players in the conduct of lawful gambling on the leased premised site.

An organization shall not be granted a license when the proposed licensed premises is a site where illegal gambling has occurred within the last 12 months or the lessor has been convicted of illegal gambling within the last 12 months.

7860.0105 BINGO HALL LICENSES.

Subpart 1. **License required.** No person may lease a facility to more than one licensed individual, corporation, partnership, or organization to conduct bingo without having obtained a bingo hall license, unless the ~~person~~ lessor is a licensed organization.

Subp. 2. **Application required.** Annual application must be made for a bingo hall license. The application must be on a form provided by the board and must contain, at a minimum, the following information:

I. a statement as to whether any officer, director, or other person in a supervisor or management position:

(2) has ever been convicted in a state or federal court of a gambling-related offense within ten years of the date of license application; and

Subp. 7. **License fee.** The annual fee for a bingo hall is ~~$250~~ $2,500.

7860.0300 STANDARDS FOR PULL-TABS AND TIPBOARD TICKETS.

Subpart 1. **Tipboard ticket standards.** All tipboard tickets sold in this state must conform to the following standards:

A. Each individual tipboard ticket shall have conspicuously set forth thereon the name of the manufacturer or label or trademark which identifies its manufacturer. The label or trademark must be filed with the board prior to the sale of the tipboard ticket by the manufacturer of the product. ~~This item shall be effective April 1, 1989.~~

Subp. 2. **Pull-tab ticket standards.** All pull-tab tickets sold in this state must conform to the following standards:

~~I. The effective date of this subpart is April 1, 1989.~~

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.

7860.0700 FINES.

Subp. 3. **Appeals.** An appeal of the proposed fine must contain the name of the person or organization that received the citation, the date on which the citation was issued, the amount of the proposed fine as stated on the citation, and the specific reasons why the proposed fine should not be paid.

Appeals of proposed fines ~~may~~ shall be referred by the board to the compliance review group for purposes of a hearing. Within ten days of the receipt of an appeal, the compliance review group must schedule a hearing. ~~The licensee has the burden of proving by substantial evidence that the payment of a fine is inappropriate.~~ The licensee may be represented by counsel and may present documents and other relevant evidence to support its position. The compliance review group must issue an order within ten days of the date of the hearing, recommending to the board whether or not a civil fine should be imposed.

If the compliance review group determines that a civil fine should be imposed, the order must contain a recommendation for the amount of the fine. The board must act on the recommendation of the compliance review group at its next regularly scheduled meeting. Within ten days of acting on the matter, the board must issue an order, including findings of fact and conclusions of law. The order is a final agency decision.

Department of Education

Adopted Permanent Rules Relating to Curriculum, Youth Service-Learning, and Youth Service Activities

The rules proposed and published at *State Register*, Volume 13, Number 28, pages 1719-1721, January 9, 1989 (13 S.R. 1719), and Volume 13, Number 38, pages 2270-2272, March 20, 1989 (13 S.R. 2270) are adopted with the following modifications:

3500.1100 ELEMENTARY SCHOOL CURRICULUM.

Subp. 5. **Youth service activities.** A school district must provide opportunities for students to participate in youth service activities ~~within the school or community~~. Participation in youth service activities outside of the school must be voluntary on the part of the student.

3500.1600 MIDDLE SCHOOL CURRICULUM.

Subp. 4. **Youth service activities.** A school district must provide opportunities for students to participate in youth service activities ~~within the school or community~~.

3500.1900 CURRICULUM FOR JUNIOR SECONDARY SCHOOLS.

Subp. 4. **Youth service activities.** A school district must provide opportunities for students to participate in youth service activities ~~within the school or community~~.

3500.2000 CURRICULUM FOR THREE-YEAR SENIOR SECONDARY SCHOOLS.

Subp. 4. **Youth service activities; credit.** A school district must provide opportunities for students to participate in youth service activities ~~within the school or community~~. The district shall acknowledge student participation in youth service activities through awarding credit. The district shall determine the amount of credit awarded for the activities.

3500.2110 REQUIRED CURRICULUM OFFERINGS FOR FOUR-YEAR SENIOR SECONDARY SCHOOLS.

Subp. 3. **Required offerings without minimum hours.** The following programs ~~in items A and B~~ must be offered to students. The number of clock hours to be devoted to each is up to the local school board. Satisfactory completion will be based on locally determined learner outcomes which are defined as knowledge, skills, or understandings that an individual student derives from a learning experience.

D. A school district must provide opportunities for students to participate in youth service activities ~~within the school or community~~. The district shall acknowledge student participation in youth service activities through awarding credit. The district shall determine the amount of credit awarded for the activities.

TIME OF EFFECT. *Minnesota Rules*, parts 3500.1090, 3500.1100, 3500.1150, 3500.1600, 3500.1900, 3500.2000, and 3500.2110 are effective beginning with the 1990-1991 school year.

Commissioners' Orders

Department of Natural Resources

Commissioner's Order No. 2339: Regulations for the Taking of Fish in Lake of the Woods by Licensed Commercial Fishermen; Superseding Commissioner's Order No. 2195

PURSUANT TO AUTHORITY VESTED IN ME by *Minnesota Statutes* § 97C.825 and other applicable law, I, Joseph N. Alexander, Commissioner of Natural Resources, hereby prescribe the following regulations for the taking of fish in Lake of the Woods by licensed commercial fishermen.

Section 1. SPECIES AND SEASONS.

(a) Species. The following species of fish may be taken in Lake of the Woods by licensed commercial fishermen during the seasons described.

(1) Inland commercial fish, as defined by *Minnesota Statutes* § 97C.811, subd. 2, including carp, bowfin, burbot, cisco, goldeye, rainbow smelt, black bullhead, brown bullhead, yellow bullhead, lake whitefish; members of the sucker family, Catostomidae, including white sucker, redhorse, bigmouth buffalo, and smallmouth buffalo; members of the drum family, Sciaenidae, including sheepshead; and members of the gar family, Lepisosteidae.

(b) Seasons. The commercial fishing season shall be January 1 through December 31.

(c) All fish taken that do not otherwise meet the requirements of this order shall immediately be returned to the water, dead or alive.

Sec. 2. COMMERCIAL FISHING PROHIBITED.

Unless specifically provided by permit, commercial fishing is prohibited in the following described areas:

(a) Within 500 feet of the mouth of any stream;

(b) Within two (2) miles of the lakeside shoreline of Pine Island; and

(c) In Four Mile Bay and Zippel Bay.

Sec. 3. NETS.

Licensed commercial fishermen shall take fish by means of nets in accordance with the following provisions. No commercial fishermen shall use any type of net except as specified in his or her license. No commercial fishermen shall set nets or otherwise operate in any area except as specified in his or her license.

(a) Fyke nets, staked trap nets, and pound nets. No licensee shall operate more than ten (10) fyke nets and ten (10) staked trap nets. The aggregate total of fyke nets and staked trap nets allowed on Lake of the Woods is 80. No licensee shall operate more than six (6) pound nets. The aggregate total of pound nets allowed on Lake of the Woods is 50. Fyke, staked trap and pound nets shall have no depth limitation, shall be set only in areas specified in the license, and shall not be set in strings of more than two (2) without written authorization from the local Area Fisheries Supervisor.

(1) Fyke nets. Fyke nets shall comply with the following requirements: The size of the mesh in the crib shall be not less than two and one-half (2-1/2) inches or more than four (4) inches, stretch measure. The wings shall not exceed 100 feet in length and the lead shall not exceed 300 feet in length. The hoops shall not exceed six (6) feet in height.

(2) Staked trap nets. Staked trap nets shall comply with the following requirements: The crib shall not exceed 22 feet on any side with the top open and breaching the water surface. The size of the mesh in the crib shall be not less than two and one-half (2-1/2) inches or more than four (4) inches, stretch measure. The lead shall not exceed 400 feet in length.

(3) Pound nets. Pound nets shall comply with the following requirements: There shall be no limitation on the size of the crib. The mesh of the crib shall be of a size not less than two and one-half (2-1/2) inches, stretch measure. The crib shall have an opening at the top breaching the water surface. The lead shall not exceed 825 feet in length.

(b) Submerged trap nets. No licensee shall operate more than eight (8) submerged trap nets and the aggregate total allowed on Lake of the Woods is 160. Submerged trap nets shall comply with the following requirements: the heart and crib shall be of mesh size not less than two and one-half (2-1/2) inches or more than three (3) inches, stretch measure. The height of any part of the heart, crib or lead shall not exceed 12 feet. The length of the lead shall not exceed 300 feet. In Muskeg Bay from June 20 to October 14, both dates inclusive, no portion of a net shall be in water less than 15 feet deep. Along the southern shoreline of Big Traverse Bay from

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.

June 1 to October 14, both dates inclusive, no portion of a net shall be in water less than 15 feet deep. Submerged trap nets shall be set only in areas specified in the license, and shall not be set in strings of more than two (2) without written authorization from the local conservation officer. No submerged trap net shall be placed in Northwest Angle Inlet west of a line from a point on the international boundary midway between Buckets Island and Magnuson Island; thence southeasterly to the easterly shore of Magnuson Island; thence southerly and westerly along said shore to the line between Section 23 and Section 24, Township 168 North, Range 34 West; thence south to the shore of the mainland in Section 26, Township 168 North, Range 34 West. Submerged trap nets shall contain a buoy at each end of each net and each buoy shall be marked with a yellow or blaze orange flag displaying not less than one square foot of surface, rising not less than three feet above the water. Attached to the staff of each buoy shall be an identification tag. The tag shall be of metal or other permanent material and the minimum size shall be two and one-half (2-1/2) inches by five-eighths (5/8) inch. Each tag shall bear the operator's name and license number engraved upon it.

(c) Mesh measurement. Mesh measurement for the purposes of this order shall mean the distance between the extreme opposite knots or corners of a single mesh, taken between the thumb and forefingers and applying enough pressure laterally to allow the opposite sides of the mesh to meet. For the purposes of this order, any entire net or lot of netting shall be deemed to be of the same mesh size as the majority of ten or more meshes in any part of the net or lot at least three meshes removed from the selvage or side lines selected at random and measured as herein prescribed by a conservation officer or other officer authorized to enforce the laws relating to wild animals.

(d) All nets shall be lifted and emptied of fish at least once in every 48-hour period, unless a longer period is granted by the commissioner or his authorized agent.

(e) Within ten days after removing nets each commercial fisherman shall remove from the lake bed all net stakes set by him.

Sec. 4. SPECIAL PROVISIONS.

(a) All licensed commercial fishermen shall report to the commissioner on forms furnished by him accurate, detailed information regarding their activities. Such information shall include the number of pounds and varieties of fish taken, amounts returned to the water, and any other information pertaining to the commercial fishing activities required by the commissioner. Monthly reports must be submitted by the 10th day of the following month to: Area Fisheries Headquarters, Route 1, Box 1193, Baudette, MN 56623.

(b) Except as provided by paragraph (c) of this section the following priority for commercial fishing on Lake of the Woods is hereby established:

(1) First priority shall go to holders of Lake of the Woods commercial fishing licenses for the preceding year whose applications for new licenses are received at least 30 days before the opening of the next fishing season.

(2) The Director of the Division of Fish and Wildlife may, in his discretion, give second priority to new applicants who have received and submitted the written endorsement of licensees who have surrendered their licenses prior to the expiration of the season covered thereby.

(3) Remaining priority shall go to all other applicants, in order of receipt of applications up to the maximum number allowed.

(c) In the event of a reduction or the elimination of any or all of the licenses available, nothing in this order shall give any priority among the current license holders or their assignees in any manner except as provided in paragraph (b) of this section.

(d) No person shall hold both a master and helper commercial fishing license during the same license year.

(e) In case of the death of a licensed commercial fisherman during the fishing season, his legal representative or successor in interest shall succeed to the rights of the deceased license holder, and may continue operations under the license until the expiration thereof.

(f) Helper's license shall be transferred only upon written approval of a conservation officer or agent of the Director of the Division of Fish and Wildlife. No person shall be issued more than one helper's license unless he is the holder of a commercial fishing master license.

(g) The Director of the Division of Fish and Wildlife may issue permits for the removal of inland commercial fish at such time and under such conditions as he may deem necessary. The Director of the Division of Fish and Wildlife may issue experimental fishing permits under such conditions as he may deem desirable.

(h) Employees of the Division of Fish and Wildlife are hereby authorized and empowered to enter and inspect at all reasonable times the premises, including boats and other vehicles, whereby licensed commercial fishing operations involving Lake of the Woods are being conducted.

Sec. 5. Commissioner's Order No. 2195 is hereby superseded.

Dated at Saint Paul, Minnesota, this 4 day of August, 1989.

Joseph N. Alexander, Commissioner
Department of Natural Resources

Department of Natural Resources

Commissioner's Order No. 2344: Experimental Regulations for the Taking of Fish in Certain Waters; Superseding Commissioner's Order No. 2200

PURSUANT TO AUTHORITY VESTED IN ME by *Minnesota Statutes* § 97C.001 and other applicable law, I, Joseph N. Alexander, Commissioner of Natural Resources, hereby prescribe the following regulations for the taking of fish in certain waters.

Section 1. The following described lakes are closed to the taking of all fish by spearing from December 1 through February 15 annually, both dates inclusive:

LAKE	COUNTY
Cedar	Scott
Owasso	Ramsey
Bald Eagle	Anoka, Ramsey, Washington
Eagle	Hennepin
Rebecca	Hennepin

Sec. 2. No person shall have a spear in possession or under control while on or fishing in the waters of the above-described lakes from December 1 through February 15 annually, both dates inclusive.

Sec. 3. The minimum size limit for muskellunge on Owasso, Rebecca, Eagle and Bald Eagle Lakes is 48 inches. No person shall possess a muskellunge less than 48 inches long while on or fishing in the waters of the above-named lakes.

Sec. 4. The provisions of this order shall not be construed to supersede the provisions of any other order of the Commissioner, except insofar as such other orders may be inconsistent with the provisions of this order.

Sec. 5. Commissioner's Order No. 2200 is hereby superseded.

Dated at Saint Paul, Minnesota, this 8th day of August, 1989.

Joseph N. Alexander, Commissioner
Department of Natural Resources

Department of Natural Resources

Commissioner's Order No. 2345: Experimental Regulations for the Taking of Trout in Turnip Lake

PURSUANT TO AUTHORITY VESTED IN ME by *Minnesota Statutes* § 97C.001 and other applicable law, I, Joseph N. Alexander, Commissioner of Natural Resources, hereby prescribe the following experimental regulations for the taking of trout in Turnip Lake.

Section 1. DESIGNATED LAKE.

The provisions of this order shall apply to the following lake:

Turnip Lake, T. 64, R. 1 E., S. 24, Cook County.

Sec. 2. The above-named lake is closed to fishing until the opening of the fishing season in May, 1990.

Sec. 3. The above-named lake is closed to winter fishing permanently.

Sec. 4. While on or fishing in the water of the above-named lake, no trout less than 18 inches in length, as measured from the tip of the nose to the tip of the tail when fully extended, shall be possessed. All trout less than 18 inches must be returned to the water immediately. The possession limit of trout complying with this length limit is one (1).

Sec. 5. While on or fishing in the water of the above-named lake, all trout in possession must be intact and measurable, regardless of where taken.

Sec. 6. While on or fishing in the water of the above-named lake, only artificial lures and flies may be used.

Sec. 7. The provisions of this order shall not be construed to supersede the provisions of any other order of the Commissioner, except insofar as such other orders may be inconsistent with the provisions of this order.

Dated at Saint Paul, Minnesota, this 8th day of August, 1989.

Joseph N. Alexander, Commissioner
Department of Natural Resources

Official Notices

Pursuant to the provisions of Minnesota Statutes §14.10, 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.

Minnesota Historical Society

State Historic Preservation Office

Comments Solicited for Draft of Two-Volume Document Analyzing Minnesota's History Between 12,000 B.P. Through 1820 A.D.

The Institute for Minnesota Archaeology, working under a cooperative agreement with the State Historic Preservation Office (SHPO) of the Minnesota Historical Society, has recently completed the draft of a two-volume document which analyzes the state's history between 12,000 B.P. through 1820 A.D. The study divides this time period into a series of forty historic contexts.

These contexts will form a framework for planning survey and evaluation activities, and will constitute an important component of the state preservation planning process being developed by the SHPO. The SHPO is now soliciting comments on the draft document.

Copies are available for review at the Fort Snelling History Center (call Michele Decker at 612/726-1171 for an appointment) or at the Main Reference Desk of the Minnesota Historical Society at 690 Cedar Street in St. Paul. Comments should be submitted to the SHPO, Fort Snelling History Center, St. Paul, MN 55111, before OCTOBER 15, 1989.

Department of Human Services

Notice of Hospital Cost Index

Minnesota Statutes 256.969, subdivision 1 and *Minnesota Rules*, parts 9500.1120 require the establishment of a Hospital Cost Index (HCI) for rate setting purposes for inpatient hospital services under the General Assistance Medical Care and Medical Assistance Programs. The inflation forecasts provided below were obtained from the Data Resources, Inc., *Health Care Costs* as published in the second quarter of 1989 using the percent moving average. The cost category weights were provided by the Minnesota Hospital Association. The HCI will be used to adjust the rates of hospitals whose fiscal year begins during the fourth calendar quarter of 1989.

Comments concerning the HCI may be forwarded to the following address:

Richard Tester
Hospital Reimbursement Section
Audit Division
444 Lafayette Road, Fifth Floor
St. Paul, Minnesota 55155-3836

Cost Category	Weight	Percent	Weighted Percent
Salaries	.538	6.4	3.44
Employee Benefits	.091	5.3	.48
Medical Fees (Medical Care Service)	.062	8.6	.53
Raw Food	.014	4.9	.07
Medical Supplies (Medical Commodities)	.110	6.1	.67
Pharmaceuticals	.045	6.1	.27
Utilities	.026	5.7	.15
Repairs/Maintenance	.017	5.7	.10
Insurance*	.015	5.7	.09
Other Operating	.082	5.7	.47
	1.000		6.27
		Technology =	1.00
		HCI =	7.3%

*Excludes Malpractice

Metropolitan Council

Public Hearing on 1990 Work Program and Budget

The Metropolitan Council will hold a public hearing on its proposed 1990 work program and budget on two days, Sept. 14 and 28, 5 p.m., at the Metropolitan Council offices, Mears Park Centre, 230 E. Fifth St., St. Paul. All interested persons are encouraged to attend the hearing and offer comments. At the end of the hearing on Sept. 28, the Council will adopt its 1990 work program and budget. People may register in advance to speak by calling Bernadine Scott at 291-6500. Written comments will also be accepted, but must be received at the Council by noon Sept. 28. Copies of the proposed work program and budget are available for public inspection at designated libraries throughout the region. For information on the location of these libraries or a free copy of the budget document, call 291-8140.

Office of the Secretary of State

Notice of Vacancies in Multi-Member Agencies

NOTICE IS HEREBY GIVEN to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* 15.0597, subdivision 4. Application forms may be obtained from the Office of the Secretary of State, Open Appointments, 180 State Office Building, St. Paul, MN 55155-1299; (612) 297-5845; or in person at Room 174 of the State Office Building. More specific information about these vacancies may be obtained from the agencies listed below. The application deadline is September 19, 1989.

CODE ENFORCEMENT ADVISORY COUNCIL
Dept. of Labor and Industry, Regulation & Enforcement Asst. Comm., 443 Lafayette Rd., St. Paul 55101. 612-296-6529
Minnesota Statutes 175.008

APPOINTING AUTHORITY: Commissioner of Labor and Industry. COMPENSATION: $35 per diem plus expenses.
VACANCY: Three members to represent labor.

The Council advises the commissioner on matters pertaining to boiler and high pressure steampiping standards. The council consists of eleven members who are users or who are involved in the boiler and high pressure steampiping industry and trades.

METROPOLITAN PARKS AND OPEN SPACE COMMISSION
Mears Park Centre, 230 E. 5th St., St. Paul 55101. 612-291-6333
Minnesota Statutes 473.303

APPOINTING AUTHORITY: Metropolitan Council. COMPENSATION: $50 per diem
VACANCY: One public member.

The commission assists the metropolitan council in planning the regional recreation open space system, advises the council on grants for the acquisition and development of facilities, and reviews the master plan for facilities. Nine members include eight selected from districts of equal population, and a chair representing region at large. Members may not be members of any other metropolitan agency, board or commission, or hold judicial office. Members must reside in district to which appointed, except chair. Meetings twice monthly. Members must file with the Ethical Practices Board.

OCCUPATIONAL SAFETY AND HEALTH ADVISORY COUNCIL
Dept. of Labor and Industry, Regulation & Enforcement Asst Comm., 443 Lafayette Rd., St. Paul 55101. 612-296-6529
Minnesota Statutes 182.656

APPOINTING AUTHORITY: Commissioner of Labor and Industry. COMPENSATION: $35 per diem plus expenses.
VACANCY: One member to represent industry.

The council advises the Dept. of Labor and Industry on administration of the state Occupational Safety and Health Act. Twelve members include three management representatives of occupational safety and health professions, and three members. Meetings at the call of the chair.

BOARD OF THE MINNESOTA CENTER FOR ARTS EDUCATION
17 W. Exchange, Suite 400, St. Paul 55102. 612-296-1302
Minnesota Statutes 129C.10

APPOINTING AUTHORITY: Governor. Senate confirmation. COMPENSATION: Per diem plus expenses.
VACANCY: One member from congressional district 6.

The board shall have the powers necessary for the care, management, and control of the Minnesota Center for Arts Education. Fifteen members, including at least one member from each congressional district. A member may not serve more than two consecutive terms. Members must file with the Ethical Practices Board.

BOARD OF PEACE OFFICER STANDARDS AND TRAINING
Suite 200, 1600 University Ave., St. Paul 55104-3828. 612-296-2620
Minnesota Statutes 626.841

APPOINTING AUTHORITY: Governor. COMPENSATION: $35 per diem.
VACANCY: One member, chief of police.

The board licenses full and part-time peace officers, establishes minimum qualifications and standards of conduct, and regulates pre-service law enforcement education and continuing education for peace officers. Fifteen members include two sheriffs, four municipal peace officers (at least two chiefs of police), two former law enforcement officers, two elected city officials from cities of under 5,000 outside of the metropolitan area, two peace officers, one who is a member of the Minnesota Trooper's Association, and two public members. The superintendent of the Bureau of Criminal Apprehension is an ex-officio member. Quarterly meetings. Members must file with the Ethical Practices Board.

HIGHER EDUCATION COORDINATING BOARD
400 Capitol Square Bldg., St. Paul 55101. 612-296-3974
Minnesota Statutes 136A.02

APPOINTING AUTHORITY: Governor. Senate confirmation. COMPENSATION: $35 per diem.
VACANCY: Two members, one resident of congressional district 6, one resident of congressional district 7.

