

2002 July 1

P182

State of Minnesota

State Register

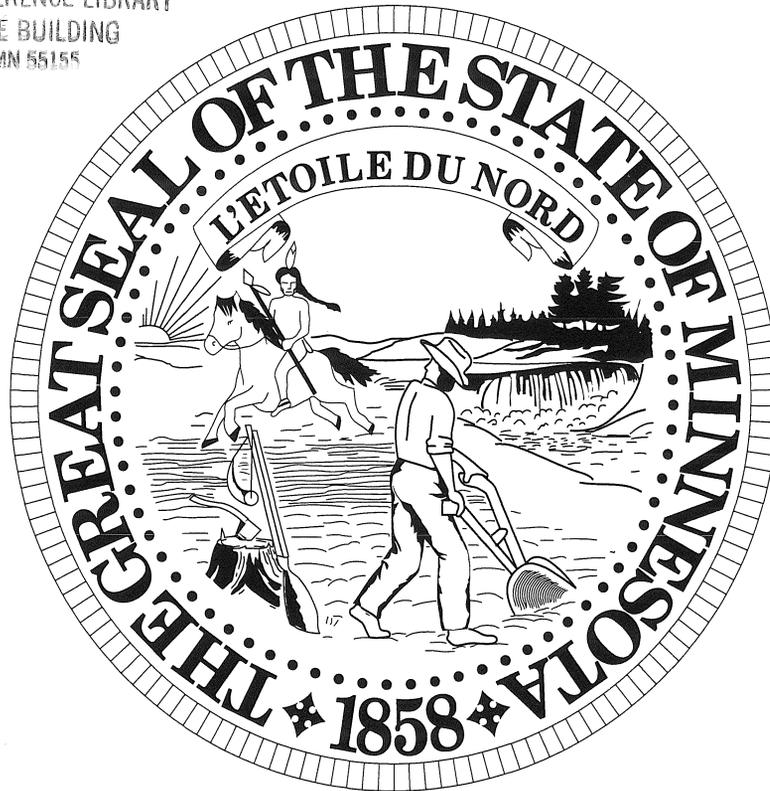
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State Register

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The *State Register* is the official publication of the State of Minnesota, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes* § 14.46. The *State Register* contains:

- proposed, adopted, exempt, expedited emergency and withdrawn rules
- executive orders of the governor
- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
- official notices
- state grants and loans
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Vol. 27 Issue Number	PUBLISH DATE	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts	Deadline for both Adopted and Proposed RULES
Vol. 27 No 1	Monday 1 July	Noon Tuesday 25 June	Noon Wednesday 19 June
#2	Monday 8 July	NOON MONDAY 1 JULY	Noon Wednesday 26 June
#3	Monday 15 July	Noon Tuesday 9 July	Noon Wednesday 3 July
#4	Monday 22 July	Noon Tuesday 16 July	Noon Wednesday 10 July

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Commodity, Service, and Construction contracts are published Tuesday and Friday in a bulletin, the *Solicitation Announcements*. Award results are available from the Materials Management Helpline (651) 296-2600. **Website:** www.mmd.admin.state.mn.us

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Minnesota Rules: Amendments and Additions

NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 1999 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety 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 most current edition of 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 issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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Comments on Planned Rules or Rule Amendments

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

Rules to be Adopted After a Hearing

After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

Rules to be Adopted Without a Hearing

Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Department of Agriculture

Agriculture Marketing Services Division

Proposed Permanent Rules Relating to Producers Councils

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Proposed Amendments to Rules Governing Producer Councils; *Minnesota Rules* 1570.0200, and 1570.0500 to 1570.0800

Introduction. The Department of Agriculture intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. You may submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules until July 31, 2002.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to: Carol Milligan, Minnesota Department of Agriculture, 90 W Plato Blvd., St. Paul, MN 55107; **phone:** (651) 296-6906; **fax:** (651) 297-5522; **email:** carol.milligan@state.mn.us. **TTY** users may call the Minnesota Relay at 1-800-627-3529.

Subject of Rules and Statutory Authority. The proposed amendments are updates to the promotion council rules. The statutory authority to adopt the rules is *Minnesota Statutes*, sections 17.54, subd 4; 17.58 subd 4; 17.63. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on July 31, 2002 to submit written comment in support of or in opposition to the proposed amendments and any part or subpart of the amendments. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed amendments addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed amendments must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the amendments. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on July 31, 2002. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed amendments to which you object or state that you oppose the entire set of amendments. Any request that does not comply with these

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.

Proposed Rules

requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed amendments.

Withdrawal of Requests. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to affect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Modifications. The proposed amendments may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted amendments may not be substantially different than these proposed amendments unless the procedure under part 1400.2110 has been followed. If the proposed amendments affect you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed amendments and an estimate of the probable cost of the proposed amendments.

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

Dated: 12 June 2002

Sharon Clark
Deputy Commissioner

1570.0200 DEFINITIONS.

[For text of subps 1 to 10, see M.R.]

Subp. 11. **Producer affidavit certification.** "Producer affidavit certification" means a document qualified voters must sign ~~under oath~~ which affirms that they are producers of the particular agricultural commodity for which a referendum is being held, that they meet the qualifications for a producer set forth in the promotional order, and that they are casting only one vote each in the election or referendum.

[For text of subps 12 to 14, see M.R.]

1570.0500 POWERS AND DUTIES OF THE COUNCIL.

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Other actions.** The council shall take the actions listed in items A to D:

A. The council shall prepare an annual estimated budget for the operation of the promotional order and submit it to the commissioner ~~before the marketing year begins~~ within 30 days of the first day of the fiscal year unless the promotional order directs otherwise. Budgets may be revised during the ~~marketing~~ fiscal year. If they are, the commissioner must be notified within 20 days of the revision. Minutes of the council meeting, documenting the changes and the reasons for them, shall constitute notification to the commissioner. Budgets or budget revisions may be prepared on forms provided by the commissioner or on similar forms.

[For text of items B and C, see M.R.]

D. The council shall complete a financial statement at the close of each ~~marketing~~ fiscal year on forms provided by the commissioner or similar forms.

[For text of subps 5 to 8, see M.R.]

1570.0600 COUNCIL MEETINGS.

Subpart 1. **Notice.** The chief administrative officer shall arrange dates and physical facilities for meetings of the council and executive committee after consultation with the council chair or vice-chair and the commissioner. The chief administrative officer shall also send written notice by U.S. mail, fax, or e-mail of the time and place of the meeting to all council members, the commissioner, and the commissioner's designee at least seven days in advance of council meetings.

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

Subp. 3. **Frequency and location of council and executive committee meetings.** The council shall meet at least four times annually in a location which is reasonably accessible to all council members. Telephone and video conferencing consultations are

permitted, ~~but must not~~ and may replace actual meetings. The executive committee shall meet as frequently as authorized by the council in a location which is reasonably accessible to all executive committee members. Telephone consultations may be held in lieu of actual meetings.

[For text of subps 4 and 5, see M.R.]

1570.0700 ELECTIONS.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Referendums.** The procedures in items A to G must be followed in conducting a referendum:

[For text of items A to C, see M.R.]

D. The commissioner shall provide a complete copy of the promotional order to be voted on to each county extension office and Farm Service Agency office in the organized areas.

[For text of items E to G, see M.R.]

[For text of subp 4, see M.R.]

1570.0800 GENERAL POLLING PROCEDURES.

Subpart 1. **Qualified voters.** Participating producers who may vote in any election or referendum must meet all the conditions in subpart 2 and at least one of the conditions in subpart 3. All qualified voters or designated voters must sign the producer ~~affidavit~~ certification at the time they vote.

Subp. 2. **Conditions for all qualified voters.** The conditions in items A to E apply to all qualified voters:

[For text of items A and B, see M.R.]

C. ~~A voter must be a Minnesota resident or a permanent resident alien, as defined in Minnesota Statutes, section 500.221, who resides in Minnesota.~~

~~D.~~ Absentee mail voting by individual qualified voters is not permitted. Mail balloting is permitted only in accordance with subpart 5.

~~E. D.~~ No individual, landlord, tenant, partnership, association, cooperative, corporation, fiduciary, firm, university, college, or foundation may cast more than one vote per election or referendum even if operations are carried on in more than one organized area of the council.

[For text of subp 3, see M.R.]

Subp. 4. **Balloting at polling places.** The procedures in items A and B must be followed whenever the commissioner determines that an election will be held at established polling places or a council determines that a referendum will be conducted at established polling places:

A. Election and referendum judges will be selected by the commissioner in consultation with the council. Judges must not indicate their opinions about the election or referendum on the day of the election or referendum. Each polling place must have at least one judge. The judges are to do the following:

[For text of subitems (1) to (4), see M.R.]

(5) have each qualified or designated voter write the qualified voter's name, organization, title, and county of business, when appropriate, on a producer ~~affidavit~~ certification to be provided by the commissioner and have each qualified or designated voter sign the producer ~~affidavit~~ certification. The written authorization of the designated voter must be attached to the producer ~~affidavit~~ certification;

(6) initial the back of the ballot and give it to each qualified or designated voter provided the qualified or designated voter has signed the producer ~~affidavit~~ certification;

[For text of subitem (7), see M.R.]

(8) collect a signed producer ~~affidavit~~ certification at the time a qualified or designated voter places a ballot in the ballot box;

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.

Proposed Rules

[For text of subitems (9) to (11), see M.R.]

B. The election and referendum judges shall return the following voting materials to the commissioner by first class mail: completed ballots, signed producer ~~affidavits~~ certifications, judges' oath forms, certification of election form, and any expense vouchers. The election judges handbook must be retained by the chief judge for 30 days after the election or referendum and then destroyed. Any unused ballots or producer ~~affidavits~~ certifications must also be destroyed.

Subp. 5. **Mail balloting.** For any election or referendum conducted by mail, the procedures in items A to E must be followed:

A. A council must make available ballot request cards and advertise the forthcoming board elections starting no later than its annual meeting and up to the mail balloting period or provide a complete list of its participating producers before an election or a referendum can be conducted by mail. The list must be submitted to the commissioner at least ~~30~~ 45 days before the starting date of the election or referendum.

B. The commissioner shall mail to all producers that sent in a ballot request card or to all participating producers on the council's list a ballot, a producer ~~affidavit~~ certification, a voter instruction sheet, ~~a ballot envelope~~, and a return envelope.

[For text of items C to E, see M.R.]

[For text of subp 6, see M.R.]

Subp. 7. **Certification of election or referendum.** The commissioner shall follow the procedures in items A to D in certifying an election or referendum:

A. Before certifying an election or referendum conducted in accordance with subpart 4, the commissioner shall assure that:

[For text of subitems (1) to (3), see M.R.]

(4) all producer ~~affidavits~~ certifications are signed; and

[For text of subitem (5), see M.R.]

B. Before certifying an election or referendum conducted in accordance with subpart 5, the commissioner shall assure that:

(1) returned ballots and producer ~~affidavits~~ certifications have been postmarked by the closing date set in subpart 5, item C;

[For text of subitem (2), see M.R.]

(3) the producer ~~affidavits~~ certifications are signed.

[For text of item C, see M.R.]

D. Ballots received may be counted mechanically or an impartial committee of at least three people appointed by the commissioner shall count the ballots received from the elections or referendums conducted under subpart 4 or 5.

Department of Public Safety

Alcohol and Gambling Enforcement Division

Proposed Permanent Rules Relating to Liquor

DUAL NOTICE: NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING UNLESS 25 OR MORE PERSONS REQUEST A HEARING, AND NOTICE OF HEARING IF 25 OR MORE REQUESTS FOR HEARING ARE RECEIVED

Proposed Amendments to Rules Governing Liquor, *Minnesota Rules*, chapter 7515 and Proposed Repeal of Certain Rules Governing Liquor, *Minnesota Rules*, 7515.0100, subparts 3,6,8,9,12,15; 7515.0210, subpart 1a; 7515.0300, subpart 4; 7514.0310, subparts 1 to10, 13 to17, 19; 7515.0320, subpart 3; 7515.0430, subpart 4; 7515.0710, subpart 3; 7515.0760, subpart 6; 7515.0900, subpart 2; 7515.0930; 7515.1020; 7515.1210, subpart 1; 7515.1300, subparts 1 and 2; 7515.1310, subparts 2 and 5; 7515.1320; 7515.1350; and 7515.1420

Introduction. The Department of Public Safety intends to amend and repeal the above-mentioned rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on Friday, August 23, 2002, a public hearing will be held in Golden Valley City Council Chambers, City Hall, 7800 Golden Valley Road, Golden Valley, Minnesota 55427-4588 starting at 10:00 a.m. on

Proposed Rules

Monday, September 16, 2002. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after August 23, 2002, and before September 16, 2002.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is Marlene Kjelsberg at the Department of Public Safety, Alcohol and Gambling Enforcement Division, 444 Cedar Street, Suite 133, St. Paul, Minnesota 55101. You may also fax your comments or requests to (651) 297-5259, or **email** at: *Marlene.Kjelsberg@state.mn.us*. You may call her with questions at (651) 296-6340. **TTY** users may call the Department of Public Safety at (651) 282-6555.

Subject of Rules and Statutory Authority. This rulemaking concerns the regulation of liquor in the State of Minnesota. This rulemaking consists primarily of amendments to the rules that will make the rules consistent with current statutory requirements as well as repeal rules whose statutory authority was repealed in previous years. Likewise, a major undertaking of this rulemaking has been to update current rules terminology and definitions with current statutory terminology and definitions. Additionally, these amendments propose standards of fill and identity for some of the alcohol products that will be consistent with current federal regulations; clarify what is considered "good moral character" for purposes of eligibility for a retail liquor license and what is considered a retail license premises and should be described in the application for a licensed premises; and eliminate rules relating to the prohibition against off premises price advertising pursuant to recent caselaw.