The board analyzes and develops plans to meet present and long range higher education needs. The council consists of eleven members appointed by the governor including one member from each congressional district, two at-large members, and one student member. At least one member shall be selected for knowledge and interest in vocational education. The student advisory council may recommend candidates to the governor for the student member position. Monthly meetings in the Capitol area and occasionally out-state. Members must file with the Ethical Practices Board.

METROPOLITAN TRANSIT COMMISSION
560 6th Ave. N., Mpls. 55411-4398. 612-349-7400
Minnesota Statutes 473.404 as amended by *Laws of 1989*

APPOINTING AUTHORITY: Regional Transit Board; advice and consent of the senate. COMPENSATION: $50 per diem plus expenses.
VACANCY: One member, to have transit, governmental or management experience. Must reside in the city of St. Paul.

The Commission provides transit services within the metropolitan area in conformance with the implementation plan of the Regional Transit Board. Five members include one resident of Minneapolis, one resident of St. Paul, two who reside in the service area of the commission outside Minneapolis and St. Paul, and one who may reside anywhere in the metropolitan area. At least one of the members outside of St. Paul and Minneapolis must reside in the full-peak and off-peak service area. Each member must have transit, governmental, or management experience. Members may not, during term of office, be a member of the Metropolitan Council, the Regional Transit Board, the Metropolitan Waste Control Commission, the Metropolitan Airport Commission, the Metropolitan Sports Facilities Commission or any other independent regional commission, board or agency or hold any judicial office. Members must file with the Ethical Practices Board.

Department of Transportation

Amended Order No. 75110 and Notice of Street and Highway Routes Designated and Permitted to Carry the Gross Weights Allowed under *Minnesota Statutes* § 169.825

WHEREAS, the Commissioner of Transportation has made his Order No. 72156, dated April 8, 1987, which order has been amended by Orders Nos. 73139, 74653, 74846 and 75024, designating and permitting certain street and highway routes, or segments of those routes, to carry the gross weights allowed under *Minnesota Statutes* § 169.825, and

WHEREAS, the Commissioner has determined that the additional following routes, or segment of routes, should be designated to carry the gross weights allowed under *Minnesota Statutes* § 169.825.

IT IS HEREBY ORDERED that Commissioner of Transportation Order No. 72156 is further amended this date and Order No. 75024 (Watonwan County, C.S.A.H. 54) is corrected to read as follows:

COUNTY ROADS

WATONWAN COUNTY
C.S.A.H. 54 (ST. JAMES) FROM T.H. 4 TO
C.S.A.H. 27 (12 MONTH).

Dated: 10 August 1989

Leonard W. Levine
Commissioner

State Contracts and Advertised Bids

Pursuant to the provisions of Minn. Stat. §14.10, an agency must make reasonable effort to publicize the availability of any 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. Certain quasi-state agencies are exempted from some of the provisions of this statute.

Commodities contracts with an estimated value of $15,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

Awards of contracts and advertised bids for commodities and printing, as well as awards of professional, technical and consulting contracts, appear in the midweek STATE REGISTER Contracts Supplement, published every Thursday. Call (612) 296-0931 for subscription information. Thank you.

Department of Administration: Materials Management Division

Contracts and Requisitions Open for Bid

Call 296-2600 for information on a specific bid, or to request a specific bid.

Commodity: Peabody Floway Pump
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: August 29
Agency: Natural Resources Department
Deliver to: Saudan
Requisition #: 29002 17608 1

Commodity: SKS telephone system including trade in
Contact: Joseph Gibbs 296-3750
Bid due date at 2pm: August 29
Agency: Commerce Department
Deliver to: St. Paul
Requisition #: 13525 02634

Commodity: Veteran bronze star grave markers
Contact: Linda Parkos 296-3725
Bid due date at 2pm: August 30
Agency: Veterans Affairs Department
Deliver to: St. Paul
Requisition #: 75100 00026

Commodity: Concrete cylinder beam tester
Contact: Joseph Gibbs 296-3750
Bid due date at 2pm: September 1
Agency: Transportation Department
Deliver to: Detroit Lakes
Requisition #: 79000 02814

Commodity: Expansion card—Dakota
Contact: Bernadette Vogel 296-3778
Bid due date at 2pm: September 5
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 79000 02841

Commodity: Drafting, graphic arts, supplies
Contact: Linda Parkos 296-3725
Bid due date at 2pm: August 30
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 79000 02752

Commodity: Carpet tiles and installation
Contact: Linda Parkos 296-3725
Bid due date at 2pm: August 31
Agency: Normandale Community College
Deliver to: Bloomington
Requisition #: 27156 10532

Commodity: Zenith Supersport
Contact: Bernadette Vogel 296-3778
Bid due date at 2pm: September 5
Agency: Transportation Department
Deliver to: Willmar
Requisition #: 27148 60137

Commodity: Furniture
Contact: John Bauer 296-2621
Bid due date at 2pm: September 5
Agency: Community College
Deliver to: Rochester
Requisition #: 27148 60137

Commodity: Printing of letterheads, envelopes, etc.
Contact: Norma Cameron 296-2546
Bid due date at 2pm: September 6
Agency: Arts Board
Deliver to: St. Paul
Requisition #: Price Contract

Commodity: Sound system
Contact: Pam Anderson 296-1053
Bid due date at 2pm: September 6
Agency: State University

Deliver to: St. Cloud
Requisition #: 26073 21328

Commodity: PBX system
Contact: Joseph Gibbs 296-3750
Bid due date at 2pm: September 7
Agency: Military Affairs—Camp Ripley
Deliver to: Little Falls
Requisition #: 01000 06016

Commodity: Lease 17 passenger van—rebid
Contact: Brenda Thielen 296-9075
Bid due date at 2pm: August 31
Agency: Human Services Department
Deliver to: St. Paul
Requisition #: 55000 01669 1

Commodity: Draperies & install
Contact: Linda Parkos 296-3725
Bid due date at 2pm: August 31
Agency: Vets Home
Deliver to: Hastings
Requisition #: 75250 60391

Commodity: Janitorial service—Chisholm—rebid
Contact: Joyce Dehn 297-3830
Bid due date at 2pm: September 5
Agency: IRRRB—IRONWORLD
Deliver to: Chisholm
Requisition #: Price Contract

Commodity: Facsimile purchase
Contact: Teresa Ryan 296-7556
Bid due date at 2pm: September 5
Agency: Human Services Department
Deliver to: St. Paul
Requisition #: 55000 01922

Commodity: Microscopes
Contact: Joseph Gibbs 297-3750
Bid due date at 2pm: September 9
Agency: Community College
Deliver to: Brainerd
Requisition #: 27140 50006

Commodity: Engineering copier maintenance
Contact: Teresa Ryan 296-7556
Bid due date at 2pm: September 5
Agency: Administration Department—Print Communications
Deliver to: St. Paul
Requisition #: 02515 00764

Commodity: Dolch 386 portable computer
Contact: Bernadette Vogel 296-3778
Bid due date at 2pm: September 6
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 79000 02820

Commodity: Two stage rotary snow blower—rebid
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: September 6
Agency: Transportation Department
Deliver to: St. Paul—Central Shop
Requisition #: 79382 01806 1

Department of Administration: Print Communications Division

Printing vendors for the following printing contracts must review contract specifications in printing buyers office at 117 University Avenue, Room 134-B, St. Paul, MN.

Commodity: ScSU teaser-brochure, 40M 34″x11″ folded to 8½″x11″, camera ready, 4-color, full bleed, cut-out images
Contact: August 31
Bids are due: State University
Agency: St. Cloud
Deliver to: 0473

Commodity: Personal stationery and envelopes, 10M 7¼″x10½″ letterhead; 7½″x3⅞″ envelopes, type to set, 1-sided
Contact: August 30
Bids are due: Governor's Office
Agency: St. Paul
Deliver to: 1113

Commodity: Uniform fire code, 10M 6-part form, 9½″ × 11″ overall with perf sides, type to set + negs, 1-sided
Contact: Printing Buyer's Office
Bids are due: September 1
Agency: Public Safety Department
Deliver to: St. Paul
Requisition #: 0417

Commodity: "Minnesota Medalist" (2 issues) 7M 16-pages, 8⅜″ × 10⅞″, type to set from WordPerfect disk, 2-sided, saddle stitch
Contact: Printing Buyer's Office
Bids are due: September 1
Agency: Amateur Sports Commission
Deliver to: St. Paul
Requisition #: 7374

Commodity: Separation Notice, 500M 3-part forms, 8″ × 3¼″ overall, negs available, 1-sided, union label required
Contact: Printing Buyer's Office
Bids are due: September 1
Agency: Jobs & Training Department
Deliver to: St. Paul
Requisition #: 0358

Commodity: Minnesota IRP Temp. Authorization, 150 3-part sets, 8½″ × 6½″, type to set, negs available, 1-sided
Contact: Printing Buyer's Office
Bids are due: September 1
Agency: Public Safety Department
Deliver to: St. Paul
Requisition #: 0215

Commodity: Report of Grades, 50M 3-part form, camera ready, 1-sided, 4¼″ × 11″ overall, fan fold 2-up
Contact: Printing Buyer's Office
Bids are due: September 1
Agency: State University
Deliver to: Mankato
Requisition #: 0233

Commodity: Validation strips, 6,000M total 3,000 2-up, 6½″ × 9/16″ label size, camera ready, 1-sided
Contact: Printing Buyer's Office
Bids are due: September 1
Agency: Public Safety Department
Deliver to: St. Paul
Requisition #: 0213

Commodity: Requisition for motor pool vehicle, 12M 4-part forms, 8½″ × 6¼″ overall, camera ready + negs, 1-sided
Contact: Printing Buyer's Office
Bids are due: September 1
Agency: Administration Department—Central Stores
Deliver to: St. Paul
Requisition #: 0227

Commodity: Notice of initial claim for benefit, 50M 3-part continuous form, 9½″ × 11″ overall, negs available, 2-sided
Contact: Printing Buyer's Office
Bids are due: September 1
Agency: Jobs & Training Department
Deliver to: St. Paul
Requisition #: 0223

Professional, Technical & Consulting Contracts

Department of Corrections

Minnesota Correctional Facility—Oak Park Heights

Request for Proposal for Dental Service

NOTICE IS HEREBY GIVEN that the Minnesota Department of Corrections is seeking the services of a dentist to provide routine dental care at the Minnesota Correctional Facility—Oak Park Heights. Services are needed approximately 20 hours per week.

For additional information, contact:

Dana P. Baumgartner, Health Care Administrator
Department of Corrections
300 Bigelow Building
450 North Syndicate Street
St. Paul, MN 55104
642-0248

Proposals for the above-contract must be submitted as soon as possible.

Dated: 21 August 1989

Department of Corrections

Minnesota Correctional Facility—Shakopee

Notice of Request for Proposals for Dentist Services

NOTICE IS HEREBY GIVEN to request proposals for the provision of Dentist services for the inmates of the Minnesota Correctional Facility in Shakopee, as referred by the medical staff of that facility. Proposals shall be based on services to be provided at the Minnesota Correctional Facility for approximately eight (8) hours per week. Proposal shall cover the period of October 1, 1989 to June 30, 1991 and shall be submitted on a per hour basis. Proposals must be submitted by 4:00 p.m. on September 11, 1989.

To submit proposals or for additional information, contact:

Connie Hammer, R.N.
MCF-Shakopee
P.O. Box 7
1010 West 6th Avenue
Shakopee, Minnesota 55379
PHONE #: 612-496-4440

Department of Health

Office of Health Systems Development

Notice of Intent to Solicit Outside Opinions Concerning a Request for a Waiver of HMO Statutes and Rules by NWNL Health Network, Inc.

NOTICE IS HEREBY GIVEN that the Department of Health is seeking opinions and comments pertaining to a request by NWNL Health Network, Inc. for a waiver of HMO statutes and rules relating to ancillary chiropractic services for its RamseyCare program. Such waivers are authorized for demonstration projects under *Minnesota Statutes* 62D.30.

The request submitted by NWNL Health Network is available for inspection during normal business hours at the following location:

Alternate Delivery Systems
Room 473
Minnesota Department of Health
717 Delaware Street, S.E.
Minneapolis, Minnesota 55440
(612) 623-5365

Comments on the request must be received by September 1, 1989.

Iron Range Resource and Rehabilitation Board

Request for Proposal for Entertainment Booking Service and Concert Coordination

The Iron Range Resources and Rehabilitation Board is seeking proposals from entertainment production companies to provide entertainment booking services and concert coordination to IRONWORLD, USA, a division of the IRRRB, for its STAR SERIES Entertainment.

CANCELLATION OF SOLICITATION

THIS REQUEST FOR PROPOSAL DOES NOT OBLIGATE THE STATE OF MINNESOTA TO COMPLETE THE PROJECT, AND THE STATE RESERVES THE RIGHT TO CANCEL THIS SOLICITATION IF IT IS CONSIDERED TO BE IN THE STATE'S BEST INTEREST.

SUBMISSION OF PROPOSALS

Proposals must be submitted no later than 4:30 p.m. Monday, October 16, 1989 at IRONWORLD, USA, P.O. Box 392, Chisholm, Minnesota 55719.

Please provide one (1) original and six (6) photocopies of the proposal. Each of the proposals must bear the original signature of authorized representative of the responding firm. This proposal is not to be construed as a binding bid, but rather, a tentative proposal upon which a final agreement can be negotiated. Proposals are to be sealed in mailing envelopes or packages with the respondent's name and address clearly written on the outside. The proposal should be addressed in the following manner:

RICHARD A. NORDVOLD, Director
IRONWORLD USA
P.O. Box 392
CHISHOLM, MINNESOTA 55719
ENTERTAINMENT SERVICES PROPOSAL DO NOT OPEN

Late proposals will not be accepted and the IRRRB is not liable for any costs incurred or associated with responding to this Request for Proposal.

REVIEW OF PROPOSALS

All proposals received by the deadline will be reviewed and evaluated by a committee selected for this purpose by the IRRRB. An interview may be part of this evaluation process.

TENTATIVE PROPOSAL/CONTRACT TIMELINES

Publication in the *State Register:* Monday, August 28, 1989 Response Period: Tuesday, August 30, 1989-October 16, 1989 Tentative Respondent Interview: October 26, 1989 Anticipated contract award: November 1, 1989

Effective Date of Contract: November 15, 1989.

Term of Contract: November 15, 1989-September 30, 1990 Renewable option: October 1, 1990-September 30, 1991.

Cost of Contract

This is a negotiable item. The budget for the Star Series program has traditionally been established at $140,000 per year. Such budget includes all costs involved in producing the Star Series concert season, including talent and agency fees, sound/lighting rentals, and all riders.

Iron Range Resources and Rehabilitation Board

Requests for Proposals for a Food/Beverage Operator at IRONWORLD

The Iron Range Resources and Rehabilitation Board (IRRRB) is seeking proposals from experienced food/beverage operators to provide comprehensive food, beer and wine services for the various users of IRONWORLD USA, located in Chisholm, Minnesota.

TASKS OF THE CONTRACTOR

The food and beverage contractor shall staff, manage and operate food and beverage concessions capable of seating 100-110 people at the Ethnic Kitchen and food and beverage concessions capable of servicing up to several thousand persons throughout the rest of the IRONWORLD USA complex at the food kiosks and plaza area, mobile food/beverage units, and other mutually agreed upon locations.

SPECIFICS

A. The contractor shall provide luncheon and evening ethnic specialties as mutually agreed upon by the contractor and the IRRRB. On special ethnic days, the IRRRB reserves the right to request the contractor to serve specific ethnic foods mutually agreeable to both parties.

B. The contractor shall provide non-alcoholic beverages, fast food and incidental snack offerings as mutually agreed upon by the contractor and the IRRRB.

C. The contractor shall provide beer and wine as mutually agreed upon by the contractor and the IRRRB.

D. For all of the above, the contractor shall provide such services for both daily and special events visitors. The above will be made available at both permanent sites (Ethnic Kitchen, food kiosks) and temporary sites (mobile food/beverage units, etc.)

E. At the temporary sites, the contractor and the IRRRB may mutually agree to sublease arrangements with quality subcontractors.

F. During special events such as Ethnic Days, the IRRRB may request that the contractor offer special imported wines or beers appropriate for the occasion.

G. The IRRRB shall reserve the right to prepare and serve food (samples) as part of ethnic food demonstrations or exhibits. NOTE: It is expected that the contractor will attempt to coordinate its ethnic menu offerings with appropriate ethnic occasions.

H. For all of the above, menus and prices shall be mutually agreed upon by the contractor and the IRRRB.

COST OF THE CONTRACT

This is a negotiable item. However, the IRRRB suggests that respondents propose lease/rental arrangements as 15%-25% of gross food and beverage sales.

TENTATIVE PROPOSAL/CONTRACT TIMELINES

Publication in *State Register:* Monday, August 28, 1989

Response Period: August 28, 1989-4:30 p.m., Monday, October 16, 1989

Tentative Interviews: October 23, 1989

Anticipated Date of Contract Award: October 27, 1989

Effective Contract Date: April 1, 1990

Term of Contract: April 1, 1990-March 31, 1991. Renewable to March 31, 1992.

STATUTORY PROPOSAL REQUIREMENTS

In accordance with the provisions of *Minnesota Statute* M.S. 363.073, for state contracts in excess of $50,000.00, all responders having more than 20 full-time employees at any time during the previous 12 months must have a certificate of compliance issued by the Commissioner of Human Rights before a proposal may be accepted. ***The proposal will not be accepted unless it includes one of the following:***

A. A copy of the firm's current certificate issued by the Commissioner of Human Rights.

B. A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights.

C. A statement certifying that the firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months.

Any questions concerning a Certificate of Compliance may be referred to the Contract Compliance Unit of the Minnesota Department of Human Rights at (612) 296-5663.

SUBMISSION OF PROPOSALS

For further information and formal RFP documents contact:

Richard A. Nordvold, Director
IRONWORLD USA
P.O. Box 392
Chisholm, MN 55719
(218) 254-3321

Proposals must be submitted no later than 4:30 p.m., Monday, October 16, 1989, at IRONWORLD USA, P.O. Box 392, Chisholm, MN 55719.

CANCELLATION OF SOLICITATION

"This request for proposal does not obligate the State of Minnesota (IRRRB) to complete the project, and the State (IRRRB) reserves the right to cancel this solicitation if it is considered to be in the State's best interest."

Department of Jobs & Training

Notice of Request for Proposal to Assist in Development and Implementation of an Early Warning Network to Predict Plant Closings and to Assist Workers and Communities in Responding to Plant Closings

The Department of Jobs and Training is seeking proposals from qualified contractors to assist in developing a system for predicting plant closings in local communities, and subsequently helping those communities and workers respond to plant closings.

The Department is in the process of developing an economic model to use in predicting where and when plant closings are likely to occur. The Department has determined that proper dissemination of the information generated by the model, and other information about potential plant closings, is necessary in order to prepare proper responses to the closings. The Department is seeking a qualified contractor to work with Department staff to develop and implement a plan for this information dissemination.

Interested organizations will be required to respond to all of the specifications contained in the Request for Proposal. The contract will be awarded based on the following criteria: total cost, experience/qualifications of the organization and personnel, and time to complete the project.

The Request for Proposals containing detailed specifications may be requested from the Department of Jobs and Training. The deadline for submitted proposals is 4:00 (CST) on September 11, 1989. Please direct proposals and inquiries to:

Department of Jobs and Training
Office of Policy Development
390 N. Robert Street
St. Paul, MN 55101
Attention: Sarah Stoesz
612/296-2093

Minnesota Department of Natural Resources

Notice for Request for Proposals for Contract Services (RFP)

The Minnesota Department of Natural Resources (DNR) seeks to retain a contractor to coordinate the process necessary to develop and implement a schedule of values for fish and wildlife for purposes of restitution as authorized under *Minnesota Laws 1989*, Chapter 298, Section 3(a).

The final schedule of values will be considered by the courts to determine the amount of restitution to be paid to the state by persons convicted of, or pleading guilty to, illegally killing, injuring or possessing a wild animal.

A. Scope of Project

The project requires gathering of the information necessary to prepare a schedule of values for various fish and wildlife species, compilation of a draft document, organizing and conducting several public meetings to obtain input from individuals or organizations with interest in the management of Minnesota's fish and wildlife resources, and preparation, after those meetings, of a fair schedule of values to be adopted in compliance with the Administrative Procedures Act. Values may include consideration of the value to others to legally take the wild animal, the replacement cost, and the intrinsic value to the state of the wild animals.

B. Goal

Development of a list of values for fish and wildlife species which will be used to determine payments made to the state in restitution for illegally killing, injuring or possessing such animals.

C. Project Tasks

The following major tasks will be completed. Responders may propose additional tasks or activities if they will substantially improve the results of the project.

1. An extensive and comprehensive review of the existing literature related to fish and wildlife values.

2. A survey of federal, state and provincial agencies to determine value schedules used for the purpose of restitution and/or civil damages and the methods used to establish such schedules.

3. Preparation of a draft schedule of proposed values for species listed in Minnesota statute or rule as game fish, game birds, big game, small game, furbearing animals, minnows and threatened and endangered species.

4. Organize and conduct three public meetings, one each in the Twin Cities, Grand Rapids, and Mankato, to discuss the draft value schedule and generate input from individuals and organizations concerned and/or interested in the management of Minnesota's fish and wildlife resources.

5. Submission to the agency of a written report which includes a summary of pertinent literature, an annotated bibliography, current values used by resource agencies, a record of public input and a proposed fair schedule of values based upon the completion of the above listed steps.

6. Be available to provide assistance, as needed, (hourly rate specified and bid by the contractor), in the adoption of the proposed schedule of values under the Minnesota Administrative Procedures Act. Minimal time will be required if non-controversial rulemaking procedures can be followed. In the event of a petition requiring public hearings with an Administrative Law Judge, extensive time may be required.

D. Department Contacts

Prospective responders who have any questions regarding the Request for Proposal may call or write:

Jack Skrypek, Chief
Ecological Services Section
Box 25, DNR Building
500 Lafayette Road
St. Paul, MN 55155-4025
(612) 296-0783

Other Department personnel are not allowed to discuss the project with the responders before the submittal proposal deadline.

E. Submission of Proposal

All proposals must be sent to and received by:

Jack Skrypek, Chief
Ecological Services Section
Box 25, DNR Building
500 Lafayette Road
St. Paul, MN 55155-4025
(612) 296-0783

Not later than 4:30 p.m.-October 2, 1989.

Late proposals will not be accepted. Submit 5 copies of proposal. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. Each copy of the proposal must be signed, in ink, by an authorized member of the firm. Prices and terms of the proposal as stated must be valid for the length of the project. The Department of Natural Resources shall not be responsible for any costs incurred in responding to this RFP.

F. Project Costs

The Department has estimated that the cost of this project should not exceed $25,000.

G. Project Completion Date

The project will be completed by May 1, 1990; or within 6 months from the date of project authorization.

H. Proposal Contents

The following will be considered minimum contents of the proposal.

1. A restatement of the objectives, goals, and tasks to show or demonstrate the responder's view of the nature of the project.

2. Identify and describe the products to be provided by the responder.

3. Outline the responder's background and experience with particular emphasis on local, state, and federal government work. Identify personnel to conduct the project and detail their training and work experience. No change in personnel assigned to the project work will be permitted without the approval of the State Project Director/Manager.

4. Responder will prepare a detailed cost and work plan which will identify the major tasks to be accomplished and be used as a scheduling and managing tool as well as the basis for invoicing.

5. Identify the level of the Department's participation in the project as well as any other services to be provided by the Department.

I. Evaluation

All proposals received by the deadline will be evaluated by representatives of the Department of Natural Resources. An interview may be part of the evaluation process. Factors upon which proposals will be judged include, but are not limited to, the following:

1. Expressed understanding of project objectives.

2. Project work plan.

3. Project cost detail.

4. Qualifications of both company and personnel. Experience of project personnel will be given greater weight than that of the firm.

Evaluation and selection will be completed by October 16, 1989. Results will be sent immediately by mail to all responders.

J. Cancellation of Solicitation

This request for proposal does not obligate the DNR to complete the project and the DNR reserves the right to cancel the solicitation if it is considered to be in its best interest.

Department of Natural Resources

Division of Waters

Notice of Request for Proposal for Professional Services Pursuant to Consumptive Water Use Study Mandated by *Laws of Minnesota 1989*, Chapter 326

NOTICE IS HEREBY GIVEN that the Department of Natural Resources is seeking proposals for professional services for conducting a consumptive water use study as mandated by *Laws of Minnesota 1989*, Chapter 326, Article 4. This Request for Proposal does not obligate the Department to complete the project, and the Department reserves the right to cancel the solicitation if it is considered to be in its best interest.

Contact Person: James M. Japs
Minnesota Department of Natural Resources
Division of Waters
Third Floor, DNR Building
500 Lafayette Road
St. Paul, MN 55155-4032
Phone: (612) 297-2835.

Estimated Cost: Not to exceed $50,000.00

Submission Deadline: 4:30 p.m., September 8, 1989

Interested persons may obtain a Request for Proposal and submit proposals to the above stated contact person.

The consultant contractor must be a registered professional engineer having extensive experience in and knowledge of mechanical engineering related to heating and cooling systems for commercial/industrial facilities which use groundwater and surface water sources as well as conventional energy sources.

I. BACKGROUND

Minnesota Laws of 1989, Chapter 326, Article 4, Section 4, Subd. 1c, prohibits the Department of Natural Resources from issuing a water use permit from a ground water source for once-through heating or cooling using in excess of five million gallons annually. Section 8 of Chapter 326 requires the Department to conduct a study to be submitted to the legislative water commission by February 15, 1990. This study will include an evaluation of the impacts of once-through systems on ground water aquifers and a review of methods to reduce consumptive water use, including the conversion of once-through systems to more efficient alternative systems. The environmental and economic implications of the alternative systems must also be evaluated. The study must provide recommendations on: options for converting once-through cooling systems; a time schedule for phasing out existing systems; recommended technologies to be used to accomplish the conversion; recommendations for a fee structure that will make once-through cooling systems and conventional systems equal in operating costs; recommendations on the use of deep aquifers for once-through heating and cooling systems; recommendations on authorizing systems of better efficiency; and advisability of systems that recharge aquifers.

Department of Natural Resources staff will be responsible for portions of the study relating to impacts on existing aquifers and the extent of ground water use for geothermal heating and cooling.

II. PROJECT TASKS

Prepare a report evaluating the following:

A. Relative costs (purchase and operating) for once-through heating and cooling systems compared to alternative conventional methods (including, but not limited to, air cooled systems and district heating and cooling systems).

B. Compare existing heating and cooling systems used in Minnesota and determine efficiency of water use and energy consumption. This will include qualifying the amount of evaporative losses for systems that use cooling towers prior to recirculation or discharge. A section of the report shall identify the state-of-the-art technology and systems available with the highest efficiency ratings with respect to water use.

C. Options and costs for converting existing once-through heating and cooling systems to conventional systems, air cooled systems, district heating/cooling systems or highly efficient water-type systems. Practical considerations relating to the feasibility of converting to other systems must be identified such as the ability to install cooling towers and impacts on chiller capacity.

D. Identify facilities in the Twin Cities with heating and cooling systems that utilize municipal water supplied by St. Paul and Minneapolis. Compare any differences between the use of surface water and ground water for heating and cooling systems especially with respect to water use efficiencies.

Schedule for Task Completion

Report to be completed on or before December 29, 1989.

III. DEPARTMENT CONTACTS

Prospective responders who have questions regarding this request for proposal may call:

James Japs
Water Appropriations Permit Programs Coordinator
(612) 297-2835

No other employee of the DNR is allowed to discuss this proposal.

IV. SUBMISSION OF PROPOSALS

All proposals must be sent to and received by:

Ronald D. Harnack, Administrator
Permits and Land Use Section
Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155-4032

Not later than 4:30 p.m., September 8, 1989.

Late proposals will not be accepted. Four copies of the proposals are required. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. Each copy of the proposal must be signed by an authorized member of the firm. Prices and terms of the proposal as stated must be valid for the length of the project.

V. PROJECT COSTS

The Department has estimated that the cost of this project should not exceed $50,000 for professional services.

VI. PROJECT COMPLETION DATE

The project shall be completed by December 29, 1989.

VII. PROPOSAL CONTENTS

The following will be considered minimum contents of the proposal:

A. A statement of the objectives to show or demonstrate the responder's view of the nature of the project.

B. Identify and describe the deliverables to be provided by the responder.

C. Outline the responder's background and experience with similar work. **Identify** personnel to conduct the project and detail their training and work experience. **No change** in personnel assigned to the project will be permitted without the approval of the DNR. Experience and knowledge in appropriate technology related to heating and cooling systems shall be detailed.

D. Responder will prepare a detailed cost and work plan which is based on the listed project tasks and will be used as a scheduling and managing tool as well as the basis for invoicing.

E. Identify the level of the MDNR participation in the project as well as any other services to be provided by the MDNR.

F. A list of all present and past Minnesota clients for projects involving geothermal heating or cooling.

VIII. EVALUATION

All proposals received by the deadline will be evaluated by representatives of the MDNR. An interview may be part of the evaluation process. Factors upon which proposals will be judged include (but not limited to) the following:

A. Expressed understanding of project objectives.

B. Project work plan.

C. Project cost detail.

D. Qualifications of the project personnel and also the company. Experience of project personnel will be given greater weight than that of the firm.

Evaluation and selection will be completed by September 15, 1989. Results will be sent immediately by mail to all responders.

Department of Transportation and Natural Resources

Request for Proposals for Meteorologist

The Department of Transportation and the Department of Natural Resources are requesting a proposal from qualified meteorologists to become their Share Staff Meteorologist.

Duties will include, but not be limited to: winter weather forecasting, fire weather forecasting, advising agencies on extreme weather conditions as they develop, providing customized weather services, training field and district staff, developing procedures for meeting state agency weather information needs, and developing a Position Description for a permanent Shared Staff Meteorologist.

This position is seasonal. It could mean more than 40 hours work per week, including weekends and holidays, depending on the weather. 1200 hours work per year is guaranteed; however, it is anticipated that there will be more. The position will be located at the National Weather Service station at the Minneapolis/St. Paul International airport.

This individual will have broad freedom to act and broad discretionary authority in planning, developing, directing, managing, and implementing projects. Identifying and depicting specialized forecast information and developing new/more efficient information transmittal techniques are an important part of this position.

To be considered, candidate must have:

1. a bachelor's degree in meteorology or at least 20 hours of meteorology,

2. three years experience in producing fire weather, agricultural, and generalized weather forecasts, and,

3. some experience or familiarity with National Weather Service procedures and the weather service's Automation of Field Operations and Services (AFOS) system.

Contract will run for one year from the date of appointment. Anticipated start date is early October, 1989. Contract is subject to annual renewal.

Proposals should include, but not be limited to: experience and training, hourly salary requirements, estimated expenses, and weekend and overtime availability.

Questions and formal written requests should be submitted, by Friday, September 15, 1989 to:

Patricia A. Dunlop, Records Manager
(Questions should be directed ONLY to Patricia)
Minnesota Department of Transportation Records Center
865 Pierce Butler Route
St. Paul, Minnesota 55104
612-296-6553
PROFS: PAD000
FAX: 612-297-5764

Persons responding may be requested to interview for the position.

This request does not obligate the State of Minnesota, the Department of Transportation, or the Department of Natural Resources to undertake the work contemplated in this solicitation. All expenses incurred in responding to this notice shall be borne by the responder.

State Board of Vocational Technical Education

Request for Proposals to Audit Student Employment Follow-up Data

The State Board of Vocational Technical Education is requesting proposals from any qualified firm to conduct a verification audit of locally supplied employment follow-up data through a survey of randomly sampled students and deliberately selected students

(approximately 4,000 total students) and to gather student opinion data. Data to be audited is from the class of FY 89 from Minnesota's 30 technical colleges. From $76,000-$100,000 is available for this project. A request for proposal can be obtained from:

Ron Dreyer, Director, Budget and Information
Room 308, Capitol Square Building
560 Cedar Street
St. Paul, MN 55101
(612) 297-1477

The period of the contract will extend until 30-Sep-90.

A bidders conference is tentatively scheduled for 31-Aug-89. Alternatively, individual sessions may be scheduled. Proposals must be received by 4:00 p.m., on 29-Sep-89. The State Board of Vocational Technical Education reserves the right to not award a contract for this project.

Non-State Public Contracts

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as $1,000. Contact the editor for further details.

Metropolitan Waste Control Commission

Request for Proposals (RFP) for Professional Insurance Brokerage Services

The Metropolitan Waste Control Commission (MWCC) is requesting proposals for professional insurance brokerage services. The request provides background information on the MWCC and describes items which should be specifically addressed in proposals responding to this RFP.

Copies of the request can be obtained by contacting Don Wodek, Director of Health & Safety at 229-2080. RFP's will be available August 28, 1989.

Proposals for the insurance brokerage services will be accepted by the Metropolitan Waste Control Commission until 4:30 p.m. on Friday, September 22, 1989.

All proposals shall be addressed to:

Metropolitan Waste Control Commission
230 East Fifth Street
Saint Paul, Minnesota 55101
Attn: Don Wodek

The Metropolitan Waste Control Commission reserves the right to reject all or any proposals, and to waive any minor irregularities and deviations from the requirement outlines in the RFP.

It is hereby agreed between the parties that *Minnesota Statutes*, sections 473.144 and 363.073, and *Minnesota Rules*, parts 5000.3400 to 5000.3600, are to be incorporated into any contract between these parties. A copy of *Minnesota Statutes*, sections 473.144 and 363.073, and *Minnesota Rules*, parts 5000.3400 to 5000.3600, are available upon request from the COMMISSION.

Dated: 21 August 1989

By Order of the Metropolitan Waste Control Commission
Gordon Voss, Chief Administrator

Supreme Court Calendar

Listed below are the cases scheduled to be heard by the Minnesota Supreme Court in the next few weeks. This listing has been compiled by the Minnesota State Law Library for informational purposes only. Cases may be rescheduled by the Court subsequent to publication in the *State Register*. Questions concerning dates, locations, cases, etc., should be directed to: Clerk of the Appellate Courts, Room 230 State Capitol, St. Paul, MN 55155 612-296-2581.

Cases Scheduled During September, 1989

Compiled by Dale A. Hansen, (612) 297-4050

Listed below are the cases scheduled to be heard by the Minnesota Supreme Court in the next few weeks. This listing has been compiled by the Minnesota State Law Library for informational purposes only. Cases may be rescheduled by the Court subsequent to publication in the *State Register.* Questions concerning the time and location of hearings should be directed to: Clerk of the Appellate Courts, Room 230 State Capitol, St. Paul, MN. 55155 (612) 296-2581.

Tuesday, September 5, 1989 9:00 AM

C7-89-766 STATE OF MINNESOTA, Plaintiff (Attorney: Raymond F. Schmitz, Olmsted County Attorney) **vs. SEAN PATRICK MERRILL, Defendant** (Kevin A. Lund of Patterson, Restovich, Lund Law Offices, Ltd., Assistant Olmsted County Public Defender). Certified Question Olmsted County

Do *Minnesota Statutes* §§ 609.2661(1) and 609.2662(1) (1988) violate the Fourteenth Amendment of the United States Constitution, as interpreted by the United States Supreme Court in *Roe v. Wade*, by failing to distinguish between viable fetuses and nonviable fetuses and embryos thereby classifying fetuses and embryos as persons under the Constitution?

Are *Minnesota Statutes* §§ 609.2661(1) and 609.2662(1) (1988) void for vagueness?

C4-8-2187 In Re Petition for Disciplinary Action against DAVID A. HART, an Attorney at Law of the State of Minnesota (Attorney for Respondent: David A. Hart). Petition for Disciplinary Action

C3-85-27 In Re Petition for Disciplinary Action against LOUIS J. McCOY, an Attorney at Law of the State of Minnesota (Attorney for Respondent: Louis J. McCoy). Petition for Resignation

Wednesday, September 6, 1989 9:00 AM

C5-88-1937 STATE OF MINNESOTA, Respondent (Attorneys: Paul R. Kempainen, Assistant Attorney General and John Carlson, Pine County Attorney) **vs. KENDALL KEITH BLISS, Appellant** (Attorney: Susan L. P. Hauge, Assistant State Public Defender). Judgment Pine County

Was the evidence sufficient to allow the jury to reasonably find Appellant guilty of first degree murder?

Did the testimony of an eyewitness tend to incriminate Appellant rather than the eyewitness?

Was the exhumation of the victim's body performed in a careful manner so as to prevent the loss of destruction of possible evidence?

C4-88-410 CONRAD HAPKA, individually, BRIAN HAPKA, individually, and CONRAD and BRIAN HAPKA, petitioners, Appellants (Attorneys: Robert W. Wattson and Mark O'Boyle of Zelle & Larson) **vs. PAQUIN FARMS, et. al., Respondents** (Attorney: Brink, Sobolik, Severson, Vroom & Malm), **GUST HANGSLEBEN, Respondent** (Attorney: Donald Leonard), **STATE OF MINNESOTA, DEPARTMENT OF AGRICULTURE, Respondent** (Attorney: Paul A. Strandberg, Special Assistant State Attorney General). Opinion Court of Appeals

Was the State negligent or in violation of law in its conduct of shipping point inspections for the seed potatoes purchased by Appellants?

Does *Superwood* bar recovery in tort where most, if not all, of the damages found by the jury were to "other property," not a part of the commercial transaction?

Did Plaintiffs prove a prima facie case of negligence and negligence per se thereby precluding a directed verdict in favor of the State?

C5-89-460 STATE OF MINNESOTA, Plaintiff (Attorney: Stephen Redding, Assistant Hennepin County Attorney) **vs. THOMAS ROBERT SCHWARTZ, Defendant** (Attorney: Patrick J. Sullivan, Assistant Hennepin County Public Defender). Certified Question Hennepin County District Court

In determining the admissibility of emerging scientific testing, is a trial court to rely on the *Frye* standard of general acceptability in the scientific community or the relevancy approach derived from Rules of Evidence 403 and 702?

May evidence of DNA fingerprinting test results be admissible in a criminal proceeding?

In determining the extent of admissibility of scientific test results, is a trial court to rely on *State v. Kim,* 398 N.W.2d 544 (Minn. 1987)?

C2-89-643 EDGAR W. BLANCH, et. al., Appellants (Attorneys: Eric J. Magnuson and William J. Egan of Rider, Bennett, Egan & Arundel) **vs. THE SUBURBAN HENNEPIN REGIONAL PARK DISTRICT, et al., Respondents** (Attorneys: Jeffrey R. Brauchle and Lucinda E. Jesson of Oppenheimer, Wolff & Donnelly), **HUBERT H. HUMPHREY, III, ATTORNEY GENERAL FOR THE STATE OF MINNESOTA, et al., Respondents** (Attorney: Peter Ackerberg, Special Assistant State Attorney General), **and METROPOLITAN COUNCIL, defendant-intervenor, Respondent** (Attorney: Lynn M. Belgea, Assistant to Chief Counsel, Metropolitan Council). Judgment Hennepin County

Thursday, September 7, 1989 9:00 AM

CX-88-1044 DANIEL W. KARST, Respondent (Attorneys: Gary T. LeFleur and Randall J. Fuller of Babcock, Locher, Neilson & Mannella) **vs. F. C. HAYER CO., INC., petitioner, Appellant** (Attorneys: Paul L. Landry and Nancy D. Erbe of Fredrikson & Byron). Opinion Court of Appeals

C0-88-1148 STATE OF MINNESOTA, petitioner, Appellant (Attorney: Teresa L. Joppa, Assistant City Attorney, City of Moorhead) **vs. WILLIAM MARK PIOTROWSKI, Respondent** (Attorney: William Kirschner), **AND**

C6-88-1039 WILLIAM MARK PIOTROWSKI, Respondent (Attorney: William Kirschner) **vs. COMMISSIONER OF PUBLIC SAFETY, petitioner, Appellant** (Attorney: Joel A. Watne, Assistant State Attorney General). Opinions Court of Appeals

Can a Minnesota police officer make an "investigatory stop" of a motor vehicle in North Dakota based on an observed traffic violation in Minnesota which was less than a felony?

Does the exclusionary rule bar the use, in a license revocation proceeding, of evidence obtained from an unconstitutional stop of a motorist?

C7-88-2331 In Re Petition for Disciplinary Action against STEVEN M. HANSEN, an Attorney at Law of the State of Minnesota (Attorney for Respondent: Nicholas M. Wenner of Ruvelson, Kautzer & Schmidt, Ltd.). Petition for Disciplinary Action

Friday, September 8, 1989 9:00 AM

C7-88-1177 GARNET ERICKSON, et al., Respondents (Attorneys: McCollum & Daly and Fetterly & Gordon) **vs. CURTIS INVESTMENT COMPANY, et al., defendants and third-party plaintiffs, petitioners, Appellants** (Attorneys: James F. Dunn and Janet S. Stellpflug, **LEADENS INVESTIGATION AND SECURITY, INC., petitioner, Appellant** (Attorney: Victor E. Lund of Mahoney, Dougherty & Mahoney). **THOMAS SABO, Defendant, vs. NU-WAY HOUSE, INC., Third-Party Defendant.** Opinion Court of Appeals

Did the court of appeals err in holding that Appellants, owners and operators of a parking ramp, owed a legal duty to Respondent, the victim of a rape at that parking ramp?

Did the court of appeals err in holding as a matter of law that Appellants breached a duty to Respondent?

Did the court of appeals err in ruling that there was a causal connection between the breach of duty and the assault?

Did the court of appeals err in ruling that a genuine issue of material fact existed regarding the issue of vicarious liability?

Did the court of appeals err in ruling that the issue of punitive damages should be addressed by the trial court rather than on motion for summary judgment?

C9-88-1469 NFD, INC., petitioner, Appellant (Attorney: Steven C. Opheim of Dudley and Smith, P.A.) **vs. STRATFORD LEASING COMPANY, defendant and third-party plaintiff, Respondent** (Attorneys: Richard D. McNeil and Denise D. Reilly of Lindquist & Vennum), **UNITED LEASING, INC., Defendant and Third-Party Plaintiff, vs. BALBOA HOLDING COMPANY, Third-Party Defendant.** Opinion Court of Appeals

Monday, September 11, 1989 9:00 AM

C0-88-1456 DEAN E. JOHNSON, et al., Respondents (Attorney: Steven J. Running of Mundt & Associates) **vs. VERNE JENSEN, et al., petitioners,** Appellants (Attorney: William Starr & Associates). Opinion Court of Appeals

In an action for trespass, were Plaintiffs improperly awarded both treble compensatory damages pursuant to *Minnesota Statutes* §§ 548.05 and 561.04, and punitive damages pursuant to *Minnesota Statutes* § 549.20?

Did Defendants waive any objection to the award of both treble compensatory and punitive damages by failing to object to proposed jury instructions, which allowed both, prior to their submission to the jury?

MARY J. DeNARDO, Respondent (Attorney: Sieben, Grose, Von Holtum, McCoy & Carey, Ltd.) **vs. DIVINE REDEEMER MEMORIAL HOSPITAL and ST. PAUL FIRE & MARINE INSURANCE COMPANY, Respondents (C5-89-345), Relators (C7-89-346)** (Attorney: Michael J. Patera), **and SAMARITAN HOSPITAL and CHUBB GROUP INSURANCE COMPANY, Relators (C5-89-345), Respondents (C7-89-346)** (Attorney: Michael C. Jackman of Larkin, Hoffman, Daly & Lindgren, Ltd.), **and MINNESOTA DEPARTMENT OF JOBS & TRAINING/DVR, intervenor, Respondent** (Attorney: Roger A. Sorbel, Represent-

ative, State Attorney General), **and GROUP HEALTH, INC., intervenor, Respondent** (Attorney: Randall Sayers). Order Workers' Compensation Court of Appeals

Does *Minnesota Statutes* § 176.101, subd. 4(a) govern all issues of apportionment?

Is the employee entitled to temporary disability benefits where no job search is made?

Are the rules of evidence inapplicable in adjudication of claims under the Minnesota Workers' Compensation Act?

Tuesday, September 12, 1989 9:00 AM

C5-87-1393 STATE OF MINNESOTA, Respondent (Attorney: Paul R. Kempainen, Assistant State Attorney General) **vs. MICHAEL W. FENNEY, Appellant** (Attorney: Elizabeth B. Davies, Assistant State Public Defender). Order Waseca County

Is there sufficient new evidence that a person other than Appellant was at the scene the night of the murder to justify a new trial?

C1-88-1353 KNUT CO., petitioner, Appellant (Attorneys: Mark J. Ayotte and John L. Devney of Briggs and Morgan, P.A.) **vs. KNUTSON CONSTRUCTION CO., et al., Respondents** (Attorney: Gary F. Albrecht of Fabyanske, Svoboda, Westra & Davis, P.A.). Opinion Court of Appeals

Is Appellant obligated to arbitrate its claim on the Guaranty where (1) the parties agreed to arbitrate all claims arising out of or relating to the Agreement or the Guaranty, (2) all of the Agreement's terms and conditions are expressly enforceable by and against the guarantors, and (3) the Guaranty was expressly made in accordance with the Agreement's terms and conditions?

Does the Agreement's mandatory arbitration clause apply to Appellant's claim on the Note where (1) the parties agreed to arbitrate all arising out of or relating to the Agreement, (2) the Note and Agreement were executed as part of the same transaction, (3) the Note and Agreement can be read together without destroying the Note's negotiability, and (4) numerous provisions in the Agreement reflect the intended interplay between the Agreement and the Note?