The statutory authority to adopt the rules is found in *Minnesota Statutes*, sections 14.06, 299A.02, subdivision 3, and 340.507, subdivision 1. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on Friday, August 23, 2002, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on Friday, August 23, 2002. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

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

Modifications. The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the agency or presented at the hearing and the adopted rules may not be substantially different than these proposed rules. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for September 16, 2002, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at (651) 296-6340 after August 23, 2002, to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Beverly Jones

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Heydinger is assigned to conduct the hearing. Judge Heydinger can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, **phone:** (612) 341-7606 and **fax:** (651) 349-2665.

Hearing Procedure. If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day response period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by Minnesota Rules, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The statement may also be reviewed and copies obtained at the cost of reproduction from the agency.

Available on the Internet. Please be advised that this notice, the proposed rules, and the Statement of Need and Reasonableness are available for review on the internet. You may access these documents at www.dps.state.mn.us

Lobbyist Registration. *Minnesota Statutes*, chapter 6A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, **phone:** (651) 296-5148 or 1-800-657-3889.

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

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

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

Dated: 5 June 2002

Charles R. Weaver, Jr.
Commissioner
Minnesota Department of Public Safety

7515.0100 DEFINITIONS.

Subpart 1. **Scope.** ~~In the statutes and rules the following words and phrases will be used and shall have the meaning as hereinafter defined. The terms used in this chapter have the meanings provided in *Minnesota Statutes*, chapter 340A, except for the following terms.~~

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

Subp. 3. [See repealer.]

[For text of subp 4, see M.R.]

Subp. 5. **Brand label.** "Brand label" means the label affixed to the container displaying in distinctive design the brand name of distilled spirits, wines, or malt beverages. See *Minnesota Statutes*, section ~~340.46~~ 340A.311, and parts 7515.0800 to 7515.0870.

Subp. 6. [See repealer.]

[For text of subp 7, see M.R.]

Subp. 8. [See repealer.]

Subp. 9. [See repealer.]

Subp. 10. **Importer.** "Importer" means any distiller, rectifier, winer, ~~wholesale distributor~~ wholesaler, or person within or without the state licensed to ship distilled spirits, wine, or ethyl alcohol to Minnesota manufacturers and ~~wholesale distributors~~ wholesalers.

Subp. 11. **Licensee.** "Licensee," depending on the context, may mean any person who has been issued a license by the state of ~~Minnesota~~ or any of its subdivisions pursuant to *Minnesota Statutes*, chapter 340A, to manufacture or wholesale, or sell at retail ~~intoxicating liquor~~ alcoholic beverages or to engage in the business of brewer, ~~wholesale distributor~~ wholesaler, or retail seller of malt beverages.

Subp. 12. [See repealer.]

[For text of subp 13, see M.R.]

Subp. 14. **Place of business.** "Place of business" includes any public business establishment or private club where ~~intoxicating liquor, 3.2 percent malt liquor,~~ alcoholic beverages or soft drinks are sold, or which permits the display and consumption of ~~intoxicating liquor~~ alcoholic beverages, as provided for in *Minnesota Statutes*, section ~~340.119~~ 340A.414.

Subp. 15. [See repealer.]

7515.0200 PERMITS AND FEES.

Application forms for licenses or permits required by *Minnesota Statutes*, chapter 340A, shall be furnished by the commissioner upon request. The commissioner shall not issue any ~~such~~ license or permit unless the applicant ~~therefor~~ has satisfied all preconditions to licensure or permit and has paid the appropriate license and permit fees required by Minnesota law and, if required, has filed a corporate surety bond.

7515.0210 REGULATORY PERMITS AND FEES.

Subpart 1. **General.** Any person engaged in the purchase, sale, or use for any purpose other than personal consumption of ~~intoxicating~~ alcoholic beverages of more than 3.2 percent alcohol by weight or ethyl alcohol, shall obtain the appropriate regulatory permit and identification card from the commissioner as provided in this part. The fee for each permit, other than one issued to a state or federal agency, is \$20 and ~~shall~~ must be submitted together with the appropriate application form provided by the commissioner. Identification cards and permits shall be issued for a period coinciding with that of the appropriate state or municipal license and are not transferable. In instances where there is no annual license period, cards and permits shall expire one year after the date of issuance. The authority to engage in the purchase, sale, or use granted by the card or permit may be revoked by the commissioner upon evidence of a violation by the holder of such a card or permit of any of the provisions of *Minnesota Statutes*, chapter 340A, or any rule of the commissioner made pursuant to law.

Subp. 1a. [See repealer.]

Subp. 2. **Representatives' identification cards required.** Any distiller, rectifier, winer, or ~~wholesale distributor~~ wholesaler having one or more assigned representatives in ~~the state of~~ Minnesota shall for each representative ~~so~~ assigned apply to the commissioner on form ~~No. 46~~ PS 9127 for a representative's card. A distiller or winer representative, except as provided in subpart 3 shall not, directly or indirectly, take orders from retail licensees or give any financial inducement to any wholesaler's salesperson to promote the sale to a retailer of any alcoholic beverage.

Subp. 3. **Retailer's or pharmacist's identification card.** Any on-sale or off-sale liquor dealer or any purchasing agent of any municipal liquor store or ~~any pharmacist or druggist holding permits issued by the commissioner to sell medicinal liquors on prescription~~ shall apply to the commissioner on form ~~No. 84~~ PS 9135 for a permit to purchase ~~distilled spirits, wine, or malt alcoholic beverages~~ containing more than 3.2 percent of alcohol by weight from any manufacturer or ~~wholesale distributor~~ wholesaler or ~~any their agent or representative thereof.~~ Such ~~The~~ identification cards ~~shall~~ must be presented to the manufacturer or ~~wholesale distributor~~ wholesaler or ~~the their agent or representative thereof~~ when ordering ~~distilled spirits, wine, or malt alcoholic beverages~~ containing more than 3.2 percent of alcohol by weight. Manufacturers or ~~wholesale distributors~~ wholesalers or any agent or repre-

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sentative thereof shall not sell ~~distilled spirits, wine, or malt beverages having alcoholic contents as described in this subpart~~ beverages containing more than 3.2 percent alcohol by weight to any licensee, permit holder, or purchasing agent of a municipal liquor store unless ~~such the~~ person presents a retailer's or pharmacist's identification card issued by the commissioner for the current year.

Subp. 4. **Salesperson's identification card.** Minnesota manufacturers, brewers, winers, and ~~wholesale distributors~~ wholesalers shall for each employee acting in the capacity of a salesperson or agent apply to the commissioner on form ~~No. 80 PS 9073~~ for a salesperson's identification card, which card shall be the authority for ~~such the~~ employee to solicit orders from licensed ~~retail dealers~~ retailers, permit holders, or municipal liquor stores. Salesperson's identification cards shall not be issued to retail licensees, managers of clubs, municipal liquor store employees, or persons engaged in the sale of alcoholic beverages at retail in the regular course of their employment.

[For text of subp 5, see M.R.]

7515.0220 PERMIT EXPIRATION DATES.

The following permits ~~shall~~ expire one year from date of issuance:

A. ~~Doctor's alcohol permit.~~ Any physician, dentist, or veterinarian requiring ethyl alcohol in connection with ~~their the~~ person's profession shall apply to the commissioner on form ~~no. 44 PS 9018~~ for a permit to purchase ethyl alcohol.

B. ~~Food manufacturer's permit.~~ Any manufacturer of food products requiring intoxicating liquors in connection with ~~such the~~ manufacture shall apply to the commissioner on form ~~no. 76 PS 9018~~ for a permit to purchase, possess, and use intoxicating liquors.

C. ~~Hospital or sanatorium permit.~~ Any hospital or sanatorium requiring medicinal liquors or ethyl alcohol to administer to patients on physician's prescription shall apply to the commissioner on form ~~no. 47 PS 9018~~ for a permit authorizing the purchase ~~thereof of medicinal liquors or ethyl alcohol.~~

D. ~~Pharmacist or druggist purchase alcohol permit.~~ Any pharmacist or druggist requiring ethyl alcohol for the compounding of medicine shall apply to the commissioner on form ~~no. 60 PS 9018~~ for a permit to purchase, use, and possess ethyl alcohol.

E. ~~Purchase alcohol permit.~~ Any person engaged in the manufacture of medicinal, pharmaceutical, antiseptic, flavoring extract, syrup, food, scientific, chemical, mechanical, or industrial products, which are unfit for beverage use, or any municipal, county, or state agency, or any university, college, or laboratory used exclusively for scientific research, or any hospital or sanatorium using ethyl alcohol in connection with manufacture or research shall apply to the commissioner on form ~~no. 81 PS 9018~~ for a permit to purchase ethyl alcohol.

MANUFACTURERS, WHOLESALE DISTRIBUTORS WHOLESALERS, AND IMPORTERS; DUTIES AND RESTRICTIONS

7515.0300 DUTIES AND RESTRICTIONS.

Subpart 1. **In general.** The duties and restrictions upon each manufacturer and ~~wholesale distributor~~ wholesaler are ~~as follows outlined in this part.~~

Subp. 2. **Sales to retailers.** Manufacturers and wholesalers shall not sell at retail except in accordance with the privileges granted to breweries by *Minnesota Statutes*, section 340A.301, subdivision 8. Manufacturers and wholesalers and their respective agents or employees shall not sell or deliver alcoholic beverages to any person, club, or business establishment unless the purchaser is licensed or authorized to sell the respective beverages at retail. A sale to an unlicensed retailer person shall be a violation subject to penalties provided by law or rules.

Subp. 3. **Written invoices.** Manufacturers and wholesalers shall furnish a written invoice to each retailer for the alcoholic beverages sold and delivered to ~~said~~ retailers. The invoice ~~shall~~ must clearly identify seller and purchaser, date, quantity, ~~and~~ brand names of products sold and the prices. When there are joint purchases as provided for in *Minnesota Statutes*, section 340A.312, manufacturers and wholesalers shall, in addition to the above, itemize on the invoice each ~~such~~ retailer purchasing jointly or, ~~in lieu thereof,~~ shall invoice joint purchases to each retailer separately.

[For text of subp 4, see M.R.]

Subp. 5. **Financial interest forbidden.** No manufacturer or ~~wholesale distributor~~ wholesaler shall directly or indirectly or through any affiliate require by agreement or induce any licensed ~~retail dealer~~ retailer to purchase ~~intoxicating liquor~~ alcoholic beverages from themselves to the exclusion in whole or in part of other manufacturers or ~~wholesale distributors~~ wholesalers if the direct effect from ~~such the~~ agreement or inducement is to prevent, hinder, or restrict any other manufacturer or ~~wholesale distributor~~ wholesaler from selling or offering for sale ~~intoxicating liquor~~ alcoholic beverages to any ~~such~~ licensed ~~retail dealer~~ retailer. Manufacturers and wholesalers in respect to ~~retail dealers~~ retailers are forbidden:

A. to acquire or hold any direct or indirect interest in any retail license or proprietary interest in the business of a ~~retail dealer~~ retailer;

B. to acquire any interest in real or personal property owned, occupied, or used by any ~~retail dealer~~ retailer in the conduct of business;

C. to furnish, give, rent, lend, or sell to a ~~retail dealer~~ retailer any equipment, fixtures, supplies, money, service, or other thing of value, except to the extent permitted by statute;

D. to pay or credit a ~~retail dealer~~ retailer for any retailer's advertising, display, or distributing service, except to the extent permitted by statute;

E. to guarantee any loan or repayment of any financial obligation of the ~~retail dealer~~ retailer;

F. to extend a ~~retail dealer~~ retailer credit for a period in excess of the credit period usual and customary in the industry or in excess of the credit period permitted by law;

G. to require the ~~retail dealer~~ retailer to purchase and sell a specified quantity of any such products;

[For text of items H and I, see M.R.]

J. to coerce a retailer through threat of criminal prosecution, or license discipline or denial; or

K. to sell, offer to sell, or contract to sell any licensed ~~retail dealer~~ retailer any ~~intoxicating liquor~~ alcoholic beverages on consignment or under conditional sale or with the privilege of return on any basis otherwise than a bona fide sale. This item ~~shall~~ does not apply to transactions involving solely the bona fide return of the product for ordinary and usual commercial reasons arising after the product has been sold.

Subp. 6. **Gifts forbidden.** No manufacturer, importer, or ~~wholesale distributor~~ wholesaler of ~~distilled spirits, wines, or malt beverages containing more than 3.2 percent of alcohol by weight,~~ alcoholic beverages shall, directly or indirectly, or through any officer, agent, or employee, offer or grant discounts, rebates, free goods, allowances, or other concessions in wholesale prices unless the same terms are offered uniformly to each retailer in the wholesaler's or manufacturer's trade territory at the same time and for the same period, and any and all ~~such~~ discounts, rebates, free goods, allowances, or other concessions made because of quantity purchases or for any other reason ~~shall~~ must be specifically noted on the invoice of each and every retailer to whom ~~such~~ the concessions are granted.

Subp. 7. **Sales discrimination forbidden.** Minnesota manufacturers and ~~wholesale distributors~~ wholesalers shall not discriminate in the sale of their products to ~~retail dealers~~ retailers except that manufacturers or ~~wholesale distributors~~ wholesalers may refuse to sell ~~intoxicating liquor or 3.2 percent malt liquor~~ alcoholic beverages to a ~~retail dealer~~ retailer who may have violated any law, rule, or municipal ordinance relating to the sale of ~~such liquor~~ alcoholic beverages at retail, or who has breached a contract for sale with the manufacturer or wholesaler. Upon notice from the commissioner, manufacturers and ~~wholesale distributors~~ wholesalers shall not sell ~~intoxicating liquor or 3.2 percent malt liquor~~ alcoholic beverages to any on-sale or off-sale licensee who refuses to sell or serve alcoholic beverages to any person because of race, color, national origin, or who discriminates in the selection of its membership on the basis of race, color, or national origin.

Subp. 8. **Peddling forbidden.** No manufacturer or ~~wholesale distributor~~ wholesaler of distilled spirits and wine or their employees shall transport such products in vehicles for the purpose of soliciting orders from ~~retail dealers~~ retailers and filling such orders from stocks transported in ~~such~~ vehicles.