Did the trial court err by granting Appellant's motion for summary judgment despite the mandatory arbitrability of Appellant's claims and Respondent's concomitant demand for arbitration of those claims in accord with the parties' agreement?

C2-89-1081 In Re Petition for Disciplinary Action against NANCY T. KLEMEK, an Attorney at Law of the State of Minnesota (Attorney for Respondent: Nancy T. Klemek). Petition for Disciplinary Action

Wednesday, September 13, 1989 9:00 AM

C7-89-69 LOUIS BENOIT, Respondent (Attorney: Salmen, Brinkman & Martinson, P.A.) **vs. COMMISSIONER OF REVENUE, Relator** (Attorney: Barry R. Greller, Special Assistant State Attorney General). Order Minnesota Tax Court

Does the assertion of "financial control" over a corporate taxpayer by a creditor divest the corporation's president, sole director and sole shareholder (who remained active in the business, continued to draw a substantial salary and represented to a bankruptcy court that he was in control of the business) of legal control of the business so that the officer is not personally liable under *Minnesota Statutes* §§ 290.92, subd. 1(4) and 297A.01, subd. 2 (1988), for the business' unpaid sales and withholding taxes?

C2-88-1460 RENJA SIGURDSON, Respondent (Attorney: David A. Singer) **vs. ISANTI COUNTY, et al., petitioners, Appellants** (Attorneys: Richard A. Beens and Scott M. Lepak of Steffan & Munstenteiger, P.A.). Opinion Court of Appeals

Did the court of appeals correctly hold that the Respondent's claim of discrimination in the establishment of her rate of pay is a continuing violation of the discrimination statutes?

Did the trial court err in its determination that the Respondent did not bring her claims within six months of the discernible acts of discrimination that occurred in 1980?

C9-88-662 HYDRA-MAC, INC., Respondent (Attorneys: Craig W. Gagnon, Mark P. Wine, and David L. Bishop of Oppenheimer, Wolff & Donnelly), **INTERNATIONAL HARVESTER COMPANY, Respondent** (Attorneys: John Q. McShane, Janice K. O'Grady, and Lezlie Ott Marek of Bowman & Brooke) **vs. ONAN CORPORATION, Appellant** (Attorneys: Harold D. Field, Jr., Lawrence J. Field, and Marc D. Simpson of Leonard, Street & Deinard) (Of Counsel: Henry H. Feikema and Stacey A. DeKalb of Smith, Juster, Feikema, Malmon & Haskvitz, Chartered). Opinion Court of Appeals

Where the four year U.C.C. statute of limitations has otherwise run, may a merchant buyer who was temporarily induced by the seller not to sue for breach of warranty maintain a breach of warranty action which was not commenced within a reasonable time after the seller's inducement ceased to be operative?

Where the Defendant pleaded the statute of limitations defense in its answer, proved the defense at trial, and moved for directed verdict based on the statute of limitations defense, and where the Defendant at no time took a position inconsistent with that defense, did the Defendant waive the statute of limitations defense?

Where the warranty provision in invoices from an engine manufacturer to an equipment manufacturer extends an express warranty on the engine only to the ultimate user of the equipment and disclaims all other express and implied warranties, does the disclaimer

bar the assertion of warranty claims by the equipment manufacturer?

In a chain of distribution, where a subsequent purchaser of goods for resale asserts that it is a third-party beneficiary of warranties made by the original seller to the original buyer, and where the original seller disclaimed any warranty liability to the original buyer, did the disclaimer also apply to the subsequent purchaser?

Supreme Court Decisions

Opinions Filed 25 August 1989

C1-88-2213 Donald Roering, as trustee for the heirs of Randy Donald Roering, decedent, Appellant v. Grinnell Mutual Reinsurance Company. United States District Court.

1. *Minnesota Statutes* § 65B.40, subd. 3a(7) (1988) does not preclude underinsured motorist coverage where a motorcycle is an insured vehicle but not insured for uninsured/underinsured motorist coverage.

2. Under *Minnesota Statutes* § 65B.49, subd. 3a(5) (1988), when a person is injured while operating his own motorcycle which is insured for liability coverage only, he is not "occupying a motor vehicle" for purposes of claims to underinsured motorist benefits.

3. An insurance policy exclusion which provides that underinsured motorist coverage does not apply to bodily injury sustained by a person "while occupying a motor vehicle owned by you or a relative for which insurance is not afforded under this part, or when struck by the motor vehicle" is invalid when it conflicts with the coverage guaranteed by the No-Fault Act.

Certified questions answered. Popovich, C.J.

Dissenting, Coyne, Simonett & Kelley, JJ.

C3-88-26 In Re Petition for Disciplinary Action against Roger T. Sahr, an Attorney at Law of the State of Minnesota. Supreme Court.

Publicly censured & suspension. Per Curian

Took no part, Kelley, J.

Announcements

Lake Rehabilitation Program: Eleven lakes are planned for rehabilitation by removing all fish with the application of approved fish toxicants and then restocking the lakes with desirable game fish species. Treatments will take place between October 10 and Nov. 11 as part of a cooperative program with the U.S. Fish and Wildlife Service. Bactericide antimycin-A (trade name Fintrol) will be used for Jammer Lake in St. Louis County and Rotenone (trade name Nusyn Noxfish) will be used for all other lakes. To be stocked with trout are Hanson in Becker County; Jammer and Cedar in St. Louis County; Hogback, Scarp and Indian in Lake County. To be stocked with warmwater species are Hanska and Clear in Brown County; Todd in Kandiyohi County; Carver in Washington County; and Knife and Kanabec in Mille Lacs County. Comments or questions can be addressed to the DNR—Division of Fish and Wildlife, James Groebner, 500 Lafayette Rd., St. Paul, MN 55155 (612) 296-0789.

Environmental Quality Board (EQB): Environmental Assessment Worksheet (EAW) comments due are due Sept. 20 on the following projects at their listed regional governing unit (RGU): Rockford Road Plaza, City of Plymouth (612) 559-2800. • An EAW deadline has been extended for McGowen Amphitheatre project in Dakota County until Sept. 5. For information contact John Shardlow (612) 339-3300. • The correct RGU for the Petroleum Contaminated Soil Treatment at Tower Asphalt Facility project is Washington County, not the PCA as noticed two weeks ago. • St. Louis County, RGU for the Bassett/Cadotte Lakes Gravel Mine petition, has determined that no EAW will be required for that project. • No EIS (environmental impact statements) are required for the following projects: Jerome Faribo Farms, Merton Township; Harriet Island Development/Marina, City of St. Paul; Southport Shopping Mall, City of Apple Valley; KVBM Communications Tower, City of St. Paul; Knife River Restoration, MN DNR. • A Minn. Dept. of Transportation (MN/DOT) alternative review will look at the following projects: North Star Bridge Repairs, Blue Earth County (507) 389-6876; TH 12-Darwin to Cokato, (612) 231-5497; and TH 15 Improvements-Meeker County, (612) 231-5497. • Comment period on the Minneapolis West Business Center at the junction of TH 100 and I-394 in St. Louis Park will end 4:30 p.m. Wednesday 20 Sept. (612) 924-2573.

Announcements

MECC Announces New Releases: A math management program series and crossloader have just been released by MECC (Minnesota Educational Computing Corporation). The **Math Management Series** is a math series that helps students enhance their skills with whole-number operations. The entire instructional program is correlated with the objectives of certain textbooks. **Universal Crossloader** is for the Velan network and allows a MECC member to load most of the MECC software on to a network, eliminating the need for individual disks. The software package also enables to user to create various menus under which MECC titles can be stored, allowing teachers to create menus to meet the needs of their classroom. For more information, call 800/228-3504, ext. 549 or (612) 481-3500.

Metro Council Seeks Candidates for Advisory Bodies: The Metropolitan Council is seeking candidates for seven vacancies on the **Developmental Disabilities Advisory Committee.** Each position is for a three-year term. The committee advises the Council on the needs of people with developmental disabilities and helps coordinate planning to meet those needs. It is composed of 25 volunteer members who include persons with developmental disabilities, their parents or guardians, service providers and the general public. For an application or for more information, call Kay Zwernik at 291-6364 or Edith Watson at 291-6427. Application deadline is Sept. 15. Appointments will be made by the Council on Sept. 28. The council is also seeking candidates to serve on its **Transportation Advisory Board.** The board advises the Council on transportation matters involving the regional highway, public transit and airport systems. It reviews and adopts the region's three-year transportation improvement program and develops priorities for transportation projects funded under the Federal Aid Urban and Interstate Substitution Programs. It ensures coordination and cooperation among government agencies involved in transportation planning. For more information or an application call Emil Brandt at 291-6347 or Diane Parsons-Freeberg 291-6308. The application deadline is Sept. 15, with appointments to be made by the Council on Sept. 28.

Arts School Director Appointed: Garland Wright of Minneapolis was appointed by Governor Rudy Perpich to serve on the board of the Minnesota Center for Arts Education. Wright is the Artistic Director for the Guthrie Theater in Minneapolis. The appointment is effective Aug. 18. Wright will replace Marilyn Berg of Mendota Heights. Wright's term will expire January 1991.

Members Sought for Library and Information Services Planning Committee: Minnesotans are encouraged to serve on the planning committee for the Pre-White House Conference on Library and Information Services. The committee will advise the Office of Library Development and Services on the Governor's Conference, to be held Sept. 1990. "The conference will provide opportunities to plan for strengthened and improved library and information services in the 1990s and beyond, as well as develop recommendations for the 1991 White House Conference of Library and Information Services," said Governor Rudy Perpich. Committee members will represent citizens, government and other public officials, library trustees, Friends of Libraries, library personnel, publishers and other information employees from across the state. Planning committee members will meet in Oct. of this year, and then again in Feb. and June 1990. Members will consider conference themes, objectives, structure and budget. Applications may be obtained by calling the Secretary of State's Office at (612) 297-5845 or the Office of Library Development and Services at (612) 296-2821. Application deadline is Sept. 1.

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Chemical Dependency Programs Directory 1989. Features comprehensive listings for programs ranging from Prevention/Intervention Services to a wide range of Treatment Services. Each type of program includes an alphabetical listing of facilities and brief narrative description of programming provided. Stock No. 1-12, $15.00 plus tax.

Process Parenting—Breaking the Addictive Cycle. A training manual that provides parent education and treatment techniques for professionals who work with recovering chemically dependent parents or dysfunctional families. Stock No. 5-4, $15.00 plus tax.

It's Never Okay: A Handbook for Professionals on Sexual Exploitation by Counselors and Therapists. Therapeutic and prevention issues and employer responsibilities are discussed in this task force report, as well as recommended curriculum for training institutions for counselors and therapists. Stock No. 14-16, $19.95

Hazardous Waste Rules 1989. Governs the storage, treatment, utilization, processing, transfer, and disposal of hazardous waste. Contains the complete requirements for application for permits for discharge of hazardous waste on construction and operation of a treatment facility. Stock No. 3-71, $16.95 plus tax.

Environmental Quality Board Rules 1989. Essential for long-term planning. Details the scope, purpose and objectives of the rules. Explains the need for environmental impact statements and the review process. Includes a special section on large energy facilities and high voltage transmission lines. Stock No. 3-54, $5.00 plus tax.

OTHER PUBLICATIONS

Our Minnesota. More than 100 full-color photos by Les and Craig Blacklock portray Minnesota in her seasonal beauty, with text from the personal journal of Fran Blacklock's thirty years of traveling the state. Stock #9-23. $12.95 plus tax.

Historic Sites and Place Names of Minnesota's North Shore. John Fritzen, long time employee of the Minnesota DNR draws upon his almost 40 years as a forester, mostly spent on Minnesota's colorful and legendary North Shore, to regale readers with tales of timbermen, pioneer settlers, miners, commercial fishermen and others. Black and white photos. Stock #9-11. $3.50 plus tax.

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Minnesota Manufacturer's Directory, 1989. More than 7,000 entries listing name, address, phone, staff size, sales volume, market area, year of establishment, type of firm, CEO, sales or marketing and purchasing managers, and four manufactured products. Stock #40-2. $76.50 + $4.59 sales tax.

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Department of Transportation

Adopted Permanent Rules Relating to State Highway Market Artery System

Rules as Adopted

8815.0100 DEFINITIONS

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Transportation.

Subp. 3. **Emergency.** "Emergency" includes flood, tornado, fire, or other disaster that threatens loss of life or destruction or damage to property or crops of such magnitude as to seriously endanger the public health, safety, and welfare.

Subp. 4. **Manufacturing employees.** "Manufacturing employees" refers to the number of full-time, nonseasonal employees established by:

A. the most recent Census of Manufactures, Geographic Area Series, Minnesota, prepared by the United States Department of Commerce, Bureau of the Census, referred to in this chapter as the Census of Manufactures, which is incorporated by reference. The publication is subject to change every five years, upon completion of a new census, and is available at most public libraries and through the Minitex interlibrary loan system at Minnesota public libraries; or

B. information submitted to the commissioner that demonstrates that a city has a business or combination of businesses within its jurisdiction engaged in manufacturing, as described in the Census of Manufactures, that employs over 450 full-time, nonseasonal employees.

Subp. 5. **Population.** "Population" refers to the population established by:

A. the most recent Census of Population, Characteristics of the Population, Minnesota, prepared by the

United States Department of Commerce, Bureau of the Census, referred to in this chapter as the Census of Population, which is incorporated by reference. The publication is subject to change every ten years, upon completion of a new Census of Population, and is available at most libraries and through the Minitex interlibrary loan system at Minnesota public libraries; or

B. a special census conducted under contract with the United States Bureau of the Census.

Subp. 6. **Retail sales.** "Retail sales" has the meaning given it by the most recent Census of Retail Sales, Geographic Area Series, Minnesota, prepared by the United States Department of Commerce, Bureau of the Census, referred to in this chapter as the Census of Retail Trade, which is incorporated by reference, as measured in dollar value. The publication is subject to change every five years, upon completion of a new Census of Retail Trade, and is available in most libraries and through the Minitex interlibrary loan system at Minnesota public libraries.

Subp. 7. **Seasonal weight restrictions.** "Seasonal weight restrictions" means vehicle weight prohibitions or restrictions determined and imposed by the commissioner under Minnesota Statutes, section 169.87.

Subp. 8. **Temporary.** "Temporary" means a specified time period determined by the commissioner for the duration of an emergency or in the initial stages of recovery from the emergency.

Subp. 9. **Wholesale sales.** "Wholesale sales" has the meaning given it by the most recent Census of Wholesale Trade, Geographic Area Series, Minnesota, prepared by the United States Department of Commerce, Bureau of the Census, referred to in this chapter as the Census of Wholesale Trade, which is incorporated by reference, as measured in dollar value. The publication is subject to change every five years, upon completion of a new Census of Wholesale Trade, and is available in most libraries and through the Minitex interlibrary loan

system at Minnesota public libraries.

8815.0200 TEMPORARY EMERGENCY SERVICE; WHEN ALLOWED.

"Temporary emergency service" means service that is provided on a trunk highway route on which seasonal weight restrictions are in effect; or provided on a highway route designated by the commissioner under Minnesota Statutes, section 161.25, when service on an identified market artery route is interrupted by an emergency. Temporary emergency service may be provided only under all of the following limitations:

A. to respond to sudden unanticipated circumstances that create an urgent and immediate need to move loads that exceed the posted seasonal weight restrictions, but do not exceed the maximum gross vehicle weight permitted in Minnesota Statutes, section 169.825;

B. to provide service to a particular shipping or receiving point on a market artery during an emergency or during the initial stages of recovery;

C. to preserve public health or welfare or to avert or alleviate the effect of natural disasters;

D. to provide service only to move specific products or commodities needed to avert or alleviate the emergency; and

E. to provide service only when to do so does not create an undue hazard to traffic safety.

8815.0300 SIGNIFICANT CENTERS OF POPULATION AND COMMERCE.

"Significant centers of population and commerce" means:

A. cities inside Minnesota that have any one of the following:

(1) population of 5,000 or more persons;

(2) $50,000,000 or more in retail sales;

(3) 450 or more manufacturing employees; or

(4) $50,000,000 or more in wholesale sales; or

B. cities in surrounding states or Canadian provinces that have a population of 50,000 or more persons.

Office of the Revisor of Statutes
Administrative Rules

Ron Ray
Assistant Revisor
296-0945

700 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1297

August 29, 1989

Jonette Kreideweis
Department of Transportation
807 Transportation Building
Saint Paul, Minnesota 55155

RE: File No. 1180

Dear Ms. Kreideweis:

Enclosed is a stripped copy of your proposed rules as published in the State Register. The copy shows the text of the rules as you proposed them with the stricken text deleted and the underscoring removed.

If your emergency rules or rules adopted without public hearing are adopted without modification, please submit the required number of copies of this document to the Attorney General for final approval. If these rules are to be modified, please use this copy to indicate the modifications you wish to make. Our office will then input the changes, approve the document as to form, and provide you with copies to submit to the Attorney General.

If your rules are adopted after public hearing without modification, please submit one copy of this document to our office for final approval as to form. If these rules are to be modified, please use this copy to indicate the modifications you wish to make. Our office will input the changes, approve the document as to form, and provide you with copies.

Very truly yours,

RR/cs

Ron Ray

Minnesota Department of Transportation
Transportation Building, St. Paul, MN 55155

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296-8477

October 5, 1989

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ADMINISTRATIVE
HEARINGS

The Honorable Phyllis Reha
Administrative Law Judge
Office of Administrative Hearings
500 Flour Exchange Building
310 Fourth Avenue South
Minneapolis, Minnesota 55424

Dear Judge Reha:

On August 7, 1989, Commissioner Leonard Levine of the Minnesota Department of Transportation (Mn/DOT) forwarded a letter to Judge Brown informing him of Mn/DOT's intent to publish a Notice of Hearing/Notice of Intent to Adopt a Rule Without a Hearing. This notice advised persons that the hearing would be cancelled if 25 or more persons did not request a hearing.

The Rule was published in the State Register on August 28, 1989 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14 subdivision 1(a) and 14.22 on September 1, 1989.

The Department of Transportation also gave additional discretionary public notice of the proposed adoption of the rule to the active Regional Development Commissions in Minnesota by mailing a copy of the proposed rule and the Notice of Hearing/Notice of Intent to Adopt a Rule Without a Hearing to these persons.

A hearing was scheduled for 9:30 a.m., Tuesday, October 10, 1989 through October 11, 1989 if necessary at City Hall, 400 Second Street, South, St. Cloud, Minnesota 56301.

All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. This comment period ended on October 4, 1989. The agency received one (1) written request for a public hearing during the comment period. The hearing will be cancelled because fewer than 25 persons submitted written requests for a public hearing within the comment period.

Attached, as information, is a copy of the above mentioned request for a public hearing. If you need additional information about this matter, please contact me at 296-8477.

Sincerely,

Jonette Kreideweis

Jonette Kreideweis, Manager
Highway Planning Unit

minnetonka

September 12, 1989

Ms. Jonette Kreideweis
Minnesota Department of Transportation
Room 807
Transportation Building
St. Paul, MN 55155

RE: Request for Public Hearing in the Matter of the Proposed Adoption of a Rule Relating to the Definitions of "Significant Centers of Population and Commerce" and "Temporary Emergency Service"

Dear Ms. Kreideweis:

The purpose of this letter is to request, on behalf of the City of Minnetonka, that a public hearing be held on the above cited matter.

Our concern is with Section 8815.0300, "Significant Centers of Population and Commerce", wherein it is indicated that cities within the state of Minnesota that have a population of of 5,000 or more persons will be so classified. Our concern in designating communities of this size as significant centers is that it may dilute the financing available for implementing the state highway market artery system and for other state highway improvements to the point where needed improvements may be bypassed in favor of less needed improvements proposed solely to distribute highway funds to these smaller cities. We believe it may be appropriate to consider a larger population figure, such as 25,000. This perspective is somewhat substantiated by part B following where cities in surrounding states or Canadian provinces must have a population of 50,000 or more persons to be considered a significant center of population and commerce.

Therefore, the City of Minnetonka officially requests that the Department of Transportation of the State of Minnesota hold a public hearing prior to the adoption of a rule relating to the definitions of "significant centers of population and commerce" and "temporary emergency service".

Sincerely,

David J. Sonnenberg, P.E.
Director of Engineering

DJS:ph

Minnesota
Department of Transportation
Transportation Building
St. Paul, Minnesota 55155

RECEIVED
AUG 7 1989
ADMINISTRATIVE
HEARINGS

Office of Commissioner

(612) 296-3000

August 7, 1989

Honorable William G. Brown
Chief Administrative Law Judge
310 Fourth Avenue South
4th Floor Summit Bank Building
Minneapolis, Minnesota 55415

Dear Judge Brown:

The Minnesota Department of Transportation (Mn/DOT) wishes to initiate a rulemaking hearing. We intend to publish a Notice of Hearing/Notice of Intent to Adopt a Rule Without a Hearing, advising persons that the hearing will be canceled if 25 or more persons do not request a hearing.

We request that you assign an Administrative Law Judge to preside over the hearing.

The Department is authorized to adopt a rule defining" significant centers of population and commerce", and "temporary emergency service", under Minnesota Statutes, Section 169.832, Subdivision 13, and Laws 1986, Chapter 398, Article 13, Section 10. These terms will be used to assist in determining which state trunk highways will serve as market artery routes. Market artery routes connect major economic activity areas in the state via a network of state trunk highways which are most important to trucking and shipping activities.

State trunk highways designated as market arteries will represent priority routes for the elimination of seasonal (spring) truck axle-weight restrictions.

We estimate that if there is a hearing, it will require approximately two days. We would like to schedule the hearing for Tuesday, October 10, 1989 through October 11, 1989 if necessary at City Hall, 400 Second Street, South, St. Cloud, Minnesota 56301. The hearing will be held in the Council Chambers at 9:30 a.m., on October 10, 1989 and continue on to October 11, 1989, at this location if additional time is required to receive public input.

We do not expect more than 50 people to attend such a hearing. The agency will need about one hour for its presentation.

I enclose:

- a copy of the proposed rule certified by the Revisor
- an Order for Hearing
- the proposed Notice of Hearing
- a Statement of Need and Reasonableness

Notice of Hearing shall be sent to all persons who have registered with the Department of Transportation for the purpose of receiving notices of agency rulemaking. The Department of Transportation intends to give discretionary additional public notice of the proposed adoption of the rule to the active Regional Development Commissions in Minnesota by mailing a copy of the proposed rule and the Notice of Hearing/Notice of Intent to Adopt a Rule Without a Hearing to these persons.

If you need additional information about this matter, please contact Jonette Kreideweis, 612-296-8477.