Subp. 9. **Container limitation.** No manufacturer or ~~wholesale distributor~~ wholesaler shall sell distilled spirits to retailers in containers holding more than 64 ounces ~~or less than eight ounces,~~ or their metric equivalents, except wine may be sold in containers holding 1/20 gallon (6-2/5 oz.), or its metric equivalent, to on-sale and off-sale licensees.

Miniature containers shall be sold only to off-sale retailers or licensed common carriers for dining facilities, and licensees who have approved dispensing devices, and ~~pharmacists~~ hospitals and sanatoriums having a permit to sell ~~administer~~ medicinal liquors on prescription for dispensing to patients in hospitals and nursing homes.

No containers of distilled spirits holding less than one-fifth of a gallon, or 750 milliliters, or wine containers holding less than 1/20 gallon (6-2/5 ounces) or its metric equivalent, shall be sold to ~~retail~~ on-sale ~~dealers~~ retailers.

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Still wines shall be sold by Minnesota manufacturers and wholesalers to retail liquor dealers only in case lots. The cases shall be filled with wines of only one tax class, that is, wines of 14 percent or less of alcohol by volume shall not be combined in a case with wines of more than 14 percent of alcohol by volume.

Subp. 10. **Sale or delivery prohibited in certain municipalities.** No manufacturer or ~~wholesale distributor~~ wholesaler shall sell or deliver distilled spirits, wine, ethyl alcohol, or intoxicating malt beverages in any municipality prohibiting the sale thereof. However, intoxicating liquors and ethyl alcohol may be sold in such municipalities to persons who are holders of permits to sell such products for industrial or medicinal purposes, ~~or for sacramental use.~~

Subp. 11. **Transfer of business license.** Any manufacturer, ~~wholesale distributor~~ wholesaler, or brewer may transfer a business and license with the approval of the commissioner. When contemplating transfer, the licensee shall submit the license to the commissioner and all permits issued in connection therewith, together with a complete ~~notarized~~ inventory of alcoholic beverages on hand, giving the brand names, and the size and number of containers. The request for transfer ~~shall~~ must be accompanied by the license application and bond of the proposed purchaser.

~~Note:~~ Any application for transfer of a license ~~shall~~ must be accompanied by a transfer fee of \$10.

Subp. 12. **Branch establishments.** Manufacturers and ~~wholesale distributors~~ wholesalers of distilled spirits, wine, and malt beverages licensed by the commissioner may maintain branch establishments provided that ~~such~~ the establishments are directly owned and managed by ~~said~~ the manufacturers and ~~wholesale distributors~~ wholesalers, and that all employees of ~~such~~ the establishments are paid only fixed salaries and/or commissions. No branch license shall be granted to holders of wholesale 3.2 percent malt liquor licenses.

[For text of subp 13, see M.R.]

7515.0310 DUTIES AND RESTRICTIONS ON FILING OF WHOLESALE PRICE SCHEDULES AND AMENDMENTS WHOLESALE INFORMATION.

Subpart 1. [See repealer.]

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

Subp. 4. [See repealer.]

Subp. 5. [See repealer.]

Subp. 6. [See repealer.]

Subp. 7. [See repealer.]

Subp. 8. [See repealer.]

Subp. 9. [See repealer.]

Subp. 10. [See repealer.]

[For text of subp 11, see M.R.]

Subp. 12. **Equal information to retailers.** Any ~~filing licensee~~ wholesaler who publishes, mails, delivers, distributes, advertises, or in any other way directly or indirectly disseminates written price information for distilled spirits and/or wine ~~on its wholesale price schedule or amendments thereto~~, shall, in any such material, include all ~~such~~ allowances, discounts, or terms, and shall disseminate ~~such~~ the information to all retailers served by it.

Subp. 13. [See repealer.]

Subp. 14. [See repealer.]

Subp. 15. [See repealer.]

Subp. 16. [See repealer.]

Subp. 17. [See repealer.]

[For text of subp 18, see M.R.]

Subp. 19. [See repealer.]

7515.0320 SALES TO WHOLESALERS AND MANUFACTURERS.

Subpart 1. **Offers for sale.** All importers, including manufacturers and wholesalers licensed pursuant to *Minnesota Statutes*, chapter 340A, are required to offer for sale to all Minnesota wholesalers and manufacturers all intoxicating liquor (except wines and malt beverages) brought into Minnesota. If ~~such~~ the intoxicating liquor is further distilled, refined, rectified, blended, bottled,

labeled, or prepared in any manner subsequent to its importation into Minnesota, such importers are required to offer for sale to all Minnesota wholesalers and manufacturers the finished product. All such offers shall be made on an equal basis to all ~~such~~ the wholesalers and manufacturers.

Subp. 2. **Price list posting.** No importer shall offer any intoxicating liquor for sale to any Minnesota wholesaler or manufacturer without first filing with the department and mailing ~~a copy of such itemized price list~~ an itemized list specifying the price, brand, type, container size, proof, and the age of the liquor offered, to all Minnesota manufacturers and wholesalers, on a form approved by the commissioner, ~~an itemized list specifying the price, brand, type, container size, proof, and age of the liquor so offered~~. These prices must be filed on the first day of the month and shall become effective on the first day of the next calendar month and shall remain in effect until changed by a subsequent price filing which shall take effect in like manner.

Subp. 3. [See repealer.]

7515.0410 ELIGIBILITY REQUIREMENTS.

An applicant for a retail liquor license shall meet all of the following requirements of eligibility:

~~A.~~ ~~The applicant shall be a citizen of the United States.~~

~~B.~~ The applicant shall be over ~~18~~ 21 years of age.

~~C.~~ B. The applicant shall have good moral character and reputation. An applicant does not have good moral character and reputation if, based on past activities or criminal record, the applicant poses a threat to the public interest or to the effective regulation and control of alcohol or creates or enhances the dangers of unsuitable, unfair, or illegal practices, methods and activities in the manufacture, sale, distribution, or possession for sale or distribution of alcohol or the carrying on of the business and financial arrangements incidental to the manufacture, sale, distribution, or possession for sale or distribution of alcohol.

~~D.~~ C. The applicant shall not have been convicted within five years prior to the application of such license of any willful ~~violating~~ violation of law relating to the manufacture, sale, or possession for sale of ~~intoxicating liquor~~ alcoholic beverages or any felony.

~~E.~~ D. Neither the licensee or anyone ~~interested with business interests~~ in the ~~business entity pursuing licensure~~ shall have had an interest in a license which was revoked within the last five years for a willful violation of any ~~such~~ laws or ordinances, or any felony.

~~F.~~ E. The ~~off-sale~~ licensee and anyone with an interest in the business shall not have any interest, direct or indirect, in another ~~off-sale~~ retail liquor store in the same municipality neither as proprietor, partner, or corporate stockholder.

~~G.~~ F. The licensee cannot lease the business premises from anyone to whom no license could be issued, such as someone convicted of a willful violation of the Liquor Control Act.

~~H.~~ G. No applicant shall refuse to serve alcoholic beverages to any person because of race, color, or national origin, and no applicant shall discriminate in the selection of its membership on the basis of race, color, or national origin.

The licensee may lease from a minor, a noncitizen, or one convicted for a crime other than liquor offense, or a manufacturer or wholesaler who has been a bona fide owner of the premises since before November 1, 1933, as provided by *Minnesota Statutes*, section 340A.301, subdivision 7.

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7515.0420 LIMITED NUMBER GRANTED.

Retail liquor licenses shall be granted only in the number and combination with other business prescribed in the statute as follows: (Clubs not limited in number) authorized by Minnesota Statutes, chapter 340A, or by a duly enacted and approved local law.

A. On sale retail liquor licenses:

	Population Last Federal Census	Maximum Number	Combination Business
First Class Cities	Over 100,000		
Minneapolis		200	Hotels,
St. Paul		200	Restaurants, or
Duluth		71	Exclusive Liquor
Second Class Cities	Over 20,000 but not over 100,000	18 (Plus 1 license for 2,500 pop. after 45,000)	Hotels, Clubs, Restaurants, or Exclusive Liquor
Third Class Cities and Villages	Over 10,000 but not over 20,000	12	"
Fourth Class Cities and Boroughs	Under 10,000	7	"
Villages	5,000 to 10,000	6	Hotels, Clubs, Restaurants, or Exclusive Liquors
"	2,500 to 5,000	5	"
"	500 to 2,500	4	"
"	under 500	3	"

The above summary of the statute is subject to several acts which have local application, as noted in the text of the statute.

B. Off sale retail liquor licenses:

	Population Last Federal Census	Maximum Number	Combination Business	Maximum License Fee
First Class Cities	(1 for 5,000)			
Minneapolis		104	Drug Stores	\$250
St. Paul		62	General Food,	
Duluth		20	Exclusive Liquor (Off)	— not including occupational tax
Second Class Cities	20,000 but not over 100,000	Discretionary with Council	Drug Stores Exclusive Liquor (Off)	\$200
Third Class Cities and Villages	over 10,000 but not over 20,000	"	"	\$200

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Fourth Class Cities, Villages and Boroughs	Under 10,000 but not less than 5,000	“	Drug Stores, Exclusive Liquors	\$150
“	2,500 to 5,000	“	“	\$100
“	500 to 2,500	“	“	\$100
“	Under 500	“	“	\$100

C. On-sale retail liquor licenses:

Counties	Regardless of Rural Population Plus 1 additional license for each 2,000 population or major fraction thereof.	3 licenses	Restaurants seating a minimum of 100
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D. Split liquor on-sale liquor licenses:

Municipalities operating retail liquor stores who have authorized by vote Split Liquor Cities, Villages, and Boroughs	Population Last Federal Census	Maximum Number	Combination Business
	Over 10,000 Pop.	6	Hotels and Restaurants
	5,000 to 10,000 Pop.	4	“
	Under 5,000 Pop.	3	“

If the maximum number of on-sale licenses are issued as above stated, then municipal off-sale must be discontinued.

7515.0430 ON-SALE APPLICATIONS.

Subpart 1. **Filing application and bond.** Applicants for on-sale retail liquor licenses shall file a written, verified application with all questions fully answered with the municipal clerk or county auditor. ~~They shall also file a bond as required by statutes.~~ Forms shall be furnished by the municipal clerk or county auditor.

Subp. 2. **Description of premises.** The retail licenses for sale of alcoholic beverages which the municipality may issue ~~shall~~ must contain a specific description of the premises to which the license applies. The description ~~shall be stated as~~ must state the numbered street address or the description of the lot, block, addition, or township. In addition, the license application must include a complete description of the compact and contiguous area in which the licensee will conduct business, including a description of physically connected patios, decks, or pavilions. If the description in this subpart covers a building with more than one story or rooms which are used for business purposes other than those permitted to be in combination with the license as outlined in part 7515.0420, then the description ~~shall~~ must specify the floor and the space to which the license ~~shall~~ will apply.

Subp. 3. **Location restrictions.** No license shall be granted for any premises with inside access to another business establishment unless the combination is permitted under ~~part 7515.0420 and the Liquor Control Act~~ Minnesota Statutes, chapter 340A.

Subp. 4. [See repealer.]

Subp. 5. **Application check; council action.** The clerk shall read each application ~~and bond~~ to ascertain that all questions have been answered and forms are completed before the application is submitted to the council.

Special note: No member of a municipal council, however, shall vote on any application for license for a spouse or any other relative.

[For text of subp 6, see M.R.]

Subp. 7. **Certificate to commissioner.** Within ten days after issuance of the on-sale liquor license, the clerk shall prepare and submit to the commissioner a ~~certificate form PS 9011~~ stating that a license has been issued. The certificate ~~shall~~ must show the full name and the address of the person or persons to whom the license is granted, the effective date and expiration date of the license, and all additional information required to complete the form which shall be furnished by the commissioner.

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7515.0440 OFF-SALE COMBINATION AND CERTAIN ON-SALE APPLICATIONS.

Subpart 1. **Commissioner's approval required.** All off-sale, club on-sale, ~~and on-sale wine, and~~ county on-sale retail liquor licenses issued in the state shall be submitted to the commissioner for final approval. Without the commissioner's approval, ~~said~~ the licenses shall not be effective.

Subp. 2. **Application procedure.** The commissioner shall furnish current application blanks, ~~bonds,~~ and license forms for off-sale, county on-sale, on-sale wine, and club retail liquor licenses to the clerk or county auditor of the respective municipalities or counties.

The applicant for license shall prepare the application form ~~and bond~~ in duplicate and file ~~them~~ it with the clerk or county auditor who shall read ~~them~~ it to determine that all questions are answered completely and the ~~forms are~~ form is properly executed.

The governing body shall consider the license applications and exercise its discretion within the law in approving licenses.

Subp. 3. **Materials forwarded to commissioner.** After approval, the clerk shall forward to the commissioner in Saint Paul, Minnesota, the following items:

A. ~~one copy of the license certificate for off-sale, club, or county on-sale;~~

B. ~~two application forms~~ one current form for off-sale, club, ~~or on-sale,~~ county on-sale, or on-sale wine fully executed by the applicant;

C. ~~two bond forms for off-sale, club, or county on-sale, approved on the reverse side by a member of the governing body;~~ B. one copy of the license certificate for off-sale, club on-sale, county on-sale, and on-sale wine;

~~D. C.~~ one on-sale license form no. 400 PS 9011, with the clerk's signature and corporate seal of the municipality or county affixed;

~~E. D.~~ one on-sale license form no. 400 A PS 9011 for Sunday sales if applicable;

~~F. E.~~ a notarized copy of the minutes of the meeting held by the governing body establishing when the application was approved; and

~~G. F.~~ a notarized statement containing information as to the result of the vote of any election in the municipality where the question of licensing the sale of intoxicating liquor was voted. This shall not include the repeal election of September 12, 1933, or any county option election. If no election was held in the municipality, a statement to that effect is required.

Subp. 4. **Items forwarded at renewal.** After licenses are granted, at an annual renewal period, the items in subpart 3 ~~shall~~ must be forwarded to the commissioner 30 days before the end of the current license year.

Subp. 5. **Disposition of documents.** After consideration and approval of the license, the commissioner will retain ~~one~~ the copy of the application ~~and one copy of the bond.~~ The new license certificate with endorsement of approval, ~~one copy of the application and one copy of the bond~~ will be returned to the clerk or auditor. ~~Such~~ The documents shall be retained by the issuing authority for ~~a period of six years after the date of expiration of the license.~~

7515.0450 CHANGE OF LOCATION.

The location of business of a retail liquor licensee may be changed subject to the approval of the municipal council and the commissioner. Application for change in location ~~shall~~ must be in writing, and must be accompanied by a written statement from the bonding company consenting to the change in corrected liquor liability insurance certification showing the new location.

7515.0460 LIQUIDATION OF BUSINESS; REPORT.

Any retail licensee who liquidates business upon voluntary termination, cancellation, or revocation of license, ~~shall~~ must submit a verified written inventory of the stock of intoxicating liquors on hand; shall file a written statement of the disposition of the merchandise to the commissioner; and ~~shall~~ must surrender the ~~retail dealer's~~ retailer's identification card to the commissioner and retail license to the issuing authority for cancellation.

7515.0470 MUNICIPAL LIQUOR STORES.

Any municipality establishing a municipal liquor store shall submit to the commissioner the following items:

A. A ~~certified or~~ printed copy of the ordinance or resolution authorizing the establishment of a municipal liquor store.

B. ~~A verified statement of~~ The results of any election ever held by the municipality in which the question of permitting or prohibiting the sale of intoxicating liquor was voted. This shall not include the repeal election of September 12, 1933, or any county election. If no election was ever held in the municipality, a ~~certified~~ statement to that effect is required.

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C. The clerk and/or recorder of any municipality having established a municipal liquor store shall in connection therewith and in addition to requirements of this part, submit to the commissioner ~~on furnished and prescribed forms in writing~~, a certificate of registration stating the date established, name of the manager, and whether on-sale, off-sale, or both.

D. Any change of location of a municipal liquor store shall be promptly reported to the commissioner, ~~on forms prescribed and furnished by the commissioner in writing, accompanied by new liquor liability certification for the new location~~. In the event of the discontinuance of such a store, ~~a notarized written~~ inventory of the stock on hand ~~shall~~ must be submitted to the commissioner giving the brand names, the size and the number of containers, and the name of the purchaser or other disposition. ~~Said The~~ inventory shall be signed by the transferor and transferee. The clerk of the municipality shall submit ~~said the~~ inventory and the retailer's identification card to the commissioner for cancellation.

7515.0500 RETAIL LICENSE REQUIRED.

All private retail dealers in ~~intoxicating liquors (distilled spirits, wines, strong beer)~~ alcoholic beverages shall obtain a license from the local municipal governing body for retail sale, and shall keep and post the license certificate in a conspicuous location in their place of business. Municipal retail liquor stores shall be established by ordinance.

7515.0510 IDENTIFICATION CARD REQUIRED.

~~Retail dealers~~ Retailers shall obtain a ~~retail dealer's~~ retailer's identification card from the commissioner as provided in part 7515.0210, subpart 3. Such card shall be presented when purchasing intoxicating liquor from authorized sales representatives.

7515.0520 PURCHASE FROM LICENSED MANUFACTURERS.

All ~~retail dealers~~ retailers shall purchase their stock of alcoholic beverages only from duly licensed Minnesota manufacturers, brewers, and ~~wholesale distributors~~ wholesalers. ~~Retail dealers~~ Retailers may purchase intoxicating liquors from other ~~retail dealers~~ retailers only under the conditions stated in part 7515.0650.

7515.0550 RETENTION OF RECORDS.

All ~~retail dealers shall~~ retailers must keep in their licensed premises for a period of two years the records and invoices of all purchases and sales of two cases or more of ~~intoxicating liquor, wine, and malt~~ alcoholic beverages. ~~Such The~~ invoices ~~shall~~ must state the date, from whom purchased or to whom sold, the quantity, the brand name, size of containers, and price.

7515.0560 ON-SALE DEALERS.

[For text of subpart 1, see M.R.]

Subp. 2. **Liquor to be consumed on premises.** On-sale liquor licensees ~~shall may~~ sell ~~intoxicating liquor~~ alcoholic beverages to lawful consumers by the drink for consumption on the premises only. For purposes of this part the sale of miniatures in approved dispensing devices shall be considered sale by the drink in guest rooms of hotels as defined in *Minnesota Statutes*, section 340A.101, subdivision 13.

Subp. 3. **Display forbidden.** No on-sale liquor establishment shall display any intoxicating liquor when open to the public during hours when the sale of such liquor is prohibited by law, ~~except as provided by Minnesota Statutes, section 340.119.~~

Subp. 4. **Dilution or changing containers.** No on-sale dealers, or their employees, shall remove ~~intoxicating liquor~~ alcoholic beverages from the original containers and place ~~said the~~ liquor in any other container, nor shall such persons dilute or in any manner tamper with the original contents ~~thereof~~ as provided by *Minnesota Statutes*, section 340A.508, except that wine may be withdrawn from tax paid containers and placed in decanters for service ~~bar~~ purposes.

Subp. 5. **Containers subject to seizure.** ~~Intoxicating liquors~~ Alcoholic beverages in open containers which upon inspection indicate dilution, tampering, refilling, or impurities ~~shall be~~ are subject to seizure by ~~alcohol and gambling enforcement inspectors~~ the commissioner.

Subp. 6. **Containers must be visible to public.** All containers from which alcoholic beverages are sold or dispensed ~~shall~~ must be clearly visible to the consuming public, except that malt beverages may be dispensed by tap from the keg when the keg itself is not in sight, and miniatures may be dispensed by approved mechanical devices, provided that the brand label appears on the tap handle or device. No container of intoxicating or malt liquor shall be dispensed from any mechanical or coin-operated device, unless ~~said the~~ device can be operated in full compliance with ~~all provisions of~~ state law and the rules of the commissioner and has

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been specifically approved for operation by the commissioner. The commissioner may impose such conditions as the commissioner ~~deems~~ considers necessary for any such approval and the failure to meet ~~said~~ those conditions or the violation ~~thereof~~ of those conditions shall terminate any approval.

7515.0570 OFF-SALE BY PACKAGE ONLY.

Off-sale dealers shall sell ~~intoxicating liquors~~ alcoholic beverages by the container or package for off premise consumption only. They shall not permit the opening of the containers and consumption of contents on the licensed premises. No alcoholic beverages shall be sold except within the licensed premises. No licensee shall sell any alcoholic beverages to any person, or persons, for consumption off the licensed premises while said person, or persons, are within a motor vehicle. No alcoholic beverages shall be sold through any opening or window to any person outside of the licensed premises.

7515.0580 DELIVERY.

Subpart 1. **Restrictions.** Only licensed or authorized "off-sale" ~~retail liquor dealers~~ retailers and no other class of dealers may make deliveries of ~~intoxicating liquor~~ alcoholic beverages from their stores to the residence of a purchaser or other location, provided however, that such delivery shall be made only to a person ~~19~~ 21 or more years of age; and provided further, that such delivery ~~shall~~ must not be made to ~~beer taverns~~ alcohol beverage licensed establishments or other public or private place in violation of law or ordinance.

Subp. 2. **Delivery tickets required.** The person in charge of any vehicle delivering ~~intoxicating liquor~~ alcoholic beverages to purchasers ~~shall~~ must carry an invoice or delivery slip stating the date and names and addresses of the seller and purchaser, itemizing the number, size, and brands of ~~intoxicating liquor~~ alcoholic beverages to be delivered. Upon delivery, the invoice ~~shall~~ must be signed by the person accepting delivery and by the deliverer and the signed copy preserved on the retailer's premises for a period of six months.

Subp. 3. **Dealer Retailer may refuse to deliver.** Any ~~retail dealer~~ retailer, or employee or agent of the ~~dealer~~ retailer, may refuse to sell or deliver ~~intoxicating liquor~~ alcoholic beverages to any person whom they have reason to believe is ineligible to buy such liquor, as provided by *Minnesota Statutes*, sections ~~340A.504, 340A.502 to 340A.505~~ and 340A.701 to 340A.705, or whom they have reason to believe intends to deliver the ~~intoxicating liquor~~ alcoholic beverages to ineligible consumers. They may require a person of doubtful age to produce written evidence as required in Minnesota Statutes, section 340A.503, subdivision 6, of being ~~18~~ 21 or more years of age.

Subp. 4. **Forbidden deliveries.** No off-sale ~~retail dealer~~ retailer shall sell, ship, or deliver ~~intoxicating liquor~~ alcoholic beverages to purchasers in any county, municipality, or area where the sale or delivery thereof is prohibited by law. No retailer shall deliver or permit the delivery of any ~~intoxicating liquor~~ alcoholic beverages during the hours when off-sale of liquor is prohibited by state law or municipal ordinance.

[For text of subp 6, see M.R.]

7515.0590 SALES RESTRICTIONS.

Subpart 1. **Retail dealer Retailers not to sell for resale.** A ~~retail dealer~~ retailer or municipal liquor store shall not sell intoxicating liquor to any person for the purpose of resale, or to any person about whom the ~~dealer~~ retailer or store has information or has reason to believe intends to resell said liquor, except as provided in part 7515.0650.

Subp. 2. **Cancellation of identification card.** The retailer's identification card of any ~~retail dealer~~ retailer or municipal liquor store may be canceled by the commissioner if the holder of ~~said~~ the card sells for resale. A violation of part 7515.0610 shall be grounds for cancellation.

Subp. 3. **Refusal to sell.** ~~Retail dealers~~ Retailers shall refuse to sell any alcoholic beverage to any person or persons whose character is questionable or whose credentials in any manner are not satisfactory.

7515.0600 SOLICITATION.

The solicitation of customers by ~~retail dealers~~ retailers outside the licensed premises or by the use of telephone, telegraph, or the United States mail is prohibited except where permitted by statute.

7515.0620 GIFTS FORBIDDEN.

Any ~~retail dealer~~ retailer or employee, or any manager or employee of a municipal liquor store, who suggests, requests, demands, or accepts any gratuity or reward or promise thereof from any representative of a manufacturer or wholesaler of alcoholic beverages is guilty of a violation. Any manager or employee who in this respect violates ~~the provisions of Minnesota Statutes, section 613.19~~ shall be this provision is guilty of a gross misdemeanor.

7515.0630 STORAGE.

~~Retail dealers~~ Retailers may not store excess stocks of intoxicating liquor in places other than the licensed premises without written approval of the commissioner. The place of storage ~~shall~~ must be located in the same municipality as the licensed premises. The location and address of the storage place, the quantity of liquor stored, and removal from the storage place ~~shall~~ must be reported to the commissioner in writing.

7515.0640 FIRES OR OTHER DAMAGE.

In the event of a fire or other disaster in an area where ~~intoxicating liquor, intoxicating and 3.2 percent malt liquor, or wine is~~ alcoholic beverages are stored or kept for sale, the licensee shall promptly inform the commissioner of such disaster. The commissioner shall promptly inspect the premises to determine if the ~~intoxicating liquor, intoxicating and 3.2 percent malt liquor, or wine is~~ alcoholic beverages are fit for human consumption and shall order all of ~~such the~~ liquor and wine that is not fit for human consumption immediately destroyed. No sale of ~~intoxicating liquor, intoxicating and 3.2 percent malt liquor, or wine~~ alcoholic beverages which ~~has~~ have been exposed to a fire or other disaster shall be made until ~~such the~~ liquor has been inspected and declared fit for human consumption. In making the inspection, the commissioner may cooperate with a representative of the insurer of the liquor.

7515.0650 TRANSFER OF LICENSE OR BUSINESS.

Any licensed ~~retail dealer~~ retailer transferring or liquidating a business and selling the liquor stock shall notify the commissioner in writing of this intention and ask for approval of the proposed sale or transfer on such forms as are prescribed by the commissioner. The dealer may sell business fixtures and alcoholic beverages in a liquidating transaction to any ~~retail dealer~~ retailer or wholesale licensee in Minnesota. When the sale is completed, the seller and buyer ~~shall~~ must file with the commissioner a copy of an itemized inventory of liquors sold, giving the brand name, size, and number of bottles. Both the seller and buyer shall sign the inventory ~~and it shall be notarized~~. The seller ~~shall~~ must return the retailer's identification card to the commissioner and the retail license to the issuing authority for cancellation. Any change ~~whatsoever~~ in the ownership or location of the business for which the license has been issued shall be deemed a transfer for purposes of this part.

7515.0720 MANDATORY STATEMENTS.

Subpart 1. **Responsible advertiser.** The advertisement ~~shall~~ must state the name and address of the producer, manufacturer, bottler, importer, wholesaler, or retailer responsible for its publication. Street name and number may be omitted in the address.

Subp. 2. **Class, type, and distinctive designation.** The advertisement ~~shall~~ must contain a conspicuous statement of the ~~class~~ and type; or other designation of the product, corresponding with the complete designation which appears on the brand label of the product.

Subp. 3. **Alcoholic content.** In the case of distilled spirits the alcoholic content ~~shall~~ must be stated in the manner and form in which it appears on the labels of distilled spirits advertised.

Subp. 4. **Percentage of neutral spirits and name of commodity.** In the case of distilled spirits, other than cordials, liqueurs, and specialties, produced by blending or rectification, if neutral spirits have been used in the production ~~thereof, there shall be stated in~~ the advertisement must state the percentage of neutral spirits ~~so~~ used and the name of the commodity from which ~~such the~~ neutral spirits have been distilled in substantially the manner and form in which these statements appear on the labels of the distilled spirits advertised. In the case of neutral spirits or of gin produced by a process of continuous distillation, ~~there shall be stated in~~ the advertisement must state the name of the commodity from which ~~such the~~ neutral spirits or gin has been distilled substantially in the manner and form in which this statement appears on the labels of the distilled spirits advertised.