Sincerely,

Leonard W. Levine

LEONARD W. LEVINE
Commissioner

Attachments

DEPARTMENT OF TRANSPORTATION

STATE OF MINNESOTA

ORDER FOR HEARING IN THE MATTER OF THE PROPOSED RULE OF THE COMMISSIONER OF TRANSPORTATION RELATING TO THE DEFINITIONS OF "SIGNIFICANT CENTERS OF POPULATION AND COMMERCE" AND "TEMPORARY EMERGENCY SERVICE".

It is hereby ordered that a public hearing be held on October 10, 1989, through October 11, 1989, if necessary, at the City Hall, 400 Second Street, South, St. Cloud, Minnesota, 56301. The hearing will be held in the Council Chambers at 9:30 a.m. on October 10, 1989 and continue on to October 11, 1989, at this location if additional time is required to receive public comment. Notice of Hearing shall be sent to all persons who have registered with the Department of Transportation for the purpose of receiving notices of agency rulemaking. The Department of Transportation intends to give discretionary additional notice of the proposed adoption of the rule to the active Regional Development Commissions in Minnesota by mailing a copy of the proposed rule and the Notice of Hearing/Notice of Intent to Adopt a Rule without a hearing to these persons. In addition, the Notice of Hearing shall be published in the State Register.

_____

LEONARD W. LEVINE
Commissioner
Minnesota Department of Transportation

_____

Dated:

DEPARTMENT OF TRANSPORTATION
STATE OF MINNESOTA

RECEIVED
AUG 7 1989
ADMINISTRATIVE
HEARINGS

In the Matter of the Proposed Adoption
of a Rule Relating to the Definitions of
"Significant Centers of Population and Commerce"
and "Temporary Emergency Service."

NOTICE OF HEARING AND NOTICE OF INTENT TO CANCEL HEARING IF FEWER THAN TWENTY FIVE PERSONS REQUEST A HEARING IN RESPONSE TO NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING.

Notice is hereby given that a public hearing on the above entitled matter will be held in the Council Chambers, City Hall, 400 Second Street, South, St. Cloud, Minnesota, 56301 on October 10, 1989. The hearing will commence at 9:30 a.m. on October 10, 1989 and continue on to October 11, 1989 at this location, if additional time is necessary to provide interested or affected persons with an opportunity to participate. Notice of the hearing will be given to all persons who have registered with the Minnesota Department of Transportation in order to receive rulemaking notices. The Department of Transportation intends to give discretionary additional public notice of the proposed adoption of the rule to the active Regional Development Commissions in Minnesota by mailing a copy of the proposed rule and the Notice of Hearing/Notice of Intent to Adopt a Rule Without a Hearing to these persons. The proposed rule may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rule, you are urged to participate in the rule hearing process.

PLEASE NOTE, HOWEVER, THAT THE HEARING WILL BE CANCELED IF FEWER THAN 25 PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE OF INTENT TO ADOPT THIS SAME RULE WITHOUT A PUBLIC HEARING, PUBLISHED IN THIS STATE REGISTER AND MAILED TO PERSONS REGISTERED WITH THE DEPARTMENT OF TRANSPORTATION.

TO VERIFY WHETHER OR NOT A HEARING WILL BE HELD, YOU MUST CALL the Minnesota Department of Transportation between October 5, 1989 and October 9, 1989 at 612-296-8477 or 612-296-1635.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record may be mailed to Phyllis A. Reha, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55425; telephone 612-341-7611, either before the hearing or within five working days after the public hearing ends. The Administrative Law Judge may at the hearing, order the record be kept open for a longer period not to exceed 20 calendar days. The comments received during the comment period shall be available for review at the

Office of Administrative Hearings. Following the close of the comment period the agency and all interested persons have three business days to respond in writing to any new information submitted during the comment period. During the three-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. No additional evidence may be submitted during the three-day period. The written responses shall be added to the rulemaking record.

Upon the close of the record the Administrative Law Judge will write a report as provided for in Minnesota Statutes, sections 14.15 and 14.50. The rule hearing is governed by Minnesota Statutes, sections 14.14 to 14.20 and by Minnesota Rules, parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the Administrative Law Judge.

The adoption of the rule is authorized by Minnesota Statutes, Section 169.832, Subdivision 13.

The purpose of this proposed rule is to identify criteria for defining "significant centers of population and commerce" and "temporary emergency service". These terms will be used to assist in determining which state trunk highways will serve as market artery routes. State trunk highways designated as market arteries will represent priority routes for the elimination of seasonal truck axle-weight restrictions.

A copy of the proposed rule is included with this notice. One free copy of the rule may also be obtained from Jonette Kreideweis, 807 Transportation Building, St. Paul, MN., 55155, (612) 296-8477.

The Department has considered the impact of this rule on small business in compliance with Minnesota Statutes, Section 14.115, Subdivision 2. The proposed rule does not establish compliance or reporting requirements or performance standards. It imposes no requirements for any business large or small. However, businesses located on trunk highway market arteries that connect cities defined as "significant centers of population and commerce" may achieve some shipping advantage over businesses which are located on routes which have not been identified as market arteries. This situation may result because of the priority that will be given to eliminating weight restrictions on market artery routes.

Many opportunities have been provided for small businesses to participate in this rulemaking process. The Notice of Intent to Solicit Outside Opinion made special reference to the potential impact of the rules on small business. In addition, throughout the public involvement activities surrounding this rulemaking, special efforts have been undertaken to encourage small business involvement in public meetings and in the review and comment on

draft criteria for defining "significant centers of population and commerce" and "temporary emergency service".

Each of the above mentioned provisions of the proposed rule and the steps taken to encourage participation by small businesses are discussed in greater detail in the Notice of Intent to Adopt Rules Without a Public Hearing that is published with this Notice in this State Register, and in the Statement of Need and Reasonableness.

The adoption of this rule will not require the expenditure of money by local public bodies within the meaning of Minnesota Statutes, Section 14.11. The proposed rule will not have an effect on agricultural land. The rule will not impose "costs mandated by the state," or require a local agency or school district to take action that incurs costs mandated by the state within the meaning of Minnesota Statutes, Section 3.982. The rule imposes no fees.

Notice: Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the agency may not take any final action on the rule for a period of five working days. If you desire to be notified, you may indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rule was adopted and filed with the

Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified, you may indicate at the hearing or send a request in writing to the agency at any time prior to the filing of the rule with the Secretary of State.

Notice is hereby given that a Statement of Need and Reasonableness is now available for review at the agency and at the Office of Administrative Hearings. The Statement of Need and Reasonableness includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule. Copies of the Statement of Need and Reasonableness may be reviewed at the agency or the Office of Administrative Hearings. Copies may be obtained from the Office of Administrative Hearings for the cost of reproduction.

Minnesota Statutes, Chapter 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 Minnesota Statutes, Section 10A.01, Subdivision 11, 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 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 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, 625 North Robert St., St. Paul, Minnesota 55105-2520, telephone 612-296-5148.

_____
LEONARD W. LEVINE
Commissioner
Minnesota Department of Transportation

_____
Dated:

DEPARTMENT OF TRANSPORTATION
STATE OF MINNESOTA

RECEIVED
AUG 7 1989
ADMINISTRATIVE
HEARINGS

In the Matter of the Proposed Adoption
of a Rule Relating to the Definitions of
"Significant Centers of Population and Commerce"
and "Temporary Emergency Service."

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING AND
NOTICE OF INTENT TO ADOPT A RULE WITH A PUBLIC HEARING IF
TWENTY-FIVE OR MORE PERSONS REQUEST A HEARING

Notice is hereby given that the State Department of Transportation intends to adopt the above entitled rule without a public hearing following the procedures for adopting rules without a public hearing set forth in Minnesota Statutes, Sections 14.22 to 14.28. The specific statutory authority to adopt the rule is Minnesota Statutes, Section 169.832, Subdivision 13, and Laws 1986, Chapter 398, Article 13, Section 10.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30 day comment period. If 25 or more persons submit a written request for a public hearing within the 30 day comment period, a public hearing will be held unless a sufficient

number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed.

If a public hearing is required, the agency will proceed pursuant to Minnesota statutes, Section 14.131 to 14.20. PLEASE NOTE THAT IF 25 OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITHIN 30 DAY COMMENT PERIOD, A HEARING WILL BE HELD ON TUESDAY, OCTOBER 10, 1989, THROUGH WEDNESDAY OCTOBER 11, 1989, IN THE COUNCIL CHAMBERS, CITY HALL, 400 SECOND STREET, SOUTH, ST. CLOUD, MINNESOTA. THE HEARING WILL COMMENCE AT 9:30 A.M. ON OCTOBER 10, 1989 AND CONTINUE ON TO OCTOBER 11, 1989, IF ADDITIONAL TIME IS NECESSARY TO PROVIDE INTERESTED OR AFFECTED PERSONS WITH AN OPPORTUNITY TO PARTICIPATE. THE HEARING WILL BE CANCELLED IF SUFFICIENT NUMBER WITHDRAW THEIR REQUEST, IN ACCORDANCE WITH THE NOTICE OF PUBLIC HEARING ON THESE SAME RULES, PUBLISHED IN THIS ISSUE OF THE STATE REGISTER AND MAILED TO PERSONS REGISTERED WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION. TO VERIFY WHETHER OR NOT A HEARING WILL BE HELD, YOU MUST CALL THE DEPARTMENT OF TRANSPORTATION BETWEEN OCTOBER 5, 1989 AND OCTOBER 9, 1989, AT 612-296-8477 OR 612-296-1635.

Comments or written requests for a public hearing must be submitted to:

Jonette Kreideweis
Minnesota Department of Transportation
Room 807, Transportation Building
St. Paul, Minnesota 55155
(612) 296-8477

Comments or requests for a public hearing must be received by the Department by 4:30 p.m. on October 4, 1989.

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this notice. A free copy of the rule is available upon request from Jonette Kreideweis at the address noted above.

The terms will be used to assist in determining which state trunk highways will serve as market artery routes. State trunk highways designated as market arteries will represent priority routes for the elimination of seasonal truck axle-weight load restrictions.

Data from the most recent population and economic censuses published by the United States Department of Commerce, Bureau of the Census, were utilized to determine which cities met the

criteria for defining "significant centers of population and commerce".

In addition to defining "significant centers of population and commerce", the proposed rule will permit the department to designate "temporary emergency service" routes to particular shipping or receiving points on market artery routes. Under the proposed rule, "temporary emergency service" could be provided for a limited and specified period of time on trunk highways with seasonal weight restrictions or on alternate routes when service on a trunk highway market artery has been disrupted.

The department will allow trunk highways designated for "temporary emergency service" to be used by heavier trucks to move specific commodities to particular shipping and receiving points on market arteries during unanticipated emergencies which threaten the loss of life or significant property damage.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Jonette Kreideweis upon request.

The adoption of the rule will not require the expenditure of money by local public bodies within the meaning of Minnesota Statutes, Section 14.11. The proposed rule will not have an effect on agricultural land. The rule will not impose "costs

mandated by the state," or require a local agency or school district to take action that incurs costs mandated by the state within the meaning of Minnesota Statutes, Section 3.982. The rule imposes no fees.

The proposed rule may have an impact on the transportation activities of small businesses located in the cities or rural areas that do not meet the criteria included in the rule for defining "significant centers of population and commerce".

This rule specifies the criteria for defining which cities in Minnesota will be identified as "significant centers of population and commerce" for the purposes of Minnesota Statutes, Section 169.832, Subdivision 13. The rule is designed to identify Minnesota cities which are major regional centers and businesses which are large truck traffic generators.

Businesses located on trunk highway market arteries that connect cities defined as "significant centers of population and commerce" may achieve some shipping advantage over businesses which are located on routes which have not been identified as market arteries. This situation may result because of the priority that will be given to eliminating seasonal weight restrictions on market artery routes.

The department has considered the impact of the rule on small businesses in compliance with Minnesota Statutes, Section 14.115, Subdivision 2.

The proposed rule does not establish compliance or reporting requirements or performance standards. It imposes no requirements on any business large or small.

The rule offers cities alternative ways to show that they are "significant centers of population and commerce". These provisions will minimize impacts of the rule on small businesses located in cities that might otherwise be unable to show that they are "significant centers of population and commerce" due to:

-- a lack of available published population or commerce data due to data privacy or census reporting provisions; or

-- population or commerce changes that have occurred during the time period between traditional census reporting periods.

Small business needs have also been considered in defining "temporary emergency service". For example, the Minnesota Department of Transportation will respond to requests for the designation of a temporary emergency service market artery route within twenty-four hours of receiving the request. The department's rapid response to such requests is intended to minimize delays and costs for shippers that find themselves faced with an immediate and urgent need to move commodities at weights up to the 80,000 pound maximum allowable vehicle load during unanticipated emergency situations.

Many opportunities have been provided for small business to participate in this rulemaking process. The Notice of Intent to Solicit Outside Opinion made special reference to the potential impact of the rule on small business. In addition, throughout the public involvement activities surrounding this rulemaking, special efforts have been undertaken to encourage small business involvement in public meetings and in the review and comment of draft criteria for defining "significant centers of population and commerce" and "temporary emergency services".

The following actions were taken by the department to encourage business participation in the rulemaking:

a) Twelve public information meetings were held at various locations throughout the state to explain the rulemaking and solicit comments on alternative draft definitions for the rule.

b) Public notices stating the dates, time and locations of the public information meetings and the potential effects of the rule on small businesses were prepared.

Copies of the notice were:

- published in the State Register on September 7, 1987
- forwarded to all weekly and daily newspapers in the state
- mailed to several hundred businesses, shippers, trucking companies and private citizens identified by the regional development commissions and the department's nine district offices.
- forwarded to the major agricultural and business associations in Minnesota

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent that the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit a written request to Jonette Kreideweis at the address indicated above.

_____

LEONARD W. LEVINE
Commissioner
Minnesota Department of Transportation

_____

Dated:

STATE OF MINNESOTA
COUNTY OF RAMSEY

BEFORE THE MINNESOTA
COMMISSIONER OF
TRANSPORTATION

In the Matter of Proposed Rules
Relating to the Definition of
Significant Centers of Population
and Commerce and Temporary
Emergency Service

STATEMENT OF NEED AND
REASONABLENESS

RECEIVED
AUG 7 1989
ADMINISTRATIVE
HEARINGS

The Commissioner of Transportation, pursuant to Minnesota Statutes, section 169.832, subdivision 13, presents facts establishing the need for and reasonableness of proposed rules for defining "significant centers of population and commerce" and "temporary emergency service". These terms will be used to assist in determining which state trunk highways will serve as market artery routes. State trunk highways designated as market arteries will represent priority routes for the elimination of seasonal truck axle-weight load restrictions.

I. Statutory Authority

Minnesota Statutes, section 169.832 directs the Commissioner of Transportation to adopt rules defining "significant centers of population and commerce" and "temporary emergency service". Minnesota Statutes, section 169.832 states:

> "Subd. 13. **RESTRICTIONS ON TRUNK HIGHWAYS** (a) For purposes of this section a "market artery" is a trunk highway or segment thereof that:
>
> (i) connects significant centers of population or commerce;
>
> (ii) connects highways described in clause (i);
>
> (iii) provides access to a transportation terminal; or
>
> (iv) provides temporary emergency service to a particular shipping or receiving point on a market artery.

(b) The commissioner may impose seasonal load restrictions under section 169.87 on a market artery only after giving 30 days' notice to the chairs of the transportation and appropriations committees of the house of representatives, and the chairs of the transportation and finance committees of the senate. The commissioner shall provide with each notice a plan to improve the market artery within the next three years so that seasonal load restrictions will not be necessary on it.

(c) The commissioner shall adopt rules under chapter 14 defining "significant centers of population and commerce" and "temporary emergency service" for purposes of this section. In drafting the rules, the commissioner shall consult with major highway users, representatives of manufacturing, retail trade and agriculture, local government and regional development commissions. The commissioner shall consider the importance of manufacturing, retailing, agricultural and natural resources in promulgating the rule, and shall hold at least four public meetings in various parts of the state prior to preparing the final draft of the rule. Between July 1, 1986, and the effective date of the rule, "significant centers of population and commerce" means all home rule charter or statutory cities that had total retail sales of at least $50,000,000 as reported in the 1982 census of retail trade of the United States Department of Commerce."

II. **Meaning of Terms**

This Statement of Need and Reasonableness deals with the definition of two terms, "significant centers of population and commerce" and "temporary emergency service". Those definitions will be used to help determine which state trunk highways will serve as market artery routes. The designation of the market artery system will influence how the Minnesota Department of Transportation manages seasonal truck axle-weight restrictions on trunk highways under its jurisdiction.

Certain technical terms are used in this Statement of Need and Reasonableness. They are explained here for the convenience of the reader.

A. Minnesota Statutes, section 169.832, subdivision 13 states that the rule applies to "trunk highways". Minnesota Statutes, section 160.02 states that "trunk highways includes all roads established or to be established under the provisions of article 14, section 2 of the Constitution of the state of Minnesota".

There are approximately 12,100 miles of trunk highways in Minnesota under the jurisdiction of the Minnesota Department of Transportation.

B. "Truck", as it is used in this document, means a five-axle tractor semi-trailer truck combination.

C. "Maximum allowable vehicle loads" means the gross vehicle weights permitted in Minnesota Statutes, section 169.825. As stated in Minnesota Statutes, section 168.011, subdivision 16, the term gross weight applied to a truck used for towing a trailer or semi-trailer means the unloaded weight of the truck, fully equipped for service, plus the weight of the maximum load which the applicant has elected to carry on such truck, including the weight of such part of the trailer and its load as may rest upon the truck. In Minnesota, the current "maximum allowable vehicle load" for a five-axle, tractor-semi-trailer combination is 80,000 pounds gross vehicle weight. The weight of loads that may be transported on highways is discussed in greater detail in Part IV of this Statement of Need and Reasonableness.

Minnesota Statutes, section 169.832, subdivision 11, gives the commissioner the authority to designate routes to carry the gross weights permitted under section 169.825. Section 169.832, subdivision 11 states:

> "Designation of routes. The commissioner may designate any street or highway route or segment of a route to carry the gross weights permitted under section 169.825. Any designation of a route pursuant to this subdivision, other than a trunk highway route, is subject to the approval of the local authority having jurisdiction over the route. A route may not be designated if the commissioner finds that designation
>
> (a) creates an undue hazard to traffic safety; or
>
> (b) is inconsistent with structural capacity of the route, including consideration of the volume of traffic expected to occur on the route after designation.

Notwithstanding any finding under clause (b), the commissioner shall designate any route which is needed to provide

(i) a connection between significant centers of population or commerce, or between other designated routes; or

(ii) access to a transportation terminal; or

(iii) temporary emergency service to a particular shipping or receiving point on the route."

D. "Seasonal load restrictions" have the meaning used in Minnesota Statutes, section 169.87. Section 169.87 gives the Commissioner the authority to reduce the vehicle weights permitted on highways when such restrictions are necessary to protect the highways from serious damage or destruction because of deterioration, rain, snow or other climatic conditions. Seasonal weight restrictions have historically been used during the three month spring season (March-May) when moisture saturation in underlying soils leaves roadways in their weakest condition. Notice of seasonal weight restrictions is given by signs on the roadway.

III. Statement of Compliance With Chapter 14

A. Notice of Intent to Solicit Outside Opinion

The Minnesota Department of Transportation published a Notice of Intent to Solicit Outside Opinion on September 1, 1986, in the State Register. The notice stated the intent of the department to promulgate rules defining "significant centers of population and commerce" and "temporary emergency service".

The Minnesota Department of Transportation received three letters and one telephone call in response to the notice from:

a) Mid-Minnesota Development Commission

Requested the department to expand the interim definition of "significant centers of population and commerce" so that major regional centers and important highways such as Trunk Highway 212 are included.

The letter recommended the following criteria as alternatives for defining "significant centers of population and commerce":

-- cities with $50 million or more in retail sales;

-- cities with 450 or more persons working for operating manufacturing establishments and auxiliaries;

-- cities with $10 million or more receipts from service industry firms, subject to federal income tax.

b) Southwest Regional Development Commission

This letter was forwarded to the department with the letter from the Mid-Minnesota Development Commission.

The Southwest Regional Development Commission supported the alternative criteria identified by the Mid-Minnesota Development Commission. They also raised questions regarding:

-- how the department will handle cities that fall just short of the criteria thresholds; and

-- whether there is sufficient flexibility to allow for changes in population and commercial activity that occur between census reporting periods.

c) City of Montevideo

Requested the department to expand the definition of "significant centers of population and commerce" to include cities like Montevideo.

d) Kane Transport, Incorporated, Sauk Centre, Minnesota

Requested that a number of trunk highways be identified as important shipping corridors and priority market artery routes.

B. Fees, Mandated Costs or Public Expenditures

Promulgation of this rule will not result in the imposition of agency fees as described in Minnesota Statutes, section 16A.128. The rule will not require the expenditure of public monies by local public bodies as defined in Minnesota Statutes, section 14.11, subdivision 1. Additionally, the rule will not result in mandated costs for local agencies or school districts described in Minnesota Statutes, section 3.982.

C. Impacts on Agricultural Land

The proposed rule will have no effect on agricultural land.

D. Impact on Small Business

The proposed rule may have an impact on the transportation activities of small businesses located in cities or rural areas that do not meet the criteria included in the rule for defining "significant centers of population and commerce".

The intent of the legislation specifying this rulemaking is to eliminate seasonal weight restrictions on those trunk highways which are most important to trucking and shipping. This intent is accomplished by identifying "significant centers of population and commerce" and connecting them via a network of trunk highway market artery routes.

This rule specifies the criteria for defining which cities in Minnesota will be identified as "significant centers of population and commerce" for the purposes of Minnesota Statutes, section 169.832, subdivision 13. The rule is designed to identify Minnesota cities which are major regional centers and businesses which are large truck traffic generators.

Businesses located on trunk highway market arteries that connect cities defined as "significant centers of population and commerce" may achieve some shipping advantage over businesses which are located on routes which have not been identified as market arteries. This situation may result because of the priority that will be given to eliminating seasonal weight restrictions on market artery routes.

The department has considered the impact of the rule on small businesses in compliance with Minnesota Statutes, section 14.115, subdivision 2. The law requires the department to consider:

(a) the establishment of less stringent compliance or reporting requirements for small businesses;

(b) the establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;

(c) the consolidation or simplification of compliance or reporting requirements for small businesses;

(d) the establishment of performance standards for small businesses to replace design or operational standards required in the rule; and

(e) the exemption of small businesses from any or all requirements of the rule.

The proposed rule does not establish compliance or reporting requirements or performance standards. It imposes no requirements on any business large or small.

The rule offers cities alternative ways to show that they are "significant centers of population and commerce". These provisions will minimize impacts of the rule on small businesses located in cities that might otherwise be unable to show that they are "significant centers of population and commerce" due to:

-- a lack of available published population or commerce data due to data privacy or U.S. Department of Commerce, Bureau of the Census data reporting provisions; or

-- population or commerce changes that have occurred during the time period between traditional U.S. Department of Commerce, Bureau of the Census data reporting periods.

Small business needs have also been considered in defining "temporary emergency service". For example, the Minnesota Department of Transportation will develop administrative procedures to respond to requests for the designation of "temporary emergency service" on a market artery route within twenty-four hours of receiving the request. The department's rapid response to such requests is intended to minimize delays and costs for shippers that find themselves faced with an immediate and urgent need to move commodities at weights up to the 80,000 pound maximum allowable vehicle load during unanticipated emergency situations.

E. Small Business Participation in Rulemaking

Many opportunities have been provided for small business to participate in this rulemaking process. The Notice of Intent to Solicit Outside Opinion made special reference to the potential impact of the rule on small business. In addition, throughout the public involvement activities surrounding this rulemaking, special efforts have been undertaken to encourage small business involvement in public meetings and in the review and comment of draft criteria for defining "significant centers of population and commerce" and "temporary emergency service".

The following actions were taken by the department to encourage business participation in the rulemaking:

a) Twelve public information meetings were held at various locations throughout the state to explain the rulemaking and solicit comments on alternative draft definitions for the rule.

b) Public notices stating the dates, time and locations of the public information meetings and the potential effects of the rule on small businesses were prepared.

Copies of the notice were:

- published in the State Register on September 7, 1987

- forwarded to all weekly and daily newspapers in the state

- mailed to several hundred businesses, shippers, trucking companies and private citizens identified by the regional development commissions and the department's nine district offices.

- forwarded to the following business associations:

Agricultural Transportation Cooperative Association

Concrete Paving Association of Minnesota

Farm Equipment Association

Minnesota and Dakota Retail
and Hardware Association

Minnesota Chamber of Commerce
and Industry

Minnesota Grocers Association

Minnesota Independent Truckers
Association

Minnesota Public Transport
Association

Minnesota Retail Trade
Association

Minnesota Timber Products

Minnesota Wheat Growers
Association

Northwest Agri Dealers
Association

Northwest Lumber Association

Red River Valley Sugar Beet
Growers Association

IV. General Statement of Need and Reasonableness

Background

Today, a major portion of all farm, forest and manufacturing products are transported on highways during some stage of production and distribution. In fact, fourteen percent or more of a product's final price is determined by the cost of transportation.

The Minnesota Department of Transportation is responsible for the 12,100 mile state trunk highway system. This system is an essential link in the productivity of Minnesota farms and businesses.

In recent years, greater shipping efficiencies have been achieved through the use of larger and heavier tractor-semi-trailer combinations. The most phenomenal growth has occurred in the use of five-axle tractor-semi-trailer combinations. Currently, five

axle truck travel is growing in Minnesota at about four percent per year. At this rate, it will double in the state by the year 2000.

In Minnesota, the maximum gross vehicle weight permitted for five axle, tractor-semi-trailer combinations is 80,000 pounds. The use of 80,000 pound trucks can result in larger payloads, reduced trips for shippers and cost savings for producers and consumers. However, heavier trucks create added stress for highway pavements. This added stress accelerates pavement deterioration and increases roadway repair costs. This is particularly true for many of the state's older trunk highways that were built years ago and are not designed to carry 80,000 pound truck loads.

It is in the spring that roadways are subject to the most damage from heavy vehicle loads. In the spring, moisture in subgrade soils from thawing frost and spring rains leave roadbeds in their weakest condition. The weakness in subgrade soils reduces stability and strength in highway pavements. The result is accelerated deterioration and pavement breakup.

In order to reduce the damage caused by heavier trucks, the Minnesota Department of Transportation imposes seasonal (spring) weight restrictions on structurally weak trunk highways. The Commissioner's authority to impose seasonal weight restrictions is specified in Minnesota Statutes, section 169.87. Seasonal weight restrictions are generally in effect from March 15 to May 15. Notice of restrictions is given by signs on the roadway.

Seasonal weight restrictions can cause difficulties for shippers and producers who are required to reduce truck loads to comply with lower weight limits. The use of smaller trucks or the shipment of less than full loads result in economic inefficiencies. They also have the potential to diminish the state's competitive advantage in attracting new business development.

To enhance economic development opportunities and improve shipping efficiencies, the Minnesota Department of Transportation began reassessing its weight management policies in 1984. A "risk management philosophy" was implemented; many seasonal weight restrictions were removed and the signs taken down. The result has been a substantial increase in the miles of trunk highway open year around to 80,000 pound trucks. Since 1984, the number of trunk highway miles open year-around to 80,000 pound trucks has increased from eighteen percent (18%) of the trunk highway system to nearly seventy-four percent (74%) of the trunk highway system in 1989.

Taking down seasonal weight restrictions signs without strengthening highways to carry additional weight is an unacceptable long-term solution. Unfortunately, upgrading all 12,100 miles of state trunk highways to carry 80,000 pound trucks year-around is also unrealistic. For example, in 1985, a department report estimated that the short and long term costs of establishing a statewide 80,000 pound trunk highway system would be over $32 million per year. (Truck Weight Action Group Report, Minnesota Department of Transportation, January 1985)

Overview of Minnesota Statutes, Section 169.832, Subdivision 13

In 1986, the Minnesota Legislature took action to help focus and direct the department's truck weight management activities. Minnesota Statutes, section 169.832, subdivision 13, requires the Minnesota Department of Transportation to identify a trunk highway market artery system. Subdivision 13(a) states:

> "For purposes of this section a "market artery" is a trunk highway or segment there of that:
>
> (i) connects significant centers of population or commerce;
>
> (ii) connects highways described in clause (i);
>
> (iii) provides access to a transportation terminal;
>
> (iv) provides temporary emergency service to a particular shipping or receiving point on a market artery."

The market artery system will connect geographic areas of supply and demand and include those roads which are most important to Minnesota trucking and shipping activities. State trunk highways designated as market artery routes will be priority routes for the elimination of seasonal weight restrictions.

The department is required to adopt rules to define "significant centers of population and commerce" and "temporary emergency service". Public meetings and consultations with major highway users, representatives of manufacturing, retail trade, agriculture, local government and the regional development commissions are also required by the law.

The proposed rule will classify cities to distinguish between those cities which are "significant centers of population and commerce" from those which are not. The Minnesota Department of Transportation has not previously used population and commercial indicators to classify cities for the purposes of determining

which trunk highways should be able to carry heavier trucks year-around. In fact, it appears that there are no state agency rules or programs that use both population and commercial indicators to classify cities.

In addition to defining "significant centers of population and commerce", the proposed rule will permit the department to designate "temporary emergency service" routes to particular shipping or receiving points on market artery routes. Under the proposed rule, "temporary emergency service" could be provided for a limited and specified period of time on trunk highways with seasonal weight restrictions or on alternate routes when service on a trunk highway market artery has been disrupted.

The department will allow trunk highways designated for "temporary emergency service" to be used by heavier trucks to move specific commodities to particular shipping and receiving points on market arteries during unanticipated emergencies which threaten the loss of life or significant property damage.

The market artery system that will evolve from this rule is specifically intended to eliminate seasonal weight restrictions on trunk highways that are defined as market arteries. The Minnesota Department of Transportation is not authorized to use this rule or the resulting market artery system to address other highway issues such as congestion, system expansion, tourism related travel needs, community by-passes, or the upgrading of facilities to carry more lanes of traffic. The market artery system also does not address roadway jurisdiction or ownership issues.

General Statement of Need

Insufficient financial resources exist to upgrade all trunk highways so that seasonal weight restrictions are no longer necessary. Therefore, the proposed rule is needed to focus limited state resources on those roads which are most important to trucking and shipping activities. Additionally, since virtually every road is important to the individuals and businesses located on it, the rule provides the necessary criteria for defining which "significant centers of population and commerce" should be connected by market artery routes and which trunk highways should be designated for "temporary emergency service".

The remaining portion of this document presents the part by part statement of need and reasonableness to support the department's proposed rule for defining "significant centers of population and commerce" and "temporary emergency service".

V. Part by Part Statement of Need and Reasonableness

A. Part 8815.0100 DEFINITIONS

Subpart 1 states that the scope of the terms used in this chapter have the meanings given them in these definitions.

Subpart 2 states that "commissioner" means the commissioner of the Minnesota Department of Transportation.

Subpart 3 states that the term "emergency" includes flood, tornado, fire or other disaster that threatens loss of life or destruction or damage to property or crops of such magnitude as to seriously endanger the public health, safety, and welfare.

The proposed definition provides examples of situations that justify removing seasonal weight restrictions so that heavier loads can be moved during emergencies.

The proposed definition of "emergency" is consistent with other definitions of "emergency" in state statutes. For example, Minnesota Statutes, section 12.03, subdivision 3, states that "emergency" means "...an unforeseen combination of circumstances which calls for immediate action to prevent a disaster from developing or occurring.". Minnesota Statutes, section 12.03, subdivision 2, further states that "disaster" means "...a situation which creates an immediate and serious impairment to the health and safety of any person, or a situation which has resulted or is likely to result in catastrophic loss to property, and for which traditional sources of relief and assistance within the affected area are unable to repair or prevent the injury or loss." Minnesota Rule, part 4110.0100, subpart 11, states that "Emergency services means activities immediately necessary to preserve the health or safety of the citizens."

Subpart 4. defines "manufacturing employees." Information on manufacturing employment is necessary to identify the relative levels of commercial activities occurring in Minnesota cities. These levels are used to determine which cities meet the criteria in the proposed rule defining "significant centers of population and commerce".

The definition of "manufacturing employees" is broken into two parts. Item A. states that "manufacturing employees" means the number of full-time, nonseasonal employees established by the most recent Census of Manufactures, Geographic Area Series, Minnesota, prepared by the United States Department of Commerce, Bureau of the Census, hereinafter referred to as the Census of Manufactures. The Census of Manufactures, is incorporated by reference into this definition. The Census of Manufactures is

one of several economic censuses prepared by law under Title 13 of the United States Code, Sections 131, 191, and 224. Federal law directs that these censuses be taken at 5-year intervals for the years ending in 2 and 7. The economic censuses are the major source of facts about the functioning and structure of the nation's economy.

The Census of Manufactures covers all establishments that employ one or more persons primarily engaged in manufacturing as defined in the 1972 Standard Industrial Classification (SIC) Manual and its 1977 Supplement. The SIC system is the system most commonly used by government agencies and other organizations to classify business activities in the United States.

> "The SIC Manual defines manufacturing as the mechanical or chemical transformation of inorganic or organic substances into new products. The assembly of component parts of products is also considered to be manufacturing if the resulting product is neither a structure nor other fixed improvement. These activities are usually carried on in plants, factories, or mills that characteristically use power-driven machines and materials-handling equipment." (1982 Census of Manufactures, MC82-A-24, Geographic Area Series, Minnesota, U.S. Department of Commerce, Bureau of the Census, p. IV, May 1985.)

The Census of Manufactures reports data for the nation as a whole, each state, metropolitan areas, counties, and "places". For census purposes, "places" are incorporated municipalities with populations of at least 2,500, or unincorporated municipalities with populations of at least 25,000. The Census of Manufactures reports manufacturing statistics for all establishments located in "places" with 450 manufacturing employees or more.

The use of the Census of Manufactures to define "manufacturing employees" is reasonable because it provides a readily available and consistently reported source of data on manufacturing employment for geographic jurisdictions within Minnesota.

The definition states that "manufacturing employees" means the number of full-time, nonseasonal employees. Language referring to full-time and nonseasonal employees was added because many food and kindred manufactures in Minnesota hire significant numbers of part-time or seasonal workers during the fall harvest period. The rule and subsequent market artery system are intended to eliminate seasonal (spring) weight restrictions on connections between "significant centers of population and commerce". The department believes it is reasonable to exclude

part-time and seasonal workers from the definition of "manufacturing employees" because they may indicate employment levels during periods of the year when seasonal (spring) weight restrictions do not influence shipping activities.

The definition for "manufacturing employees" includes an Item B. which states that "manufacturing employees" also means the number of full-time, nonseasonal employees established by information submitted to the commissioner that demonstrates that a city has a business or combination of businesses within its jurisdiction, engaged in manufacturing employment, as described in the Census of Manufactures, that employs over 450 full-time, nonseasonal employees.

Item B. is intended to provide a reasonable alternative for cities that wish to demonstrate that they meet the "manufacturing employees" criteria in the definition of "significant centers of population and commerce". Item B. is necessary because the Census of Manufactures is only taken and published at five year intervals. Item B. will allow the department to take into account any changes in manufacturing employment that occur between census reporting periods. Item B. is also necessary because of constraints in Census of Manufactures' data reporting provisions. For example, the smallest geographical areas covered by the Census of Manufactures in reporting "manufacturing employees" are "places". Item B. will allow smaller cities to show that they meet the criteria for "manufacturing employees", even though they are not reported in the Census of Manufactures.

Item B. provides a reasonable alternative for cities like Warroad, Minnesota. Warroad has a population of approximately 1,200, but a business with nearly 3,000 "manufacturing employees". Because Warroad has fewer than 2,500 inhabitants, the number of "manufacturing employees" is not reported in the Census of Manufactures. Item B. will allow the "manufacturing employees" in Warroad to be considered when the criteria for defining "significant centers of population and commerce" are applied to Warroad.

Subpart 5. states that "population" refers to the population established by:

A. the most recent Census of Population, Characteristics of the Population, Minnesota, prepared by the United States Department of Commerce, Bureau of the Census, (hereinafter referred to as the Census of Population), which is incorporated by reference; or

B. a special census conducted under contract with the United States Bureau of the Census.

It is necessary to have a readily available definition of population for use in identifying the relative numbers of inhabitants of cities in Minnesota. Population values are used to determine which cities meet the criteria in the proposed rule defining "significant centers of population and commerce".

The Census of Population is incorporated by reference in this definition. It is reasonable to use the decennial Census of Population because it is the traditional and most commonly reported source of information on the number of inhabitants for geographic jurisdictions throughout the country. In addition, Minnesota uses the Census of Population as the primary evidence of population. Minnesota Statutes, section 600.18 states:

> "The Governor shall obtain from the director of the federal census such certified copies thereof as will show the population of the several political divisions of this state, which certified copies shall be filed in the office of the secretary of state, and thereafter the several political divisions of the state for all purposes, unless otherwise provided shall be deemed to have the population thereby disclosed. Copies thereof, duly certified to by the secretary of state, shall be prima facie evidence of the facts therein disclosed in all the courts of this state."

Item B. has been added to the definition of "population" to provide a reasonable alternative method of reporting data for cities which experience population changes between the ten year Census of Population reporting periods.

Item B. will provide cities with an alternative to demonstrate that they meet the criteria in the proposed rule defining "significant centers of population and commerce". Provisions for the taking of a special census exist in state statutes. Minnesota Statutes, section 368.015 states:

> A town board may by resolution, in any year, request the United States Bureau of the Census to take a special census of the town for the purpose of being eligible to exercise the powers contained in section 368.01 as provided in section 368.01, subdivision 1a. A cost for the special census shall be borne by the town.

Subpart 6. states that "retail sales" has the meaning given it by the most recent Census of Retail Trade, Geographic Area Series, Minnesota, prepared by the United States Department of Commerce, Bureau of the Census (hereinafter referred to as the Census of Retail Trade), as measured in dollar value. Information on "retail sales" is necessary to identify the relative levels of commercial activities occurring in Minnesota cities. These levels are used in the proposed rule to define "significant centers of population and commerce".

The Census of Retail Trade is incorporated by reference in this section. The Census of Retail Trade is one of several economic censuses prepared by law under Title 13 of the United States Code, Sections 131, 191, and 224. Federal law directs that these censuses be taken at 5-year intervals for the years ending in 2 and 7. The economic censuses are the major source of facts about the functioning and structure of the nation's economy.

The Census of Retail Trade includes all establishments primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of goods. The Census of Retail Trade provides data for the nation as a whole, each state, metropolitan areas, counties, and municipalities with 2,500 inhabitants or more. Retail sales data are presented in dollar values. All dollar values are expressed in current dollars.

The use of the Census of Retail Trade to define "retail sales" is reasonable because it provides a readily available and consistently reported data base to assess business activities within particular geographic jurisdictions.

Subpart 7. states that "seasonal weight restrictions" means vehicle weight prohibitions or restrictions determined and imposed by the commissioner under Minnesota Statutes, section 169.87. This definition is necessary to clarify the provisions for providing "temporary emergency service" under the proposed rule. The definition of "seasonal weight restrictions" is reasonable and consistent with section 169.87, which specifies that local authorities may:

> "Subd. 1 ... prohibit the operation of vehicles upon any such highway or impose restrictions as to the weight of vehicles to be operated upon any such highway, whenever any such highway, by reason of deterioration, rain, snow, or other climatic conditions, will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced."

> "The commissioner shall likewise have authority, as hereinabove granted to local authorities, to determine and to impose prohibitions or restrictions as to the weight of vehicles operated upon any highway under the jurisdiction of the commissioner, and such restrictions shall be effective when signs giving notice thereof are erected upon the highway or portion of any highway affected by such action." (Emphasis added)

Subpart 8. states that "temporary" means a specified time period determined by the commissioner for the duration of an emergency or in the initial stages of recovery from the emergency. This definition is necessary to clarify the parameters of the "temporary emergency service" provisions included in this rule.

Other examples of the term "temporary" exist in state and federal law. Some of these have time periods attached to the definition. For example, Minnesota Statutes, section 221.071, subdivision 1, states:

> "The board may grant a temporary certificate, ex parte, valid for a period not exceeding 180 days ...".

Other uses of "temporary" specify the terms and conditions under which less than permanent actions will be allowed. For example, Minnesota Rule, part 7800.0800 identifies eleven informational items that must be provided by applicants seeking "temporary authority" for motor carrier service.

The proposed definition for "temporary" applies to less than permanent emergency situations. Because it is difficult to specify a standard time period for emergency situations, the time period covered by the "temporary" provisions in this rule will be determined by the commissioner, based on information provided by applicants. Depending on this information, "temporary" may encompass the duration of an emergency or the initial stages of recovery from the emergency. The discretion provided in the proposed rule will benefit the applicants by allowing the commissioner to be flexible.

Subpart 9. states that "wholesale sales" has the meaning given it by the most recent Census of Wholesale Trade, Geographic Area Series, Minnesota, prepared by the United States Department of Commerce, Bureau of the Census (hereinafter referred to as the Census of Wholesale Trade), as measured in dollar value. Information on wholesale sales is necessary to identify the relative levels of commercial activities occurring in Minnesota cities. These levels are used to determine which cities meet the

criteria in the proposed rule defining "significant centers of population and commerce".

The Census of Wholesale Trade is incorporated by reference into this section. The Census of Wholesale Trade is one of several economic censuses prepared by law under Title 13 of the United States Code, Sections 131, 191, and 224. Federal law directs that these censuses be taken at 5-year intervals for the years ending in 2 and 7. The economic censuses are the major source of facts about the functioning and structure of the nation's economy.

The Census of Wholesale Trade includes "...all establishments with one or more paid employees primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm or professional users; or to other wholesalers. Companies selling products to which they have title, as well as those acting as agents or brokers in buying merchandise for or selling merchandise to others, are included." (1982 Census of Wholesale Trade, WC82-A-24, Geographic Area Series, Minnesota, U.S. Department of Commerce, Bureau of the Census, p. IV, November 1984) The Census of Wholesale Trade provides data for the nation as a whole, each state, metropolitan areas, counties, and municipalities with 2,500 inhabitants or more. Wholesale sales data are presented in dollar values. All dollar values are expressed in current dollars. For example, 1982 data are expressed in 1982 dollars.

The use of the Census of Wholesale Trade to define "wholesale sales" is reasonable because it provides a readily available and consistently reported data base to assess business activities within particular geographic jurisdictions.

B. Part 8815.0200 TEMPORARY EMERGENCY SERVICE; WHEN ALLOWED

This part defines "temporary emergency service" and specifies the terms and conditions under which it will be allowed. Minnesota Statutes, section 169.832, subdivision 13(a)(iv), which authorizes this rulemaking, specifically introduces the concept of "temporary emergency service":

> "Subd. 13, (a) For purposes of this section, a "market artery" is a trunk highway or segment thereof that:
>
> (iv) provides temporary emergency service to a particular shipping or receiving point on a market artery."

The provisions for "temporary emergency service" will provide relief from seasonal weight restrictions to persons who need to ship maximum allowable vehicle loads to particular shipping and receiving points located on market arteries during emergencies. "Temporary emergency service" may be provided on:

(1) Trunk highways which have seasonal weight restrictions; or

(2) Other highways, designated by the commissioner, when service on an identified market artery route has been interrupted by an emergency.

In respect to (1) above, the provisions for "temporary emergency service" are necessary because of the continuing need to impose seasonal weight restrictions on structurally weak trunk highways. Provisions for "temporary emergency service" enable the department to allow people to ship heavy loads during emergencies that would otherwise be prohibited because of seasonal weight restrictions.

In respect to (2) above, "temporary emergency service" could also be necessary in situations where service on a designated market artery route has been disrupted by an emergency. For example, if flooding or emergency highway construction temporarily disrupts service on a designated market artery route, the proposed rule allows the commissioner to provide "temporary emergency service" on an alternative route. This will provide shippers with continued unrestricted service without seasonal weight restrictions. Commissioner authority to designate temporary trunk highway detours and temporary trunk highway haul roads is already provided in Minnesota Statutes, section 161.25:

> "On determining, for the purpose of constructing or maintaining any trunk highway, that any public street or highway is necessary for a detour or haul road, the commissioner may designate by order any such street or highway as a temporary trunk highway detour or as a temporary trunk highway haul road, and shall thereafter maintain the same as a temporary trunk highway until the commissioner revokes the designation. Prior to revoking the designation the commissioner shall restore such streets or highways to as good condition as they were prior to the designation of same as temporary trunk highways. Upon revoking the designations such streets or highways shall revert to the subdivision charged with the care

thereof at the time it was taken over as a temporary trunk highway."

Permitting vehicle loads in excess of posted seasonal weight restrictions accelerates pavement deterioration and increases highway maintenance costs. For these reasons, the proposed rule includes five limitations, (A.-E.), to describe the terms and conditions under which "temporary emergency service" will be allowed. The rule specifies that "temporary emergency service" may be provided only when all five limitations are met.

Item A. states in part that "temporary emergency service" may be provided to respond to sudden and unanticipated circumstances that create an urgent and immediate need. This language is necessary to define when a temporary emergency exists. In addition, this language is based on the assumption that if shippers had advance knowledge of shipping needs and if there were no compelling need for quick action, the shipper could:

(1) move the shipments in advance of the three month spring weight restriction period;

(2) move the shipments after the three month spring weight restriction period; or

(3) break the shipments down into smaller loads so that they are in conformance with posted seasonal weight restrictions.