Subp. 5. **Line or brand advertisements.** Where an advertisement does not mention a specific product but merely refers to a class of ~~intoxicating liquors~~ alcoholic beverages (such as whiskey) and the advertiser markets more than one brand of ~~intoxicating liquors~~ alcoholic beverages of that class, or where the advertisement refers to several classes of ~~intoxicating liquors~~ alcoholic beverages (such as whiskey, brandy, rum, gin, and liqueur, ~~etc.~~) marketed under a single brand, the only mandatory information prescribed by this part, applicable to ~~such the~~ advertisement would be the name and address of the responsible advertiser.

Subp. 6. **Retail establishments.** Advertisements by retail establishments which merely refer to the availability of ~~intoxicating liquors~~ alcoholic beverages in such establishments but which otherwise make no reference to a specific brand ~~shall be~~ are subject only to the prohibited statements provisions of parts 7515.0740 and 7515.0750.

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7515.0760 STATEMENTS OF ACTS PROHIBITED.

[For text of subpart 1, see M.R.]

Subp. 2. **Prohibitions on advertisements' contents.** No advertisement of alcoholic beverages shall contain:

[For text of items A to F, see M.R.]

~~G. Any statement or display relating to the price of such liquor except in windows and premises of licensed establishments.~~

~~H. Any statement, design, or device relating to biblical characters or to any public official, agency, or branch of the federal, state, or local governments, including former presidents of the United States.~~

~~I. Any statement, design, device, or pictorial representation capable of being construed as relating to the armed forces of the United States, or the American flag, or any emblem, seal, insignia, or decoration associated with such flag or armed force.~~

~~L. Any statement relating to the giving away of alcoholic beverages, premiums, or novelties in connection with the sale of any alcoholic beverages.~~

[For text of subs 3 to 5, see M.R.]

Subp. 6. [See repealer.]

7515.0780 MAILING FORBIDDEN.

No advertisements shall be distributed to consumers through the medium of the United States mail except with the written approval of the commissioner, and provided that this restriction shall not apply to newspapers and magazines. ~~The distribution of hand circulars or price lists will be allowed from within the licensed premises.~~

BRAND LABELS AND ANALYSIS OF ALCOHOLIC BEVERAGES

7515.0800 BRAND LABEL APPROVAL.

Subpart 1. **Commissioner's approval required.** No brand of ~~distilled spirits, wines, or fermented malt beverages containing more than one half of one percent of alcohol by volume shall~~ alcoholic beverage may be imported into or sold within ~~the state of~~ Minnesota unless the brand label is approved by the commissioner and registered in the manner provided.

Subp. 2. **Imports for sample purposes only.** A licensed importer or wholesaler may, with the prior approval of the commissioner, import without registration reasonable amounts of alcoholic beverages to be used for sample purposes only. ~~However, all such sample shipments must be manifested, as provided in part 7515.0930.~~

Subp. 3. **Confiscation.** Any alcoholic beverages whose brand label is not approved and registered shall be confiscated by the commissioner or a licensed peace officer.

7515.0810 BRAND LABEL OWNERSHIP.

The brand label for an intoxicating malt liquor, 3.2 percent malt liquor, or wine will not be registered unless it is ascertained that the proposed registrant is the owner of the label, or has been assigned the brand label registration permission in writing by the brand owner pursuant to federal and state laws.

7515.0820 REGISTRATION.

A written request for registration of a brand label ~~shall~~ must be filed with the commissioner, accompanied by the following items:

A. a check payable to "Director of Alcohol and Gambling Enforcement" in the amount of ~~\$10~~ \$30, for payment of the registration fee for each brand and for each type of product or \$20 for each registration renewal;

B. a set of ~~photostatic~~ copies of beer cans and lids;

[For text of items C to F, see M.R.]

7515.0840 ~~ABANDONMENT~~ EXPIRATION.

Any brand of alcoholic beverage for which ~~Minnesota importation has been discontinued for two years or which has been abandoned~~ registration has expired shall not be imported in this state unless the brand label is reregistered in the manner provided in part 7515.0810.

7515.0850 IMPORTERS TO ASCERTAIN REGISTRATION.

Minnesota manufacturers and ~~wholesale distributors~~ wholesalers shall ascertain before the importation of any alcoholic product into the state that said product has been registered and the analysis of the brand submitted to and approved by the commissioner.

7515.0900 IMPORTATION.

Subpart 1. **License required.** *Minnesota Statutes*, section 340A.302, pertaining to ~~distilled spirits, wines, and ethyl alcohol and~~ *Minnesota Statutes*, section 340.493 for malt beverages provide alcoholic beverages and ethyl alcohol, provides that only duly licensed importers ~~shall~~ may ship such products into Minnesota and that products ~~so~~ shipped shall be consigned to and received only by duly licensed Minnesota manufacturers and ~~wholesale distributors~~ wholesalers. No package sales to consumers for export of non-tax-paid liquors shall be permitted in this state without having obtained the proper license.

Subp. 2. [See repealer.]

7515.0920 IMPORT LICENSE REQUIRED.

Subpart 1. **In general.** ~~Distilled spirits, wine,~~ Alcoholic beverages and ethyl alcohol shall be imported into Minnesota only by persons holding Minnesota import licenses, except as provided by *Minnesota Statutes*, sections 340A.316 and 340A.417.

Subp. 2. **Exceptions.** No Minnesota import license will be required of persons who ship distilled spirits in bulk from a United States Internal Revenue bonded warehouse located in another state to a similar warehouse located in Minnesota.

Alcoholic beverages in the custody of the United States collector of customs destined for ultimate delivery in another state may be received in Minnesota and stored temporarily pending arrangements for redistribution and release by federal authorities. Shipments and storage under this subpart ~~shall~~ must be reported promptly to the commissioner.

7515.0940 TRANSPORTATION.

Only common carriers or duly licensed Minnesota manufacturers or ~~wholesale distributors~~ wholesalers shall transport distilled spirits, wine, ethyl alcohol, or malt beverages into this state.

7515.0950 CONFISCATION.

Minnesota Statutes, ~~section 340.54, subdivision 1 provides~~ sections 297G.20, subdivision 1, and 340A.7035, provide that any alcoholic beverages ~~imported into Minnesota contrary to statute or parts 7515.0900 to 7515.0960 or for the purpose of tax evasion which are not considered tax exempt under *Minnesota Statutes*, section 297G.07, subdivision 2, and which are imported, sold, held with intent to sell, or possessed, without payment of excise taxes,~~ shall be subject to confiscation.

7515.0960 SAMPLES FOR ANALYSIS.

For the purpose of comparative analysis, the commissioner may direct that samples of distilled liquors, wines, and malt beverages be taken from shipments arriving in the state or from warehouse stocks within the state, and the analysis of ~~such~~ the samples shall be made by a chemist designated by the commissioner.

In the event that the commissioner ~~shall find~~ finds the analysis of samples taken from shipments or warehouse stocks are not identically comparable to the labeling thereof and for malt beverages samples of any brand originally submitted by the brand owner to the commissioner, ~~said~~ the discrepancy ~~shall be~~ is valid grounds for the seizure and confiscation of ~~such~~ the shipments or warehouse stock and any further importation or sale of ~~such~~ the brand or brands ~~shall be~~ is prohibited within the state.

7515.1030 CORDIALS AND LIQUEURS.

Cordials and liqueurs are products obtained by mixing or redistilling neutral spirits, brandy, gin, or other distilled spirits with or over fruits, flowers, plants, or pure juices therefrom, or other natural flavoring materials, or with extracts derived from infusions, percolations, or maceration of such materials, and to which sugar or dextrose or both have been added in an amount not less than ~~ten~~ 2.5 percent by weight of the finished product. Synthetic or imitation flavoring materials shall not be included.

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7515.1040 STANDARDS OF FILL FOR DISTILLED SPIRITS.

1/2 gallon	4/5 pint
1 quart	1/2 pint
4/5 quart	Minatures containing no
1 pint	more than 2 ounces

~~or the metric equivalent of any of the above.~~

Code of Federal Regulations for distilled spirits, title 27, chapter I, parts 5.47 and 5.47A, as amended, is adopted as the rule for the standards of fill requirements for containers of distilled spirits sold within the state, insofar as federal regulations or amendments are not contrary to or inconsistent with this chapter or Minnesota Statutes, chapter 340A.

Code of Federal Regulations for distilled spirits, title 27, chapter I, part 5.22, as amended, is adopted as the rule for the standards of identity and labeling requirements for containers of distilled spirits sold within this state, insofar as the federal regulations or amendments are not contrary or inconsistent with this chapter or Minnesota Statutes, chapter 340A.

Tolerance in the ~~herein described~~ standards of fill may be allowed by the commissioner for distilled spirits upon prior application.

The regulations adopted by the secretary of the treasury pursuant to the Federal Alcohol Administration Act governing standards of fill ~~shall must~~ be followed in all bottling or selling of distilled spirits in ~~the state of~~ Minnesota.

7515.1050 WINE GENERAL REQUIREMENTS.

Code of Federal Regulations for wine, title 27, chapter I, parts 4.72 and 4.73, as amended, is ~~hereby~~ adopted as the rule for the standards of identity and labeling requirements for containers of wine sold within the state, insofar as federal regulations or amendments ~~thereto~~ are not contrary to or inconsistent with ~~the provisions of this chapter or Minnesota Statutes~~, chapter 340A ~~or parts 7515.1000 to 7515.1120, including standards of fill.~~

7515.1060 PACKAGING OF WINE TO CONFORM TO FEDERAL REGULATIONS.

No person shall import, manufacture, transport, or sell within ~~the state of~~ Minnesota any wine in containers unless ~~such the~~ wine is packaged, and ~~such the~~ packages are marked, branded, and labeled in conformity with federal regulations as ~~herein~~ indicated and approved by the commissioner. ~~Such~~ Packages of containers ~~shall must~~ consist of the same brand, size, type, and proof.

7515.1070 STANDARDS OF FILL FOR WINE.

Gallon	128 ounces
1/2 Gallon	64 ounces
Quart	32 ounces
Fifth	25 3/5 ounces
Pint	16 ounces
Tenth	12 4/5 ounces
1/2 Pint	8 ounces
Twentieth	6 2/5 ounces

~~or the metric equivalent of any of the above.~~

Tolerance in the ~~herein described~~ standards of fill may be allowed by the commissioner upon prior application.

The regulations adopted by the secretary of the treasury pursuant to the Federal Alcohol Administration Act governing standards of fill ~~shall must~~ be followed in all bottling or selling of wine in ~~the state of~~ Minnesota.

7515.1090 PACKAGING OF MALT BEVERAGES TO CONFORM TO FEDERAL REGULATIONS.

No person shall import, manufacture, transport, or sell within ~~the state of~~ Minnesota any malt beverages in containers, unless ~~such the~~ malt beverages are packaged, and ~~such the~~ are marked, branded, or labeled in conformity with federal regulations as ~~therein~~ indicated and approved by the commissioner.

7515.1100 LABELING REQUIREMENTS AND ALCOHOLIC CONTENT.

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

Subp. 3. **Copies instead of cans.** In place of submitting can containers for malt beverages, duplicate ~~photostatic~~ copies of each can and its lid must be submitted for both 3.2 percent and strong and the copies must clearly show the label and the alcoholic content statement for the 3.2 product only.

[For text of subs 4 and 5, see M.R.]

7515.1120 STANDARDS OF ~~FILL~~ CONTENT FOR MALT BEVERAGES.

The standards of fill for malt beverages in containers, whether domestically manufactured or imported for sale within the state of Minnesota, shall be as hereinafter provided:

~~one barrel~~
~~1/2 barrel~~
~~1/4 barrel~~
~~1/8 barrel~~
~~288 ounce container~~
~~144 ounce container~~
~~128 ounce container~~
~~64 ounce container~~
~~32 ounce container~~
~~25 3/5 ounce container~~
~~24 ounce container~~
~~16 ounce container~~
~~12 ounce container~~
~~10 ounce container~~
~~8 ounce container~~
~~7 ounce container~~
~~6 ounce container~~

or the metric equivalent of any of the above.

Code of Federal Regulations for malt beverages, title 27, chapter I, part 7.27, as amended, is adopted as the rule for the standards of identity and labeling requirements for containers of malt beverages sold within the state, insofar as federal regulations or amendments are not contrary to or inconsistent with this chapter or Minnesota Statutes, chapter 340A.

~~Tolerance in the herein described standards of fill may be allowed by the commissioner upon prior application.~~ The regulations adopted by the secretary of the treasury pursuant to the Federal Alcohol Administration Act governing standards of ~~fill shall~~ content must be followed in all bottling or selling of malt beverages in ~~the state of~~ Minnesota.

**PERMITS FOR CONSUMPTION AND DISPLAY OF INTOXICATING LIQUOR;
SET UP PERMITS**

7515.1200 PERMIT APPLICATIONS.

Applicants for permits under *Minnesota Statutes*, section 340A.414, shall submit their applications on forms to be supplied by the commissioner. Applications shall be submitted ~~to the commissioner, together with tender of the \$100 with a fee of \$150~~ in the form of a ~~money order, bank draft, or certified check~~ payable to the "Director of Alcohol and Gambling Enforcement, State of Minnesota."

7515.1210 DISQUALIFICATIONS.

Subpart 1. [See repealer.]

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

Subp. 3. **Conviction of liquor violation.** No application from any person who has been convicted of a willful violation of law concerning the sale of ~~intoxicating liquor or nonintoxicating malt alcoholic~~ beverages within the past five years will be considered.

7515.1220 REGULATION OF ESTABLISHMENTS GRANTED PERMITS.

Subpart 1. **Bottle club.** In clubs that qualify for a permit, bottles of intoxicating liquor may be left at the club-bar by members for serving only to the owner-member and bona fide guests, but ~~said the~~ bottle or bottles ~~shall~~ must not be stored at the bar in the

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Proposed Rules

owner's absence. Before the owner leaves the premises the owner shall remove the bottle or bottles from the bar and place them in an individual locker, or take them from the premises.

Subp. 2. **Business establishments.** In any public place granted a permit, no bottle of intoxicating liquor shall be given to the bar attendant or any employee for serving to the owner of the bottle. All bottles in ~~such a~~ business establishment ~~shall~~ must be kept in plain sight by the owner and shall be in the owner's possession and under the owner's control at all times.

[For text of subs 3 and 4, see M.R.]

Subp. 5. **No transfer of permits.** The transfer of permits issued ~~in accordance with~~ according to *Minnesota Statutes*, section ~~340.119~~ 340A.414, is prohibited unless ~~such~~ the transfer is approved by the commissioner. Any change in the location, ownership, or corporation will constitute a transfer for purposes of parts 7515.1200 to 7515.1230.

7515.1300 PERMIT REQUIRED FOR PHARMACISTS.

Subpart 1. [See repealer.]

Subp. 2. [See repealer.]

Subp. 3. **Confiscation.** ~~Alcoholic liquors containing more than 3.2 percent of alcohol by weight~~ Ethyl alcohol in the possession of any pharmacists who do not have the required ~~permits~~ permit issued by the commissioner, pursuant to part 7515.0220, item D, shall be subject to confiscation.

7515.1310 PURCHASE REQUIREMENTS FOR PHARMACISTS.

[For text of subpart 1, see M.R.]

Subp. 2. [See repealer.]

Subp. 3. **Purchase from licensed dealers.** Pharmacists shall purchase ~~medicinal liquor and~~ ethyl alcohol only from duly licensed Minnesota manufacturers and wholesale distributors, and all such products shall remain in the original containers.

[For text of subp 4, see M.R.]

Subp. 5. [See repealer.]

7515.1330 RECORDS.

Pharmacists ~~licensed to sell medicinal liquor or alcohol, and holding a permit to purchase ethyl~~ alcohol for compounding of medicines, shall maintain a complete record of all purchases made and prescriptions filled, for inspection by the commissioner.

7515.1340 IRREGULARITIES IN STOCKS.

Subpart 1. **Grounds for confiscation.** Irregularities in stocks of ~~medicinal liquor and~~ ethyl alcohol of pharmacists shall subject the permit to revocation and any undeclared stocks of liquor shall be confiscated by the commissioner or authorized agents.

Subp. 2. **Grounds for revocation of permit.** The concealment by any pharmacists or employee of any ~~medicinal liquor,~~ ethyl alcohol, or records thereof, or the refusal to assist authorized agents of the commissioner in the course of inspection of the permittee's premises shall be valid grounds for the revocation of the permit.

7515.1360 SELLING OR LIQUIDATING BUSINESS.

Any pharmacist who shall sell or liquidate the business, or discontinue the permit, shall submit to the commissioner ~~a notarized~~ an inventory of the stock of ~~medicinal liquors and~~ alcohol on hand, ~~giving the brand names,~~ the size and number of containers, the name of the purchaser or other disposition, together with the permit ~~and the pharmacist's identification card.~~ In the event of sale or transfer, the transferor and the transferee shall sign ~~said~~ the inventory.

7515.1400 IMPORTATION FOR RESALE.

Minnesota Statutes, section ~~340.113~~ 340A.302, provides that ethyl alcohol for industrial and nonindustrial purposes, as ~~here-~~ in- ~~after~~ defined in parts 7515.1430 and 7515.1440, may be imported into the state by duly licensed Minnesota manufacturers or wholesale distributors for resale to persons holding permits issued by the commissioner to purchase ~~such~~ ethyl alcohol, or by persons holding permits issued by the commissioner authorizing the importation of ethyl alcohol as provided in parts 7515.0200 to 7515.0220. Such ethyl alcohol ~~shall~~ is not be subject to the Minnesota excise tax.

7515.1410 IMPORTATION LIMITED.

The shipping of ethyl alcohol into the state shall be limited to distillers and ~~wholesale distributors~~ wholesalers holding import licenses issued by the commissioner, and ~~such persons in accepting orders for such products shall conform with those qualifying~~ under part 7515.1470.

7515.1450 PURCHASERS; PHYSICIANS, DENTISTS, VETERINARIANS.

Physicians, dentists, and veterinarians holding permits issued by the commissioner may purchase ethyl alcohol in quantities not to exceed two gallons per year from licensed Minnesota manufacturers and ~~wholesale distributors~~ wholesalers.

REPEALER. Minnesota Rules, parts 7515.0100, subparts 3, 6, 8, 9, 12, and 15; 7515.0210, subpart 1a; 7515.0310, subparts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, and 19; 7515.0320, subpart 3; 7515.0430, subpart 4; 7515.0710, subpart 3; 7515.0760, subpart 6; 7517.0900, subpart 2; 7515.0930; 7515.1020; 7515.1210, subpart 1; 7515.1300, subparts 1 and 2; 7515.1310, subparts 2 and 5; 7515.1320; 7515.1350; and 7515.1420, are repealed.

Exempt Rules

Exempt rules are excluded from the normal rulemaking procedures (*Minnesota Statutes* § 14.386 and 14.388). They are most often of two kinds. One kind is specifically exempted by the Legislature from rulemaking procedures, but approved for form by the Revisor of Statutes, reviewed for legality by the Office of Administrative Hearings, and then published in the *State Register*. These exempt rules are effective for two years only.

The second kind of exempt rule is one adopted where an agency for good cause finds that the rulemaking provisions of *Minnesota Statutes*, Chapter 14 are unnecessary, impracticable, or contrary to the public interest. This exemption can be used only where the rules:

- (1) address a serious and immediate threat to the public health, safety, or welfare, or
- (2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with *Minnesota Statutes* 14.14-14.28, or
- (3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required, or
- (4) make changes that do not alter the sense, meaning, or effect of the rules.

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years from the date of publication of the rule in the *State Register*. Rules adopted, amended or repealed under clause (3) or (4) are effective upon publication in the *State Register*.

The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

Department of Natural Resources

Adopted Exempt Permanent Rules Relating to Motor Vehicle Use of Forest Lands

Order Adopting Amendments to Rules

Amendment of the Rules of the State of Minnesota, Department of Natural Resources, Governing Park and Other Recreational Areas, *Minnesota Rules*, parts 6100.0100 to 6100.2400

WHEREAS:

1. *Laws of Minnesota 2002*, Chapter 355, section 2, provides that the rules governing parks and other recreational areas are to be modified as specified in that chapter and section, and adopted pursuant to *Minnesota Statutes*, section 14.388.
2. The Department of Natural Resources finds that the rulemaking provisions of *Minnesota Statutes*, Chapter 14 are unnecessary, impractical, or contrary to the public interest when amending these rules. Pursuant to *Minnesota Statutes*, section 14.388, clause (3), these amendments incorporate specific changes set forth in applicable statutes with no interpretation of law required.

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.

Exempt Rules

NOW THEREFORE, IT IS ORDERED that the amendments to the rules identified as:

Rules Governing Parks and Trails; Public Use of State Parks and Other Recreational Areas, *Minnesota Rules*, parts 6100.0100 to 6100.2400, in the form set out in the Revisor's draft, file number RD3339, dated 05/28/02.

are adopted the 1st day of July 2002, pursuant to the requirements of *Laws of Minnesota 2002*, Chapter 355, section 2.

Allen Garber
Commissioner
Department of Natural Resources

6100.1950 MOTOR VEHICLES AND SNOWMOBILES; FOREST LANDS.

Subpart 1. **Classified forest lands.** The operation of motor vehicles and snowmobiles on forest lands classified by the commissioner for purposes of motor vehicle use according to subpart 2 and *Minnesota Statutes*, section 89.002, is regulated according to items A to C.

A. ~~Motor vehicles may operate~~ On forest lands classified as managed, a person may operate a motor vehicle only on forest roads and forest trails that are not posted and designated closed and in areas that are posted and designated to allow motor vehicle use, subject to the limitations and exceptions in this part.

B. ~~Motor vehicles may operate~~ On forest lands classified as limited, a person may operate a motor vehicle only on forest roads that are not posted and designated closed and on forest trails or areas that are posted and designated to allow motor vehicle use, subject to the limitations and exceptions in this part.

[For text of item C, see M.R.]

[For text of subps 2 to 6, see M.R.]

Subp. 7. **Other prohibitions and exceptions.**

[For text of items A to C, see M.R.]

D. Except as provided in item C, on forest lands classified as managed or limited, ~~persons lawfully engaged in hunting big game or constructing hunting stands during October, November, and December, or trapping during open seasons; a person may use ATV's an ATV off forest trails in a manner consistent with this subpart. This exception does not apply in the Richard J. Dorer memorial hardwood forest. when lawfully:~~

(1) engaged in hunting big game or constructing hunting stands during October, November, and December;

(2) retrieving big game during September; or

(3) trapping during open seasons.

E. No person shall construct an unauthorized permanent trail on forest lands.

F. Subpart 1 does not apply to motor vehicles used to carry out silvicultural activities, including timber cruising, and the harvest and transport of forest products for commercial purposes.

G. The commissioner may grant a variance from the requirements of subpart 1 to private landowners and leaseholders when the only reasonable access to their land is across state forest lands.

[For text of subp 8, see M.R.]

ERRATA

Corrections to agency errors in rules or in following the rulemaking processes, as well as incomplete notices, mislabeled rules, incorrect notices and citations will appear in this section. Whenever an error is corrected in this section, it's corresponding rule number(s) will also appear in the *State Register's* index to rulemaking activity, **Minnesota Rules: Amendments and Additions**.

Minnesota Board of Dentistry

CORRECTION: Request for Comments on Possible Rule Amendments Governing the Permissible Duties of Dental Hygienists and Registered Dental Assistants

The above rule governing the permissible duties of Dental Hygienists and Registered Dental Assistants, *Minnesota Rules* 3100.3600, 3100.8500, and 3100.8700, was published in *State Register* on June 17th 2002. This Request for Comments had an incorrect deadline date for public comment. The comments may be submitted until 4:30 p.m. on August 19, 2002.

Executive Orders

The governor has the authority to issue written statements of orders, called Executive Orders, as well as Emergency Executive Orders. The governor's authority is specified in the *Constitution of the State of Minnesota*, Article V, and in *Minnesota Statutes* 4.035. Emergency Executive Orders, for protection from an imminent threat to health and safety, become effective immediately, are filed with the secretary of state, and published in the *State Register* as soon as possible after they are issued. Other Executive Orders become effective 15 days after publication in the *State Register* and filing with the secretary of state. Unless otherwise specified, an executive order expires 90 days after the date the governor who issued the order vacates office.

Office of the Governor

Emergency Executive Order #02-07: Providing for Assistance to Northwestern Minnesota Counties

I, JESSE VENTURA, 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, heavy rains have saturated Northwest Minnesota; and

WHEREAS, major overland flooding is threatening several counties in Northwest Minnesota; and

WHEREAS, these conditions threaten to inflict widespread and considerable damage to the public infrastructure as well as to homes, farms, and businesses; and

WHEREAS, as a result, there is a threat to public safety for citizens in Northwest Minnesota;

NOW, THEREFORE, I hereby order that:

1. The Adjutant General of Minnesota order to state active duty on or about June 23, 2002, in the service of the State, such personnel and equipment of the military forces of the State as required and for such period of time as necessary to protect the lives and property of the citizens of Kittson, Mahnommen, Marshall, Norman, Polk, and Roseau counties from flooding.
2. The Adjutant General is authorized to purchase, lease or contract goods or services necessary to accomplish the mission.
3. The cost of subsistence, transportation, fuel, pay and allowances of said individuals shall be defrayed from the general fund of the State, as provided for in *Minnesota Statutes 2000*, Sections 192.49, subd. 1; 192.51 and 192.52.

Pursuant to *Minnesota Statutes 2000*, Section 4.035, subd. 2, this Order is effective immediately and shall remain in effect until such date as elements of the military forces of the State are no longer required or the flooding conditions no longer pose a threat to life and property.

IN TESTIMONY WHEREOF, I have set my hand this 24th day of June, 2002.



JESSE VENTURA
Governor

Filed According to Law:



MARY KIFFMEYER

Secretary of State

Official Notices

Pursuant to Minnesota Statutes §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking. The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

Environmental Quality Board

Route Permit Issued for Otter Tail Power Company Transmission Lines

On June 20, 2002, the Minnesota Environmental Quality Board adopted Findings of Fact, Conclusions, and Order issuing a Route Permit to Otter Tail Power Company for its proposed 115 kilovolt transmission lines in Beltrami County.

Otter Tail Power Company will construct and operate two parallel 115 kilovolt electric transmission lines to connect the company's new 44 megawatt generating plant in Lammers Township to the nearby existing 115 kV transmission line. The length of each transmission line is about 1,200 feet. OTP will construct the lines using wood pole structures. The average length between structures will be 180 feet and the height of the structures will be 60 feet.

Minnesota Department of Health

Division of Infectious Disease Epidemiology, Prevention and Control, Immunization, Tuberculosis and International Health Section

REQUEST FOR COMMENTS on Possible New Rules Governing School Immunization Law

Subject of Rules. The Minnesota Department of Health requests comments on its possible new rule governing School Immunizations. The Department is considering rules that modify the current school and college immunization laws, *Minnesota Statutes*, sections 121A.15 and 135A.14. The Commissioner of Health has the statutory authority to adopt rules modifying the school and post-secondary immunization statutes. Specifically, *Minnesota Statutes*, section 121A.15, subdivision 12 paragraphs (a) and (c), states:

Subdivision 12 (a). Modifications to schedule. The commissioner of health may adopt modifications to the immunization requirements of this section.

Subdivision 12 (c) The commissioner shall comply with the requirements of chapter 14 regarding the adoption of any proposed modifications to the immunization schedule.

Minnesota Statute, section 135A.14, subdivision 7(a) and (c) are identical to *Minnesota Statutes*, 121A.15, subd. 12 (a) and (c).

The following is a summary of the issues to be considered.