Item A. also specifies that "temporary emergency service" may be provided to move loads that exceed the posted seasonal weight restrictions, but do not exceed the maximum gross vehicle weight permitted in Minnesota Statutes, section 169.825. This language is included so that the provisions for "temporary emergency service" are consistent with other Minnesota truck weight laws. Section 169.825 specifies the maximum allowable vehicle loads permitted on state trunk highways in Minnesota. For example, the current maximum allowable vehicle load for a five-axle, tractor, semi-trailer combination is 80,000 pounds gross vehicle weight.

Item B. of part 8815.0200, states that "temporary emergency service" may be provided to a particular shipping or receiving point on a market artery during an emergency or during the initial stages of recovery. This provision is consistent with the conditions stated in Minnesota Statutes, section 169.832, subdivision 13, which states that a market artery is a trunk highway that "...provides temporary emergency service to a particular shipping and receiving point on a market artery."

Language has been added to allow "temporary emergency service" only during an emergency or during the initial stages of recovery. This language is necessary to restrict the movement of maximum allowable vehicle loads on structurally weak highways in the spring, except during periods when there is a compelling need to allow such movements. Using the proposed definitions of "emergency" and "temporary", the commissioner will determine the time period that temporary emergency service provisions will be in effect. Consistent with those definitions, the time period will be designated so that it addresses the period of the emergency and the initial stages of recovery.

Item C. states that "temporary emergency service" may be provided to preserve public health or welfare or to avert or alleviate the effect of natural disasters. This language is necessary to restrict maximum allowable vehicle loads from using seasonally restricted trunk highways except during emergencies. Adding this language will assist in clarifying when an emergency exists for the purposes of providing "temporary emergency service".

The language included in Item C. is reasonable based on the existing definitions of "emergency" in state statutes. Minnesota Statutes, section 12.03, subdivision 3, states that "emergency" means "...an unforeseen combination of circumstances which calls for immediate action to prevent a disaster from developing or occurring". Minnesota Statutes, section 12.03, subdivision 2, further states that "disaster" means "...a situation which creates an immediate and serious impairment to the health and safety of any person, or a situation which has resulted or is likely to result in catastrophic loss to property, and for which traditional sources of relief and assistance within the affected area are unable to repair or prevent the injury or loss." Minnesota Rules, part 4110.0100, subpart 11, states that "Emergency services means activities immediately necessary to preserve the health or safety of the citizens."

Item D. states that "temporary emergency service" will be provided only to move specific products or commodities needed to avert or alleviate the emergency. The provisions for "temporary emergency service" are not intended to provide alternative routes for all persons who desire to ship maximum allowable vehicle loads. To permit any or all commodities to be moved on routes designated for "temporary emergency service" could provide unfair economic disadvantage to other shippers that are located on seasonally restricted routes that are not designated to provide "temporary emergency service". In addition, restricting shipments to those products or commodities needed to alleviate the effect of natural disaster will limit the extent of heavy truck travel occurring on seasonally restricted trunk highways that are designated for "temporary emergency service". This will

reduce pavement damages and related maintenance and improvement costs.

Item E. states that "temporary emergency service" will be provided only when to do so does not create an undue hazard to traffic safety. The inclusion of this language is necessary to protect the safety of the traveling public. Its inclusion is reasonable and consistent with the commissioner's powers and duties identified in Minnesota Statutes, section 169.832, subdivision 11. That section gives the commissioner the authority to designate routes to carry the gross vehicle weights permitted under state law. The section also states that, "A route may not be designated if the commissioner finds that designation (a) creates an undue hazard to traffic safety".

During public information meetings, several concerns were expressed regarding the proposed definition of "temporary emergency service".

First, several individuals requested that the definition of "temporary emergency service" be expanded so that seasonal weight restrictions could be temporarily waived for the shipment of fertilizer and seed potatoes. It was argued that allowing heavier fertilizer and seed potato trucks would reduce the total number of trips required to deliver these goods, thereby reducing the costs for receivers of the goods.

Shipments of fertilizer and other products necessary for planting are particularly vulnerable to seasonal weight restrictions because those products are shipped in the spring when roads are weakest due to moisture in subgrade soils from thawing and spring rains. After careful analysis, it was determined that fertilizer and seed shipments do not represent emergencies in the traditional meaning of the term. Emergencies are most often defined as unpredictable situations for which there are few alternatives to an immediate course of action. In contrast, fertilizer and seed shipments are predictable shipments, which can be addressed by alternatives other than providing "temporary emergency service". For example, fertilizer can be shipped in the fall and stored on the farm for spring use. Seed and other products can be broken down into smaller shipments that comply with seasonal weight restrictions.

The potential for cost savings by waiving seasonal weight restrictions on trunk highways may be diminished by the large number of seasonal weight restrictions which still exist on a majority of county and local roads. It appears that truckers must still use alternatives, such as early delivery and divisible loads, to ship goods to the large number of producers and receivers located off the state trunk highway system.

During the public meetings, it was suggested that the definition of "temporary emergency service" should be expanded to allow vehicle loads which exceed the maximum allowable weight limits specified in Minnesota Statutes, section 169.825. Provisions to address shipments in excess of statutory maximum allowable loads were not included for two reasons. First, Minnesota Statutes, section 169.832, subdivision 13, which authorizes this rulemaking, is specifically intended to address the elimination of seasonal weight restrictions on trunk highways which are designated as market artery routes. It does not authorize the commissioner to use this section to eliminate the maximum allowed vehicle weights prescribed in Minnesota Statutes, section 169.825. The second reason is the availability of other procedures to address the issue. Minnesota Statutes, section 169.86 specifies the provisions for obtaining special permits for shipments which exceed the maximum allowable vehicle loads authorized under Minnesota Statutes, section 169.825. Minnesota Statutes, section 169.86, states:

> "Subdivision 1. **Application for permit.** The commissioner, with respect to highways under the commissioner's jurisdiction, and local authorities, with respect to highways under their jurisdiction, may, in their discretion, upon application in writing and good cause being shown therefor, issue a special permit, in writing, authorizing the applicant to move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this chapter, or otherwise not in conformity with the provisions of this chapter, upon any highway under the jurisdiction of the party granting such permit and for the maintenance of which such party is responsible."

A third area of concern, identified at the public information meetings, concerned the length of time required to administratively designate trunk highways for "temporary emergency service". The department agrees with the need for expeditious application and response procedures in keeping with the emergency circumstances that generate the need for "temporary emergency service" provisions. At the public meetings, the department promised to develop procedures which minimize administrative burdens for applicants. In addition, the department promised meeting attendees that it will respond within twenty-four hours to all requests for "temporary emergency service".

8815.0300 SIGNIFICANT CENTERS OF POPULATION AND COMMERCE

This part describes the factors and threshold values used to determine which cities are "significant centers of population and commerce" for the purposes of Minnesota Statutes, section 169.832, subdivision 13. That section establishes four criteria for determining market artery routes.

Subdivision 13(a)(i) introduces the concept of "significant centers of population and commerce":

> "Subd. 13,(a) For purposes of this section, a "market artery" is a trunk highway or segment thereof that:
>
> (i) connects significant centers of population and commerce;".

"Significant centers of population and commerce" are the most important cities in the state for the shipment and receipt of products and commodities moved by trucks. Market artery connections between "significant centers of population and commerce" will be priority routes for the elimination of seasonal weight restrictions.

Each of Minnesota's 855 cities contributes to the economy of the state, and each is important to its residents. However, some cities have grown to overshadow others, dominating commercial activities within their regions. These larger, more significant cities tend to have larger and faster growing populations. They offer more diverse products and services, and they generally serve as regional hubs for retail, wholesale and manufacturing activities.

Insufficient financial resources exist to upgrade all trunk highways so that seasonal weight restrictions are no longer required. The proposed criteria for defining "significant centers of population and commerce" are necessary to focus limited state resources by identifying routes that provide connections between important centers.

For many years, geographers and urban planners have attempted to classify cities to aid in describing settlement, land use and economic relationships. The criteria used in this rule to define "significant centers of population and commerce", draw on the findings and conclusions of two key studies conducted in Minnesota.

1) In 1963, John Borchert, Regent's Professor of Geography at the University of Minnesota, made a notable and classic study of the hierarchy of

trade centers in the Upper Midwest. The classification system used was based on the idea that urban places are arranged in a hierarchical order according to their size and the diversity of retail and wholesale functions they perform. This system suggests that higher order centers provide more specialized and diverse retail and wholesale products and services than lower order centers. The degree of diversity and specialization was measured by both the number of establishments and the dollar value of wholesale and retail sales.

The criteria used by Dr. Borchert to classify centers are included in Appendix A of this document.

2) In 1970, John Borchert developed an urban clusters concept that evolved from his previous study on the hierarchy of centers. In this study, Dr. Borchert suggested that in future years most of the population of the Upper Midwest would be concentrated in Minneapolis - St. Paul and other low density urban clusters located in Greater Minnesota. Urban clusters were defined as areas which contain multiple shopping and service centers with large numbers of low-order retail and service centers, industrial and wholesale zones, public higher education facilities, public hospitals and newspapers and broadcasting stations. Dr. Borchert suggested that urban clusters are the result of advances in transportation and communication networks and are formed by linkages between clusters. As with previous studies, the amount or degree of diversity in retail and wholesale functions was used to establish a relative ranking of urban clusters in the Upper Midwest region.

In addition to reviewing studies, department staff met with the following individuals to discuss possible criteria and numerical values for defining "significant centers of population and commerce":

1) Representatives of the Minnesota Department of Trade and Economic Development (DTED).

DTED has not attempted to classify cities in Minnesota on the basis of population and commercial activities. However, staff suggested that retail sales, wholesale sales and

manufacturing employment are the most readily available and logical indicators of a city's economic level and diversity.

2) Tom Baerwald, former Geographer for the Minnesota Science Museum.

   Mr. Baerwald studied under John Borchert and is familiar with studies on the hierarchy of cities. He also has knowledge about Minnesota population and business development patterns. Mr. Baerwald suggested using a population of 5,000 or more persons to define significant centers. He also agreed that retail and wholesale sales and manufacturing employment are good criteria to measure the significance of commercial activities within cities.

3) John Borchert, Regent's Professor, University of Minnesota.

   Dr. Borchert reviewed what has historically occurred in the development of Minnesota cities and commercial places. Economic activities are clearly becoming more concentrated in the Twin Cities metro area and several large regional centers, such as St. Cloud, Mankato and Rochester. Despite these concentrations, other Minnesota cities continue to hang on as "significant" places by maintaining their populations, serving as regional shopping areas or by sustaining a level of manufacturing or wholesaling activities.

   Dr. Borchert reaffirmed many of the findings from his previous studies. He believes that retail and wholesale trade continue to be appropriate indicators of a city's diversity and importance to the regional or state economy.

The Minnesota Department of Transportation used the data from the studies and contacts identified above to assess what criteria and numerical values should be used to define "significant centers of population and commerce". Department staff studied truck travel patterns, reviewed where commercial activities occur and looked at how regions are served by major cities in the state. This analysis included an extensive review of census data on population and commercial activities. This analysis revealed how population and commercial activities are distributed among cities in the state. It also showed how the relative strength or importance of population and commercial activities varies among

different regions. For example, the average population of cities in southeastern Minnesota is higher than the average population of cities located in northwestern Minnesota.

Based on the analysis that was undertaken, the department developed several alternative definitions for "significant centers of population and commerce". Those alternative definitions were discussed at twelve public information meetings held at various locations around the state in fall 1987. The meetings were held in the cities of:

Appleton	Mora	Staples
Bemidji	Olivia	Thief River Falls
Duluth	Rochester	St. Paul (2)
Mankato	Slayton	

Nearly 260 individuals attended the twelve public information meetings, representing:

-- local, county and regional governments
-- manufacturing, retailing and wholesaling businesses
-- truckers, shippers and other highway users
-- agricultural product producers
-- concerned members of the public

The comments received at the public meetings supported the use of population, retail sales, manufacturing employment and wholesale sales to define "significant centers of population and commerce". Individuals attending the meetings also agreed that the numerical values used to describe the criteria should be liberal enough so that when all cities that meet the criteria are added together they include about sixty-six percent (66%) of the state's total population, retail sales, manufacturing employment and wholesale sales.

Based on analysis and public comments, the department developed the criteria and numerical values for defining "significant centers of population and commerce" proposed in Part 8815.0300 of the proposed rule. Part 8815.0300 states that "significant centers of population and commerce" means:

A. cities inside Minnesota that have any one of the following:

(1) population of 5,000 or more persons;

(2) $50,000,000 or more in annual retail sales;

(3) 450 or more manufacturing employees; or

(4) $50,000,000 or more in annual wholesale sales

B. cities in surrounding states or Canadian provinces that have populations of 50,000 or more persons.

Item A. of the proposed rule is necessary to state the numerical values for population and commercial activities that will be used to determine which cities in Minnesota will be defined as "significant centers of population and commerce" for the purposes of Minnesota Statutes, section 169.832, subdivision 13.

In Item A., population was identified as a criteria because it was specifically stated in the phrase "significant centers of population and commerce". (Emphasis added) In addition, population is generally considered to be an excellent measure of the importance and relative economic strength of cities.

The term population refers to the number of inhabitants living within corporate city boundaries. This is reasonable because it reflects the standard format for reporting population data in the Census of Population.

The numerical value for population was set at 5,000 or more persons because it has historically been used for other state transportation programs. For example, Minnesota Statutes, section 162.11 states that: "Nine percent of the net highway user tax distribution fund shall be paid into the municipal state-aid street fund". Minnesota Statutes, section 12.09, establishes a municipal state-aid street system in cities having a population of 5,000 or more.

In addition, the numerical value for population of 5,000 or more persons is reasonable because the sum of the populations of all cities that meet the criteria identified in Item A. represents approximately sixty-four percent (64%) of the state's total population.

The retail sales criteria was retained from the interim definition of "significant centers of population and commerce" in Minnesota Statutes, section 169.832, subdivision 13, which authorizes this rulemaking. That section states:

> "Subd.13,(c) Between July 1, 1986, and the effective date of the rule, "significant centers of population and commerce" means all home rule charter or statutory cities that had total retail sales of at least

$50,000,000 as reported in the 1982 census of retail trade of the United States Department of Commerce."

For retail activities, the dollar value of annual sales was selected as the most reasonable measure of overall activity. The Census of Retail Trade also reports the number of establishments, the annual payroll and the number of employees. The use of annual sales data is preferable to using data on the other indicators because it tends to be a better measure of the amount of goods being shipped. The volume of goods being shipped in turn shows the need for year-around truck service and the elimination of seasonal weight restrictions.

The numerical value of $50,000,000 or more in retail sales is reasonable. When all cities in Minnesota that meet the criteria in Item A. for defining "significant centers of population and commerce" are added together, they represent eighty-two percent (82%) of all retail sales in the state.

Additional criteria for wholesale sales and manufacturing employment were added for two reasons. First, it became apparent that there are cities in Minnesota that are unable to meet the interim criteria of $50,000,000 in retail sales. Many of these cities, nonetheless, have relatively substantial wholesale and manufacturing business activities.

A second reason for including wholesale and manufacturing criteria is that they are good indicators of a city's need for year-around heavy truck service. For example, manufacturing includes the state's food and kindred products, lumber and wood products, paper, printing and publishing, chemicals, primary metals, fabricated metals, machinery, electric and electronic equipment and transportation equipment industries. Wholesaling includes all establishments which sell goods such as groceries, furniture and home furnishings, lumber and construction materials and farm-product raw materials to industrial, commercial, institutional or professional users, to government, or to farmers for farm use.

The number of employees is believed to be the most reasonable indicator of the relative importance of manufacturing activities for the purposes of this rule. The number of manufacturing employees is used as a criterion because the department believes it is a reasonable measure of the volume of goods being shipped and of the consequent need for truck access to year-around unrestricted highways. This assumption is based on the idea that manufacturing is generally perceived as a labor intensive activity. The volume of goods produced by manufacturing establishments has historically been linked to the number of production workers employed.

In addition to employment, the Census of Manufactures lists the number of establishments, annual payroll, production worker hours and wages, the value added by manufacture, the cost of materials, the value of shipments and new capital expenditures. Using the number of employees was preferable to using the number of establishments because number of establishments does not always reflect the actual amount of goods being produced or shipped. It may also result in the exclusion of cities which have very large single employers. Using the dollar values for payroll, wages, materials, goods or shipments may not reflect the amount of goods being shipped or produced by particular manufacturing establishments. Lastly, it is easier to obtain data on employment than it is to obtain financial data because of data privacy concerns.

The definition states that "manufacturing employees" means the number of full-time, non-seasonal employees. This language was added to exclude businesses which may be hiring significant numbers of part-time, seasonal workers during times of the year when seasonal (spring) weight restrictions do not influence shipping activities.

The numerical value of 450 employees is reasonable for determining significant levels of manufacturing employment. The Census of Manufactures, which is used to determine the number of manufacturing employees, only reports statistics for places with more than 450 employees. As a result, it is extremely difficult to obtain reliable, consistent and readily available data for cities which have fewer than 450 manufacturing employees. In addition, the sum of all cities meeting the criteria in Item A. includes seventy-eight percent (78%) of total manufacturing employment in Minnesota.

For wholesale establishments, the dollar value of annual sales was selected as the most reasonable measure of overall activity. The Census of Wholesale Trade also reports the number of establishments, the annual payroll, the number of employees, operating expenses and the end of the year inventories. The department elected to use annual sales because it tends to be a better measure of the actual amount of goods being shipped.

In Minnesota, wholesale sales activities tend to be concentrated in a smaller number of cities than either retail sales or manufacturing employment. In addition, wholesale sales data does not reflect an even distribution of high to low volumes. Instead, the data indicates that the sales volumes for cities tend to be clustered with sizable variances or breaks in values in between the clusters. The numerical value of $50,000,000 or more in wholesale sales is reasonable because it represents a logical break in the distribution of wholesale sales volumes. In

addition, the sum of all cities that meet the criteria in Item A. represents nearly eighty-eight percent (88%) of all wholesale sales in the state.

Other indicators of a city's economic diversity, such as service industries, were not included in the criteria to define "significant centers of population and commerce" because there is not a strong correlation between those activities and the need for year-around heavy truck service. For example, service industries include such business activities as:

-- Hotels, rooming houses, camps, lodging places
-- Personal services
-- Business services
-- Automotive repair, services and garages
-- Amusement and recreation services
-- Health services, except hospitals
-- Legal services
-- Non-commercial museums and art galleries

Public administration, including government services, and finance, insurance and real estate activities were also not included in the criteria because they are not generally associated with the need for heavy truck service.

Item A. states that cities are "significant centers of population and commerce" if they meet any one of the four population, retail sales, manufacturing employment or wholesale sales criteria. This is a relatively liberal approach for defining "significant centers of population and commerce". The department believes that this liberal approach is reasonable for the following reasons:

1) The definition adds population, manufacturing employment and wholesale sales to the interim definition included in Minnesota Statutes, section 169.832, subdivision 13. The interim definition used $50,000,000 or more in retail sales to define "significant centers of population and commerce". The addition of criteria for population, manufacturing employment and wholesale sales makes the proposed definition more responsive to actual trucking activities and needs.

2) The definition establishes numerical values for population, manufacturing employment and wholesale sales which are not more restrictive than the interim definition of $50,000,000 or more in retail sales. For example, the proposed

definition includes cities which cumulatively represent about sixty-four percent (64%) of the state's population, eighty-two percent (82%) of all retail sales, seventy-eight percent (78%) of total manufacturing employment and eighty-eight percent (88%) of all wholesale sales in Minnesota.

3) The definition acknowledges that many significant regional centers in Minnesota are unable to attract or sustain diversity in more than one area of economic activity. For example, a number of significant centers in Minnesota tend to have commercial activities focused in a single area of manufacturing, wholesaling or retailing.

4) The definition permits cities that have small populations, but large manufacturing employers to be defined as "significant centers of population and commerce".

In addition to the reasons cited above, the proposed definition was the alternative that received the most favorable response at the public meetings.

Early in drafting the proposed rules, the department proposed to use urbanized area boundaries to define "significant centers of population and commerce" in the state's seven heavily developed urbanized areas. Minnesota's seven urbanized areas include:

Twin Cities	Duluth - Superior
Fargo - Moorhead	LaCrosse - LaCrescent
St. Cloud	Rochester
	Grand Forks - East Grand Forks

Using an urbanized area concept to define "significant centers of population and commerce" was proposed because cities which are part of a larger urbanized area tend to interact more as single unified centers, rather than as independent cities.

The proposal to use urbanized areas to define significant centers was dismissed on the basis of comments made at the public meetings. Persuasive arguments were presented by meeting attendees illustrating the need for consistent treatment of all Minnesota cities, regardless of whether they are included inside urbanized areas.

The public meetings generated a number of other suggestions for defining "significant centers of population and commerce". These suggestions are outlined in the following discussion.

One of the foremost concerns expressed at the public meetings was the apparent inability of the criteria to address the hauling of timber from forest areas and agricultural products from farms. The department struggled with these concerns because of the important role Minnesota timber and agricultural products play in the overall state economy. The problem with addressing trips from farms and forests is that they represent geographically dispersed activities. In contrast, the market artery system focuses on trunk highways in the state which connect concentrated population and business activities occurring in significant centers.

A number of individuals at the public meetings suggested that criteria should be added to further emphasize agricultural shipping needs and/or the actual tonnage or volume of goods shipped. The Minnesota Department of Transportation agrees that agricultural activities should be reflected in the criteria for defining "significant centers of population and commerce". For this reason, the criteria were expanded to include manufacturing and wholesaling activities. Data reported in the Census of Manufactures includes businesses involved in meat packing, poultry dressing, dairy products, preserved and canned fruit and vegetables, grain mill products, pet foods, prepared feed, sugar and confectionary products, beverages and other related food products. Data reported in the Census of Wholesale Trade includes businesses involved in selling farm product raw materials such as grain and livestock to retailers, industrial or commercial users, farmers for farm use, or to other wholesalers. By incorporating manufacturing and wholesaling activities, the department believes that it has adequately addressed the need to reflect agricultural products in the definition of "significant centers of population and commerce".

Other comments made at the public meetings suggested that the criteria for defining "significant centers of population and commerce" be expanded to include the locations of area vocational technical institutes and/or the annual sales for service industries. These criteria have not been included in the proposed rule because the department believes that they are unrelated to the need for year around heavy truck service.

Several individuals at the public meetings noted that the criteria in the proposed rule describe existing conditions and do not consider potential economic development changes within cities and communities. These individuals suggested that the rules should be expanded to give further consideration to economic development potential. The proposed rule is intended to address existing truck travel needs in significant centers. The criteria in the rules will be updated as new census information becomes available. In this way changes in population and commercial

activities can be addressed. In addition, it is difficult to develop criteria to estimate trucking needs based on what economic development, population or commercial activities may occur in individual Minnesota cities.