1. Modifications to the requirements in sections 121.15A and 135A.14:

- **Schedule:** Shorten the grace period that school-age children have to complete their primary immunization series from 18 to 8 months.
- **Schedule:** Allow vaccine doses administered four or fewer days before the minimum age required in law to be considered valid to be consistent with nationally established general recommendations.
- **HIB:** Clarify the current *Haemophilus influenzae* type b (HIB) dosage series by requiring that one dose of the vaccine must be given at or after 12 months of age.
- **Hep B:** Modify the dosage requirement for the hepatitis B vaccine to allow the licensed two dose series to be considered adequate vaccine for adolescents who are 11-15 years old.
- **MMR:** Require children entering kindergarten to receive a second dose of the MMR (Measles, Mumps, Rubella) vaccine. In Minnesota, the second dose is currently required only for children in grades 7-12.
- **Hep B:** Expand the hepatitis B immunization requirement to include children in child care facilities. The current law only requires immunization for students enrolling in Kindergarten and grade seven.
- **Suspension:** Give the commissioner of health authority to suspend the immunization requirements in both sections 121A.15 and 135A.14 to address a vaccine shortage or emergency situation.

2. New Immunization Requirements:

- **Varicella:** Require the varicella vaccine for children in child care over 15 months and school-age children in kindergarten and seventh grade.
- **Pneumococcal:** Require the pneumococcal vaccine for children in child care who are at least two months of age but not yet five years old.

Persons Affected. The new rule would likely affect children enrolled or enrolling in child care, elementary and secondary schools and post-secondary institutions, parents of school-age children and children in child care, school nurses, immunization providers, child care facilities, elementary and secondary schools and post-secondary institutions.

Statutory Authority. *Minnesota Statutes*, section 121.15, subdivision 12 authorizes the Department to adopt rules for modification of the school immunization law, *Minnesota Statutes* 121.15.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing until further notice is published in the *State Register* that MDH intends to adopt or to withdraw the rules. The Department will have an advisory committee to comment on the possible rules. The first meeting of the advisory committee, which is open to all interested parties, is Wednesday, July 24, 2002 from 5:30 p.m. to 8:00 p.m., at the Snelling Office Park Building-Mississippi Room, 1645 Energy Park Drive, St. Paul, MN 55108. For directions to the meeting, go to the website listed below.

Rules Drafts. The Department has not yet prepared a draft of the possible rules.

Agency Contact Person. Written comments or questions, and requests for more information on these possible rules should be directed to: Patricia Segal Freeman, P.O. Box 9441, Minneapolis, MN 55440, **phone:** (612) 676-5237, 1-800-657-3970, **fax:** (612) 676-5689 and ImmunizeRule@health.state.mn.us. **TTY** users may call MDH at (651) 215-8980. The department has also set up a website where you can get information on the rule and meeting schedules at www.health.state.mn.us/divs/dpc/adps/immrule.htm

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

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Dated: 14 June 2002

Jan K. Malcolm, Commissioner
Minnesota Department of Health

Minnesota Housing Finance Agency

Notice of Hearing on Rental Housing Bond Issuance

NOTICE IS HEREBY GIVEN that the Minnesota Housing Finance Agency will hold a public hearing at 10:00 a.m. on July 15, 2002, at the offices of the Minnesota Housing Finance Agency, 400 Sibley Street, Suite 300, St. Paul, Minnesota 55101, for the purpose of taking public testimony regarding the issuance of its Rental Housing Bonds in the maximum principal amounts set forth below. The Bonds may be issued in one or more series and will be issued to fund mortgage loans to pay for all or a portion of the costs of construction or acquisition and rehabilitation of the following developments, including facilities related and subordinate thereto, for residential rental housing as defined in the Agency's Rental Housing Bond Resolution. The developments to be assisted are:

Initial Owner or Operator	Facility	Address	Maximum Bond Amount
A partnership, a general partner of which will be Albert Lea Leased Housing Associates And MN Attainable Housing	110-unit multi-building rental apartment, currently known as Channel View Apts.	204 East Front St. Albert Lea, MN	\$4,040,000
A partnership, a general partner of which will be Sherman Associates, Inc.	78-unit multi-building rental apartment development (new construction)	Southeast corner of the intersection of Rice Street and Little Canada Road Little Canada, MN	\$11,300,000
A partnership, a general partner of which will be Community Housing Development Corporation	35-unit multi-building rental townhouse development, currently known as Vadnais Highlands	1081 County Road E. Vadnais Heights, MN	\$3,000,000
A partnership, a general partner of which will be Community Housing Development Corporation	48-unit multi-building apartment development, currently known as Diamond Estates	840-860 Stillwater Road Mahtomedi, MN	\$2,500,000
A partnership, a general partner of which will be Community Housing Development Corporation	48-unit multi-building apartment development, currently known as Buffalo Court	1000-1002 3rd Avenue NE Buffalo, MN	\$2,300,000

Additional information may be obtained from the Minnesota Housing Finance Agency, Attn: Sharon Spahn Bjostad (651) 282-2577. Parties wishing to comment on the issuance of the Bonds may appear in person at the hearing or may submit written comments to the undersigned prior to the hearing.

Katherine Hadley
Commissioner
Minnesota Housing Finance Agency

Department of Human Services

Family and Children's Services Division

Notice of Availability of Citizen Review Panel Report

The federal Child Abuse Prevention and Treatment Act requires states to establish at least three citizen review panels to evaluate how well state and local agencies are fulfilling their child protection responsibilities. The Minnesota Citizen Review Panels have completed their third year of operation. Their 2001 annual report is now available. The report provides an overview of the work of three panels in Chisago, Ramsey and Washington Counties. For a copy of the report contact:

Laura Beilke
Department of Human Services
Family and Children's Services Division
444 Lafayette Road North
St. Paul, MN 55155-3830
Phone: (651) 215-1284

Department of Natural Resources

Request for Review and Comments on Draft Assessment Plan

NOTICE IS HEREBY GIVEN that the Natural Resource Trustees for the St. Louis River/Interlake/Duluth Tar Superfund (SLRIDT) Site request public comments on a draft Assessment Plan (Plan). The purpose of the proposed plan is to evaluate the extent of injuries to natural resources at the Site, determine the amount of recoverable damages, and identify potential restoration projects.

For a paper or electronic copy of the Plan contact:

Marilyn Danks, Trustee Coordinator
MN Department of Natural Resources
Division of Ecological Services
500 Lafayette Road
St. Paul, MN 55155-4025
Email: marilyn.danks@dnr.state.mn.us

The Plan is also available on the MPCA's Web page at: <http://www.pca.state.mn.us/news/data/index.cfm?PN=1>

Written comments may be sent to the Trustee Coordinator at the above address. The public is invited to make comments from today through the first week of August, 2002.

Minnesota Board of Physical Therapy

REQUEST FOR COMMENTS on Planned Amendment to Rules Governing Physical Therapy, *Minnesota Rules, 5601.0100-5601.3165*

Subject of Rules. The Minnesota Board of Physical Therapy requests comments on its planned amendment to rules governing physical therapy. The board is considering a rule amendment to prescribe a code of ethics for licensed physical therapists.

Persons Affected. The amendment to the rules would likely affect licensed physical therapists, the facilities where physical therapists practice, and patients of physical therapists.

Statutory Authority. *Minnesota Statute* section 148.67 (7) (1999), requires the board to adopt rules for a code of ethics for licensees; *Minnesota Statute* section 148.74 (1999), provides statutory authority for the board to adopt rules; and the *Laws of Minnesota for 2002*, Chapter 219, provides an extension of statutory authority to the board to adopt rules for a code of ethics for licensees.

Official Notices

Public Comment. Interested persons or groups may submit comments or information on these planned rules in writing until 4:30 p.m. on September 3, 2002. The board does not contemplate appointing an advisory committee to comment on the planned rules.

Rules Drafts. The board has not yet prepared a draft of the planned rules amendment.

Agency Contact Person. Written or oral comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these planned rules should be directed to: Stephanie Lunning at Minnesota Board of Physical Therapy, Suite 315, 2829 University Avenue SE, Minneapolis, MN 55414-3222, **phone:** (612) 627-5406, **fax:** (612) 627-5403, or **email:** *Stephanie.Lunning@state.mn.us*. For **TTY** communication contact the board through the Minnesota Relay Service (MRS) at 1-800-627-3529.

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

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Dated: 18 June 2002

Stephanie Lunning, Executive Director
Board of Physical Therapy

Minnesota Department of Public Safety

Driver and Vehicle Services Division

REQUEST FOR COMMENT on Possible Amendments to Permanent Rules Relating to Deputy Registrars, *Minnesota Rules*, Chapter 7406

Subject of Rules. The Minnesota Department of Public Safety, Driver and Vehicle Services Division (DVS), requests comment on planned amendments to existing administrative rules governing the appointment, operations, and revocation of deputy registrars. The existing rules are contained in *Minnesota Rules*, Chapter 7406. DVS is publishing this amended request for comment that is in addition to the request for comment on chapter 7406 that was published October 29, 2001 in the *State Register*.

DVS is considering amendments to:

- Enhance electronic commerce;
- Improve customer service in the registration and titling of motor vehicles;
- Streamline processes;
- Incorporate new legislative changes; and
- Address whether the rules are subject to variance.

At this time DVS is amending the notice published October 29, 2001 because it anticipates also opening:

- 7406.0330 MOVE OF AN EXISTING OFFICE LOCATION;
- 7406.0450 REPORTING AND DEPOSITING PRACTICES, Subparts 1, 2a, 4, 5, 6, 7, 8, and 9;
- 7406.0500 GENERAL OPERATING RULES FOR DEPUTY REGISTRARS, to repeal subpart 3 Solicitation;
- 7406.0700 EXEMPTION; and
- development of a new rule part on audits.

Persons Affected. The planned rule amendments affect or may be of interest to all public and privately operated deputy registrars throughout the state, law enforcement, licensing agents, the Attorney General's office, licensed motor vehicle dealers and persons who own, title and register motor vehicles.

Statutory Authority. *Minnesota Statutes*, sections 14.06, 168.33 and 299A.01 provide authority to regulate deputy registrars and the authority to adopt rules.

Public Comment. Interested persons or groups may submit comment or information on the planned rules in writing or orally until further notice is published in the *State Register* that DVS intends to adopt or withdraw proposed rules.

DVS plans to use an advisory committee comprised of deputy registrars and other parties affected by these planned rules to comment on drafts of possible rule amendments. Copies of this notice will be published in the *State Register*, posted on the DVS Website, mailed to all parties registered with the Minnesota Department of Public Safety for purposes of receiving notices about rule activity, and mailed to all deputy registrars.

Rule Drafts. DVS has not yet prepared a draft of the planned rule amendments.

Agency Contact Person. Written or oral comment, questions, and requests for more information on the possible rule amendments should be addressed to:

Donna Berger
Department of Public Safety
Driver and Vehicle Services Division, Suite 196
445 Minnesota Street
St. Paul, Minnesota 55101-5185
Phone: (651) 282-6060
Fax: (651) 296-3141
Email: Donna.Berger@state.mn.us

Alternative Format. This Request for Comment can be made available in an alternative format such as large print, Braille, or cassette tape. To make such a request, contact the agency contact person listed above.

NOTE: Comment received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt the rule is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Dated: 19 June 2002

Charles R. Weaver, Commissioner
Minnesota Department of Public Safety

Minnesota State Rehabilitation Council

Meeting Dates through June of 2003

The State Rehabilitation Council will meet on the following dates at the designated location. **Should changes occur, they will be posted in the *State Register*.** For more information, please contact the Minnesota Department of Economic Security at: **phone:** 1-800-328-9095; (651) 296-5616. **TTY:** (800) 657-3973; (651) 296-3900.

August 28, 2002 -	Best Western Kelly Inn 161 St. Anthony, St. Paul, MN
September 25, 2002 -	Best Western Kelly Inn 161 St. Anthony, St. Paul, MN
October 23, 2002 -	Best Western Kelly Inn 161 St. Anthony, St. Paul, MN
December 4, 2002 -	Best Western Kelly Inn 161 St. Anthony, St. Paul, MN

Department of Transportation

State Aid for Local Transportation Group

Petition of the City of South St. Paul for a Variance from State Aid Requirements for Design Speed

NOTICE IS HEREBY GIVEN that the South St. Paul City Council has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300, for a variance from rules as they apply to the construction of a roundabout at the intersection of Grand Avenue and 3rd Avenue North (segment of County State Aid Highway 14) in the City of South St. Paul, Minnesota.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9936, adopted pursuant to *Minnesota Statutes* Chapters 161 and 162, as they apply to the proposed construction of a roundabout at the intersection of Grand Avenue and 3rd Avenue North to allow a 15 mph design speed, in lieu of the required 30 mph design speed.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days of the published date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 24 June 2002

Julie A. Skallman
State Aid Engineer
State Aid for Local
Transportation

Department of Transportation

State Aid for Local Transportation Group

Petition of Hubbard County for a Variance from State Aid Requirements for AFTER THE FACT PLAN APPROVAL

NOTICE IS HEREBY GIVEN that Hubbard has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300, for a variance from rules as they apply to the paving of County Road 109 from County State Aid Highway 13 to 3 miles east of County State Aid Highway 13 and the paving of the DNR parking lot at the public access to Second Crow Wing River located in Hubbard County.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.2800, Subp. 2, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, as they apply to the State Aid Project No. 29-600-08, which provides for the paving of County Road 109 and the DNR parking lot at the public access to Second Crow Wing River in Hubbard County, Minnesota, so as to allow approval of construction plans after bids are opened, in lieu of the required approval of construction plans by the State Aid Engineer prior to opening of contract bids.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 24 June 2002

Julie A. Skallman
State Aid Engineer
State Aid for Local
Transportation

State Contracts

Informal Solicitations: Effective March 1, 2002, informal solicitations for all contracting opportunities for professional/technical (consultant) contracts with values estimated to be over \$5,000 and under \$50,000 must be posted on the Department of Administration, Materials Management Division web page (www.mmd.admin.state.mn.us) and access P/T Contracts.

Formal Requests for Proposals: Department of Administration procedures require that formal notice of any professional/technical (consultant service) contract which has an estimated value over \$50,000 must be printed in the *State Register*. Certain quasi-state agencies and Minnesota State Colleges and Universities institutions are by law exempt from these requirements.