It was suggested that the criteria for defining "significant centers of population and commerce" should be written to give preference to communities which have lost rail service. The department agrees that the loss of rail service can create serious transportation problems for businesses dependent on heavy commodity movements. However, the loss of rail service, in and of itself, is not a measure of whether a city or place is a "significant center of population or commerce".

A number of individuals at the public meetings expressed concern that if heavier trucks are allowed on state trunk highways, then they will also travel on county and local roads. The department is authorized to identify a market artery system which connects "significant centers of population and commerce". The market artery system will establish priority routes for the elimination of seasonal weight restrictions. Heavier trucks present enforcement and management issues for local and county road authorities. However, the department is not authorized to address the effect of heavier trucks on local and county roads in this rulemaking.

Lastly, it was suggested that the department should establish criteria for defining significant centers based on the cumulative population and commercial activities occurring within trade areas or in areas where a number of communities reside in close proximity to each other. The department considered this suggestion. It was not acted on for two reasons. First, the legislation authorizing the rulemaking specifically focuses on the concept of significant centers. Second, the federal population and economic censuses do not report information for trade areas. In addition, the Census of Retail Trade and the Census of Wholesale Trade do not report statistics for places with fewer than 2,500 persons and the Census of Manufactures does not include data for cities with fewer than 450 manufacturing employees. As a result, the department could not identify a consistent, uniform and readily reported source for obtaining information on trade areas or the smaller cities located in trade areas.

Based on the criteria and numerical values in Item A., eighty-two (82) cities in Greater Minnesota and sixty-seven (67) cities in the Twin Cities metropolitan area would qualify as significant centers of population and commerce.

Cities in Greater Minnesota which meet the criteria for "significant centers of population and commerce" are identified in Appendix B. More specific data on population, retail sales, manufacturing employment and wholesale sales are included in Appendix C of this document.

Cities in the Twin Cities metropolitan area which meet the criteria for "significant centers of population and commerce" are identified in Appendix D. More specific data on population, retail sales, manufacturing employment and wholesale sales are included in Appendix E of this document.

Item B. of the proposed rule 8815.0300 states that significant centers of population and commerce also include cities in surrounding states or Canadian provinces with a population of 50,000 or more persons. Item B. was added to address concerns expressed at the public meetings regarding the need for year around unrestricted highway service on important trunk highway connections between major cities in surrounding states and Canadian provinces. Population is the only criterion used in this definition because of the difficulty in obtaining data on commercial activities for Canadian cities. The numerical value of 50,000 is reasonable for two major reasons. First, the department is most interested in using the definition to extend the network including cities in surrounding states or provinces that are major generators or receivers of five-axle trucks. Analysis indicates that longer distance truck travel tends to reflect trips primarily between cities of 50,000 or more persons. The second reason is because it includes the cities, such as Thunder Bay, Eau Claire, Winnipeg, Sioux Falls and Des Moines, which were mentioned at the public meetings.

Date: November 30, 1988

APPENDIX A
Classification of Trade Centers

Source: "Trade Centers and Trade Areas of the Upper Midwest", John Borchert and John Adams, Appendix A, pp. 36-42, September 1963.

Specific Criteria For Classification

1. Wholesale-retail center, metropolitan:

   a. Over 500 wholesale establishments.
   b. Over $1 billion annually in both wholesale and retail sales.

2. Wholesale-retail center, primary:

   a. Over 100 wholesale establishments.
   b. Over $75 million annually in both wholesale and retail sales.
   c. All of the following wholesale functions:

      (1) Automotive supplies
      (2) Bulk oil
      (3) Chemicals & paint
      (4) Drugs
      (5) Dry goods, apparel
      (6) Electrical goods
      (7) Groceries and food
      (8) Tobacco-beer
      (9) Lumber & construction materials
      (10) Hardware
      (11) Industrial & farm machinery
      (12) Paper
      (13) Plumbing, heating, air conditioning equipment
      (14) Professional service equipment

3. Wholesale-retail center, secondary:

   a. Over 50 wholesale establishments.
   b. Over $40 million in both wholesale and retail sales or over $80 million in total trade.
   c. Less than 14 but at least 10 of the wholesale functions listed under 2c above.

4. Complete shopping center:

   a. Nine or more of the following retail functions:

      (1) Photographic studio
      (2) Sporting goods
      (3) Family shoe store
      (4) Florist
      (5) Radio and TV store
      (6) Tires, battery and accessories
      (7) Paint, glass & wallpaper
      (8) Music store
      (9) Children's wear
      (10) Heating & plumbing equipment
      (11) Antique or second hand store
      (12) Stationery
      (13) Women's accessories
      (14) Camera shop

      or,

b. $11 million annually in retail sales and at least six of the above retail functions.

5. Partial shopping center:

a. Four to eight of the retail functions in 4a above.
or,
b. Five to 10 million dollars annually in retail sales and at least four of the retail functions in 4a above.

6. Full convenience center:

a. All essential:

(1) Household appliances or furniture store
(2) Jewelry store
(3) Power laundry, dry cleaner
(4) Men's or boy's clothing store, or women's ready-to-wear, or general store (department, merchandise).

b. Supplemental (three or more):

(1) Family shoe store
(2) Lumber Yard
(3) Funeral Services
(4) Year-round hotel
(5) Farm & garden supplies

7. Minimum convenience center:

a. All essential:

(1) Gasoline service station
(2) Grocery store, general store, or general merchandise
(3) Hardware store
(4) Bank
(5) Eating or drinking place
(6) Drug store

b. Supplemental (two or more):

(1) Motor vehicle or farm equipment dealer
(2) Variety store
(3) Meat, fish, or fruit dealer
(4) General merchandise or general store

8. Hamlet:

a. Possesses trade functions listed in the Dun and Bradstreet Directory, but lacks the criteria for the minimum convenience town (Class 7).
b. Population of over 50 (1960).

9. Non-trade place:

   a. Places without trade functions given in the Dun and Bradstreet Directory.
   b. Population of less than 50 (1960).

10. Satellites:

   a. Trade functions reported to another trade center, generally a suburban community.
   b. No population restrictions.

APPENDIX B

Cities in Greater Minnesota That Meet The Criteria For Defining Significant Centers of Population and Commerce

Albert Lea
Alexandria
Austin
Bemidji
Blue Earth
Bongards
Brainerd
Breckenridge
Cambridge
Cannon Falls
Chisholm
Cloquet
Cold Spring
Courtland
Crookston
Dawson
Detroit Lakes
Dodge Center
Duluth
East Grand Forks
Elk River
Eveleth
Fairmont
Faribault
Fergus Falls
Forest Lake
Frazee
Glencoe
Grand Rapids
Hector
Hibbing
Hutchinson
International Falls
Jackson
La Crescent
Lake City
Lester Prairie
Le Sueur
Litchfield
Little Falls
Long Prairie
Luverne
Mankato
Marshall
Minneapolis/St Paul
Montevideo
Moorhead
Mora
Morris
New Prague
New Ulm
North Mankato
Northfield
Olivia
Owatonna
Pelican Rapids
Perham
Pipestone
Princeton
Red Wing
Redwood Falls
Renville
Rochester
Roseau
Round Lake
Rush City
Sauk Centre
Sleepy Eye
St. Bonifacious
St. Cloud
St. Peter
Thief River Falls
Virginia
Wadena
Warroad
Waseca
Wells
Willmar
Windom
Winona
Worthington
Young America

APPENDIX C

CITIES IN GREATER MINNESOTA THAT MEET CRITERIA FOR SIGNIFICANT CENTERS OF POPULATION AND COMMERCE--11/8/88

CITY	POP. >5,000	RETAIL >$50 MILLION ($1,000)	MFG EMPLOYEES >450	WHOLESALE >$50 MILLION ($1,000)
ALBERT LEA	19,200	144,324	3,900	100,017
ALEXANDRIA	7,608	108,058	1,110	64,437
AUSTIN	23,020	135,909	WH	24,531
BEMIDJI	10,949	127,958	700	32,557
BLUE EARTH	4,132	35,115	600	60,983
BONGARDS**				105,000
BRAINERD	11,489	137,712	1,200	69,060
BRECKENRIDGE	4,039	25,739	1,016	WH
CAMBRIDGE	3,170	39,764	600	
CANNON FALLS	2,653	10,641	600	6,656
CHISHOLM	5,930	22,671		
CLOQUET	11,142	77,753	WH	33,644
COLD SPRING**	2,294		1,500	110,000
COURTLAND**	399		500	
CROOKSTON	8,628	51,559		47,523
DAWSON**	1,901			88,600
DETROIT LAKES	7,106	77,606	600	37,739
DODGE CENTER**	1,816			85,000
DULUTH	102,434	510,959	3,700	745,079
EAST GRAND FORKS	8,545	38,864	WH	87,009
ELK RIVER	6,785	34,626	500	5,056
EVELETH	5,042	21,810		5,395
FAIRMONT	11,506	89,356	2,100	161,828
FARIBAULT	16,241	111,115	1,700	111,442
FERGUS FALLS	12,519	106,875	800	53,384
FOREST LAKE	4,596	61,539	500	3,891
FRAZEE**	1,284		2,200	
GLENCOE	4,396	35,702	1,300	20,731
GRAND RAPIDS	7,934	123,014	WH	31,602
HECTOR**	1,252		500	50,000
HIBBING	21,193	113,964	700	92,808
HUTCHINSON	9,244	77,215	WH	68,981
INTERNATIONAL FALLS	5,611	56,056	WH	3,754
JACKSON**	3,797	30,184	500	38,834
LA CRESCENT	3,879			
LAKE CITY	4,505	28,608	800	8,903
LESTER PRAIRIE**	1,229		500	26,000
LE SUEUR	3,763	15,642	700	24,454
LITCHFIELD	5,904	39,457	600	32,354
LITTLE FALLS	7,250	57,766	700	18,375
LONG PRAIRIE	2,859	16,840	WH	33,952
LUVERNE**	4,568	34,729		76,000
MANKATO	28,651	252,200	2,800	377,803
MARSHALL	11,161	86,931	1,900	
MPLS/STP	1,797,797	10,422,903	194,600	36,105,330
MONTEVIDEO	5,845	38,589		44,364
MOORHEAD	32,669	147,249		236,029
MORA	2,890	36,364	500	17,975
MORRIS	5,367	38,239		
NEW PRAGUE**	2,957	13,329	460	13,326
NEW ULM	13,755	82,529	2,500	47,561

CITIES IN GREATER MINNESOTA THAT MEET CRITERIA FOR SIGNIFICANT CENTERS OF POPULATION AND COMMERCE--11/8/88

CITY	POP. >5,000	RETAIL >$50 MILLION ($1,000)	MFG EMPLOYEES >450	WHOLESALE >$50 MILLION ($1,000)
NORTH MANKATO	9,145	16,508	2,900	19,881
NORTHFIELD	12,562	52,919	WH	192,657
OLIVIA**	2,802	17,724		82,000
OWATONNA	18,632	110,218	3,400	56,653
PELICAN RAPIDS**	1,867		650	
PERHAM**	2,086		500	
PIPESTONE	4,887	34,527		52,835
PRINCETON**	3,146	30,020	500	27,000
RED WING	13,736	85,156	2,400	80,223
REDWOOD FALLS	5,210	48,009	700	29,129
RENVILLE**	1,493			83,200
ROCHESTER	60,473	491,559	9,800	238,823
ROSEAU**	2,272		725	
ROUND LAKE**	480		900	102,000
RUSH CITY**	1,198		600	
SAUK CENTRE	3,709	34,742		112,662
SLEEPY EYE	3,581	15,589	WH	
ST BONIFACIOUS**	857		500	
ST CLOUD	58,375	749,082	3,800	340,971
ST PETER	9,056	42,105	WH	12,506
THIEF RIVER FALLS	9,105	68,340		
VIRGINIA	11,056	130,198		44,689
WADENA	4,699	47,928		61,873
WARROAD**	1,216		2,200	138,000
WASECA	8,219	35,772	3,100	13,119
WELLS	2,777	15,691	800	12,299
WILLMAR	15,895	142,288	1,800	138,053
WINDOM**	4,666	40,877	650	23,539
WINONA	25,075	142,433	4,500	235,957
WORTHINGTON	10,243	90,746	1,100	130,093
YOUNG AMERICA**	1,237		690	
totals	2,592,659	16,159,894	275,101	41,636,129
state	4,076,000	19,599,240	351,600	47,398,331
percent	63.61	82.45	78.24	87.84

**DATA FROM SOURCES OTHER THAN U.S. CENSUS
WH WITHHELD TO AVOID DISCLOSING DATA FOR INDIVIDUAL COMPANIES

APPENDIX D

Cities in the Twin Cities Metropolitan Area That Meet
The Criteria For Defining
Signficant Center of Population and Commerce

Andover
Anoka
Apple Valley
Arden Hills
Bayport
Blaine
Bloomington
Brooklyn Center
Brooklyn Park
Burnsville
Champlin
Chanhassen
Chaska
Columbia Heights
Coon Rapids
Cottage Grove
Crystal
Eagan
East Bethel
Eden Prairie
Edina
Excelcior
Falcon Heights
Fridley
Golden Valley
Ham Lake
Hastings
Hopkins
Inver Grove Heights
Lake Elmo
Lakeville
Little Canada
Maple Grove
Maplewood
Mendota Heights
Minneapolis
Minnetonka
Mound
Mounds View
New Brighton
New Hope
Newport
North St. Paul
Oakdale
Orono
Osseo
Plymouth
Prior Lake
Ramsey
Richfield
Robbinsdale
Rosemount
Roseville
Savage
Shakopee
Shoreview
South St. Paul
Spring Lake Park
St. Anthony
St. Louis Park
St. Paul
Stillwater
Vadnais Heights
Wayzata
West St. Paul
White Bear Lake
Woodbury

APPENDIX E

CITIES IN TWIN CITY METROPOLITAN AREA THAT MEET CRITERIA FOR SIGNIFICANT CENTERS OF POPULATION AND COMMERCE
11/8/88

CITY	POP.	RETAIL	MFG	WHOLESALE
ANDOVER	9,387	830		
ANOKA	15,634	86,138	3,800	74,242
APPLE VALLEY	21,818	52,382		7,893
ARDEN HILLS	8,012	15,450	WH	155,257
BAYPORT	2,932	2,923	WH	
BLAINE	28,558	148,432		12,255
BLOOMINGTON	81,831	634,661	17,300	2,730,262
BROOKLYN CENTER	31,230	357,008	1,200	85,046
BROOKLYN PARK	43,332	102,216	1,200	96,100
BURNSVILLE	35,674	376,271	1,900	394,871
CHAMPLIN	9,006	21,513		732
CHANHASSEN	6,359	9,817		1,421
CHASKA	8,346	35,745	1,600	24,921
COLUMBIA HEIGHTS	20,029	59,458	1,100	19,413
COON RAPIDS	35,826	155,416	900	45,867
COTTAGE GROVE	18,994	60,618	WH	2,835
CRYSTAL	25,543	136,666	800	48,696
EAGAN	20,700	61,460	WH	548,240
EAST BETHEL	6,626	WH		
EDEN PRAIRIE	16,263	86,494	8,800	639,538
EDINA	46,073	568,063	4,400	3,477,460
EXCELSIOR	2,523	55,542		26,407
FALCON HEIGHTS	5,291	15,506		
FRIDLEY	30,228	216,278	11,500	234,283
GOLDEN VALLEY	22,775	294,858	10,500	1,003,044
HAM LAKE	7,832	10,011		
HASTINGS	12,827	76,285	1,600	34,082
HOPKINS	15,336	169,465	6,600	941,451
INVER GROVE HEIGHT	17,171	96,030		
LAKE ELMO	5,296	14,007		12,440
LAKEVILLE	14,790	32,163	1,400	65,087
LITTLE CANADA	7,102	69,705		184,693
MAPLE GROVE	20,525	21,548	600	53,528
MAPLEWOOD	26,990	228,028	WH	26,041
MENDOTA HEIGHTS	7,288	10,224	WH	37,934
MINNEAPOLIS	370,951	1,782,420	46,000	12,904,265
MINNETONKA	38,683	456,067	5,900	2,311,824
MOUND	9,280	19,312	WH	14,686
MOUNDS VIEW	12,593	25,715		
NEW BRIGHTON	23,269	102,104	1,800	65,069
NEW HOPE	23,087	76,949	3,000	301,674
NEWPORT	3,323	18,535		72,875
NORTH ST PAUL	11,921	26,780		
OAKDALE	12,123	27,424		

CITIES IN TWIN CITY METROPOLITAN AREA THAT MEET CRITERIA FOR SIGNIFICANT CENTERS OF POPULATION AND COMMERCE
11/8/88 .

CITY	POP.	RETAIL	MFG	WHOLESALE
ORONO	6,845	14,183		8,411
OSSEO	2,974	36,690	500	7,686
PLYMOUTH	31,615	118,086	5,800	1,070,063
PRIOR LAKE	7,284	21,764		3,367
RAMSEY	10,093	14,404		
RICHFIELD	37,851	331,688		87,748
ROBBINSDALE	14,422	64,311		135,858
ROSEMOUNT	5,083	18,383	800	11,114
ROSEVILLE	35,820	452,410	10,300	996,539
SAVAGE	3,954	13,670	1,000	191,065
SHAKOPEE	9,941	73,317	1,400	147,087
SHOREVIEW	17,300	29,431	2,200	42,321
SOUTH ST PAUL	21,235	67,377	600	1,292,138
SPRING LAKE PARK	6,477	13,760		2,802
ST ANTHONY	7,981	47,021	800	69,608
ST LOUIS PARK	42,931	294,755	3,900	1,029,411
ST PAUL	270,230	1,386,866	34,100	4,183,519
STILLWATER	12,290	104,170	600	35,830
VADNAIS HEIGHTS	5,111	66,986		6,946
WAYZATA	3,621	99,738		27,986
WEST ST PAUL	18,527	167,884	700	43,541
WHITE BEAR LAKE	22,538	151,612		22,987
WOODBURY	10,297	17,880	WH	34,871
TOTALS	1,797,797	10,422,903	194,600	36,105,330

Office of the Revisor of Statutes

Administrative Rules

RECEIVED
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ADMINISTRATIVE
HEARINGS

TITLE: Proposed Permanent Rules Relating to State Highway Market Artery System

AGENCY: Department of Transportation

MINNESOTA RULES: Chapter 8815

Incorporations by Reference

Part 8815.0100:

Subpart 4, Census of Manufacturers
Subpart 5, Census of Population
Subpart 6, Census of Retail Trade
Subpart 9, Census of Wholesale Trade

The publications in part 8815.0100 are prepared by the U.S. Department of Commerce

The attached rules are approved for publication in the State Register

Ron Ray
Assistant Revisor

Department of Transportation

Proposed Permanent Rules Relating to State Highway Market Artery System

Rules as Proposed (all new material)

8815.0100 DEFINITIONS

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Transportation.

Subp. 3. **Emergency.** "Emergency" includes flood, tornado, fire, or other disaster that threatens loss of life or destruction or damage to property or crops of such magnitude as to seriously endanger the public health, safety, and welfare.

Subp. 4. **Manufacturing employees.** "Manufacturing employees" refers to the number of full-time, nonseasonal employees established by:

A. the most recent Census of Manufactures, Geographic Area Series, Minnesota, prepared by the United States Department of Commerce, Bureau of the Census, referred to in this chapter as the Census of Manufactures, which is incorporated by reference. The publication is subject to change every five years, upon completion of a new census, and is available at most public libraries and through the Minitex interlibrary loan system at Minnesota public libraries; or

B. information submitted to the commissioner that demonstrates that a city has a business or combination of businesses within its jurisdiction engaged in manufacturing, as described in the Census of Manufactures, that employs over 450 full-time, nonseasonal employees.

Subp. 5. **Population.** "Population" refers to the population established by:

A. the most recent Census of Population, Characteristics of the Population, Minnesota, prepared by the

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United States Department of Commerce, Bureau of the Census, referred to in this chapter as the Census of Population, which is incorporated by reference. The publication is subject to change every ten years, upon completion of a new Census of Population, and is available at most libraries and through the Minitex interlibrary loan system at Minnesota public libraries; or

B. a special census conducted under contract with the United States Bureau of the Census.

Subp. 6. **Retail sales.** "Retail sales" has the meaning given it by the most recent Census of Retail Sales, Geographic Area Series, Minnesota, prepared by the United States Department of Commerce, Bureau of the Census, referred to in this chapter as the Census of Retail Trade, which is incorporated by reference, as measured in dollar value. The publication is subject to change every five years, upon completion of a new Census of Retail Trade, and is available in most libraries and through the Minitex interlibrary loan system at Minnesota public libraries.

Subp. 7. **Seasonal weight restrictions.** "Seasonal weight restrictions" means vehicle weight prohibitions or restrictions determined and imposed by the commissioner under Minnesota Statutes, section 169.87.

Subp. 8. **Temporary.** "Temporary" means a specified time period determined by the commissioner for the duration of an emergency or in the initial stages of recovery from the emergency.

Subp. 9. **Wholesale sales.** "Wholesale sales" has the meaning given it by the most recent Census of Wholesale Trade, Geographic Area Series, Minnesota, prepared by the United States Department of Commerce, Bureau of the Census, referred to in this chapter as the Census of Wholesale Trade, which is incorporated by reference, as measured in dollar value. The publication is subject to change every five years, upon completion of a new Census of Wholesale Trade, and is available in most libraries and through the Minitex interlibrary loan

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system at Minnesota public libraries.

8815.0200 TEMPORARY EMERGENCY SERVICE; WHEN ALLOWED.

"Temporary emergency service" means service that is provided on a trunk highway route on which seasonal weight restrictions are in effect; or provided on a highway route designated by the commissioner under Minnesota Statutes, section 161.25, when service on an identified market artery route is interrupted by an emergency. Temporary emergency service may be provided only under all of the following limitations:

A. to respond to sudden unanticipated circumstances that create an urgent and immediate need to move loads that exceed the posted seasonal weight restrictions, but do not exceed the maximum gross vehicle weight permitted in Minnesota Statutes, section 169.825;

B. to provide service to a particular shipping or receiving point on a market artery during an emergency or during the initial stages of recovery;

C. to preserve public health or welfare or to avert or alleviate the effect of natural disasters;

D. to provide service only to move specific products or commodities needed to avert or alleviate the emergency; and

E. to provide service only when to do so does not create an undue hazard to traffic safety.

8815.0300 SIGNIFICANT CENTERS OF POPULATION AND COMMERCE.

"Significant centers of population and commerce" means:

A. cities inside Minnesota that have any one of the following:

(1) population of 5,000 or more persons;

(2) $50,000,000 or more in retail sales;

(3) 450 or more manufacturing employees; or

(4) $50,000,000 or more in wholesale sales; or

B. cities in surrounding states or Canadian provinces that have a population of 50,000 or more persons.

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