Department of Employee Relations

Workers' Compensation Program

Notice of Request for Proposals (RFP) for Professional Services to Administer Certified Workers' Compensation Managed Health Care Services

THE MINNESOTA DEPARTMENT OF EMPLOYEE RELATIONS (DOER) is requesting proposals from Certified Managed Health Care Organizations to administer a managed health care program for the State's self-insured workers' compensation program. These services must comply with all applicable laws and administrative rules governing the operation of managed health care, and with all specifications provided as part of the RFP. Contract(s) will be awarded for a two (2) year period (1-1-03 through 12-31-04), with up to three (3) optional annual extensions.

To view the RFP, see www.doer.state.mn.us/ei-wc/eidwc.htm and click on *RFP for Certified Managed Health Care Services*.

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder. **A vendor conference is scheduled for Thursday, July 18, 2002, at 10:00 a.m. in the Ladyslipper conference room, ground level, DOER. Attendance is not mandatory.**

If interested, you must call Jeanne Hosch-Jones at (651) 215-1517 for reservations.

All proposals must be received by DOER by 4:00 p.m. on August 23, 2002.

Late responses will not be considered.

If you have any questions, contact:

Gary Westman
Workers' Compensation Program Manager
Minnesota Department of Employee Relations
Total Compensation/Workers' Compensation Program
P.O. Box 64081
St. Paul, MN 55164-0081
Phone: (651) 296-8190
Email: gary.westman@state.mn.us

Other employees are not allowed to discuss this RFP with anyone, including responders, before submission date.

Department of Transportation

Program Support Group

Notice Concerning Professional/Technical Contract Opportunities

NOTICE TO ALL: The Minnesota Department of Transportation (Mn/DOT) is now placing additional public notices for professional/technical contract opportunities on Mn/DOT's Consultant Services **website** at: www.dot.state.mn.us/consult

New public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice.

Non-State Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of 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.

Dakota County Community Services

Contract Unit

Notice of Request for Letters of Interest (LOI's) for In-Home Services, Community-Based Services, On-Call Transportation Services, and Crisis Response Support Services for Dakota County Social Services and Community Corrections

NOTICE IS HEREBY GIVEN that Dakota County Social Services and Community Corrections is soliciting LOI's from qualified parties for the purpose of providing a variety of services. In-home services include: In-Home Family Therapy, Parenting Education, Intensive Behavioral Specialist Programming, Culturally Specific Multisystemic Therapy Services (MST), and Culturally Specific Community Reintegration Services (CRS). Community-based services include Day Treatment, After School or Summer Extended Day, ADHD/ADD Intervention Services, Mental Health Crisis Services, Non-Traditional Respite Services, and Wrap-Around Chemical Health Facilitation Services. The LOI also includes On-Call Transportation Services and Crisis Response Intervention Services.

Contracts may or may not arise as a result of the LOI. Any contractual agreements would be subject to approval by the Dakota County Board of Commissioners and funding availability.

Dakota County would like letters of interest that speak to a specific agency's or individual's expertise in having the organizational and staff capacity to provide the specific service(s) for which they are submitting a LOI:

- Proven successful experience serving the eligible client groups including but not limited to special needs populations, e.g., people who are physically, hearing and/or sign impaired, people with English as second language, and people with chemical dependency issues.
- As applicable to the in-home and community-based services, demonstrated ability to provide coordinated and effective short-term and/or long-term in-home and/or community-based interventions to the eligible clients.
- Demonstrated ability to provide face-to-face timely, consistent response.
- Evidence of cultural competency, i.e., information is to be provided specific to the capability to provide culturally diverse services to various populations. Specificity will be requested to identify experience with specific populations and the services provided.
- As applicable, demonstrated ability to provide services in accordance with *Minnesota Statutes* 393.07 (Child Public Welfare), 245.4871-245.4887 (Children's Mental Health) and Rule 79 certification requirements.
- Demonstrated ability to hire, train and retain professional staff.
- Demonstrated ability to collect and report program and budget data to determine project outcomes.
- Demonstrated ability to provide services based on the descriptions of services in the LOI.
- Evidence of effective quality assurance and review procedures.

If you have interest in providing a LOI for any of the services, a complete copy of the LOI may be obtained by contacting:

Up to 7/11: Dee Skeens, Contract Manager
Dakota County Community Services Admin
60 East Marie Avenue, Suite 214
West St. Paul, MN 55118
Phone: (651) 450-2874
Fax: (651) 450-2948
Email: deanne.skeens@co.dakota.mn.us

As of 7/15: Dee Skeens, Contract Manager
Dakota County Comm Serv Admin
1 Mendota Road West, Suite 500
West St. Paul, MN 55118-4773
Phone: (651) 554-5874
Fax: (651) 554-5948
Email: Same

Deadline for Responses is **4:30 p.m. Central Standard Time on Thursday, August 15, 2002.**

Metropolitan Council

Application Software Customization and Implementation Project

Notice of RFP No. 02P066

NOTICE IS HEREBY GIVEN that the Metropolitan Council is soliciting proposals from firms or individuals for hire to provide customization services on Wonderware application software at the Council's Metro Wastewater Treatment Plant and tie into ABB/Composer logic processes already in place. The consultant will fully program Wonderware and Composer Software for the Solids Management Building (SMB) and Fluidized Bed Incinerator (FBI) projects. The individual proposed must have extensive experience in the two software programs noted above, or similar/related software experience, and will be expected to work on-site for approximately two years until project completion.

All proposals must be submitted in accordance with the RFP. The tentative schedule for this procurement process is:

Solicitation Package Release Date	July 9, 2002
Teleconference Pre-Proposal Date	July 23, 2002, 10:30 a.m.
RSVP for Teleconference Due	One-week prior to Teleconference
Questions Due Date	July 31, 2002
Responses to Questions	One week prior to Proposal Due Date
Proposal Due Date:	August 13, 2002
Oral Interviews	Week of September 3rd
DBE/W-MBE Goals for this Project	0% - See Footnote¹

All firms interested in this project should request a copy of the solicitation through: Amanda Houston, Administrative Assistant, Contracts and Procurement Unit.

Metropolitan Council
Mears Park Centre
230 East Fifth Street
St. Paul, MN 55101
Phone: (651) 602-1585
Fax: (651) 602-1138
Email: amanda.houston@metc.state.mn.us

Please provide **one** contact point; complete company name; address/city/state/zip along with phone/fax/mobile/cell phone and pager numbers as well as email information if you wish to be placed on the Solicitation List. **All inquiries** regarding this procurement shall be directed by **email** to Mary DeMers at: mary.demers@metc.state.mn.us

The Metropolitan Council is the regional-level governmental unit for the seven county Twin Cities area. It is responsible for guiding and coordinating development in the region through joint planning with local governments and the private sector. The Council operates regional services – wastewater collection and treatment, transit and Metro HRA, an affordable-housing service that provides assistance to low-income families in the region. Supporting the smart growth and redevelopment of the region are the Council's water management and transit services. The Council is responsible for water quality and supply through its wastewater treatment operations, surface- and ground-water planning, programs for reducing polluted runoff, industrial wastewater management and water quality monitoring through its Environmental Services Division.

This project may be funded in part by local funds and by PFA eligibility funds, to which federal rules apply. *Minnesota Statutes*, Section 473.144 and 363.073 and *Minnesota Rules*, Part 5000.3400 to 5000.3600 will be incorporated into any contract based upon the Proposal or any modifications to it. The Minnesota Data Practices Act governs data submitted in response to this RFP. It provides that all information submitted by a Proposer in response to an RFP, with the exception of trade secret data as defined in *Minnesota Statutes*, section 13.37, becomes public at the times specified in the Act and is then available to any person upon request. Any information in its response for which Proposer claims trade secret protection must be limited and set apart in the proposal on separate pages, with a heading that identifies the information as trade secret information. Blanket-type identification on whole pages or sections containing trade secret information will not assure protection. A statement that submitted information is copyrighted or otherwise protected does not prevent public access.

¹ Minority, women-owned and other disadvantaged business enterprises are encouraged to request an RFP and submit proposals. A single individual is preferred for this work, whether that individual is an independent contractor, works for an outsourcing firm, a high-tech IT staffing agency or is a representative of the application software companies. The Council wants continuity of services and wishes to have one person assigned for the duration of the project, which is expected to take approximately 4,000 hours to complete

Non-State Contracts & Grants

Metropolitan Council

Notice of Public Hearing on Adoption of the Housing Agency Plan

The Metropolitan Council's Livable Communities Committee will conduct a public hearing to discuss the Public Housing Agency (PHA) Plan and receive public comment.

The PHA Plan is a comprehensive guide to public housing agency policies, programs, operations and strategies for meeting local housing needs and goals. Required by the U.S. Department of Housing and Urban Development the PHA Plan includes two parts, the Five Year Plan and the Annual Plan. Both parts of the PHA Plan require PHA's to examine their existing operations and needs and to design long-range and short-range strategies to address those needs.

The public hearing will be held:

3:30 p.m., Monday August 19, 2002
Metropolitan Council
Room 1A
Mears Park Centre Building
230 East Fifth Street
St. Paul, MN 55101

The Housing Agency Plan is available for public review at the HRA administrative offices located at 230 East Fifth Street in St. Paul, and on the Metropolitan Council's **website** at: www.metrocouncil.org. All interested persons are encouraged to attend the hearing and offer comments. People may register in advance to speak by calling Sue Putz at **phone:** (651) 602-1584 or **TTY:** (651) 291-0904.

Upon request, the Council will provide a reasonable accommodation to persons with disabilities. In addition to speaking at the hearing, comments may be made in the following ways:

Written, faxed, email and voice mail comments to:

Sue Putz
Metro HRA
230 East Fifth Street
St. Paul, MN 55101
Phone: (651) 602-1584
Fax: (651) 602-1313
Email: susan.putz@metc.state.mn.us

Comments must be received by **Friday, August 16, 2002.**

Metropolitan Council

Public Sale of Land by Sealed Bid

Uptown Minneapolis – 12,490 Square Feet “Landmark” Building

Sealed bids for the sale of property located at 2901 Hennepin Avenue, Minneapolis, Minnesota, will be received in the Office of the General Counsel, Metropolitan Council, Mears Park Center, 7th Floor, 230 East 5th Street, St. Paul, Minnesota 55101.

Sealed bids will be received until **2:00 p.m., Tuesday, July 9, 2002**, at which time and place the proposals will be publicly opened and read aloud.

Bid Forms may be obtained from the Office of the General Counsel for the Metropolitan Council at the above address or by **phone:** (651) 602-1712.

All proposals to be considered must be on Metropolitan Council's Bid Form and accompanied by a certified check, cashier's check or money order in the amount not less than ten percent (10%) of the total bid amount.

The Metropolitan Council reserves the right to accept or reject any or all bids.

Metropolitan Council

Notice of Request for Project Under the MetroEnvironment Partnership Grant Program

Purpose: The MetroEnvironment Partnership Grant Program was established to provide grants to address nonpoint source pollution to Metropolitan Area lakes, streams, and rivers. Projects must be directed toward the abatement, control, or prevention of nonpoint source pollution. Applicants are encouraged to work cooperatively with other local government and non-government organizations to develop joint, multi-purpose projects. This is the final year of this five year grant program.

Eligible Project Sponsors: Public entities including state, federal, county, and city government; soil and water conservation districts; watershed management organizations; public schools; nonprofit organizations, or trade and professional organizations are eligible. The project must be located in whole or in part within the seven-county metropolitan area. The sponsor of a project located only partly in the metro area must be a state agency, or a governmental entity with jurisdiction in the metro area.

Proposal Submission Dates: Completed grant applications must be received by 4:00 p.m., Friday, October 11, 2002, at the offices of the Metropolitan Council.

Grant Matching Funds: A match of 25 percent cash or in-kind funds is required for the grants.

To Receive an Application: Call the Metropolitan Council Data Center at **phone:** (612) 602-1140 or **TTY:** (612) 291-0904. Applications are also available on the Council's **website** at: www.metrocouncil.org

For More Information: Call Joe Mulcahy at **phone:** (651) 602-1104, or **TTY:** (651) 291-0904.

Metropolitan Council

Downtown Minneapolis Mini-Station

The Metropolitan Council is soliciting sealed bids for Metro Transit's Downtown Minneapolis Mini-Station. Bids are due at **2:00 p.m.**, on July 24, 2002. Bids must be submitted in accordance with the Invitation for Bids document available from:

Metropolitan Council
Metro Transit Purchasing Department
515 N. Cleveland Avenue
St. Paul, MN 55114
Phone: (612) 349-5070

University of Minnesota

Notice of Bid Information Service (BIS) Available for All Potential Vendors

The University of Minnesota offers 24 hour/day, 7 day/week access to all Request for Bids/Proposals through its web based Bid Information Services (BIS). Subscriptions to BIS are \$75/year. Visit our web site at bidinfo.umn.edu or call the BIS Coordinator at (612) 625-5534.

Requests for Bids/Proposals are available to the public at no charge each business day from 8:00 a.m. to 4:30 p.m. in Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Mpls., MN 55454.

Non-State Contracts & Grants

University of Minnesota

Request for Proposal for the Demolition of Main Steam Plant Boiler Chimneys, Waste Incinerator Facility Chimney and Baghouses

RFP # 000-92-1678

The University of Minnesota is seeking Proposals for the demolition of three (3), reinforced concrete, brick masonry lined chimneys and removal of two baghouses, associated breeching and related mechanical and electrical appurtenances at the decommissioned Main Heating Plant and Waste Incinerator Facility at the University's Minneapolis East Bank Campus. The Work includes removal and disposal of asbestos containing (ACM) water proofing coating on the exterior surface of the three chimneys, decontamination of the interior of the incinerator chimney breeching prior to demolition, demolition of select sections of incinerator and boiler plant chimney breechings, demolition of related structural steel supports and concrete foundations, construction of weather tight enclosures to seal open sections of breeching, demolition of the incinerator facility chimney and two heating plant chimneys, access ladders and service platforms, removal of two heating plant baghouses, access ladders, stairs and platforms and select electrical and mechanical demolition, soil remediation work and general site restoration work. In addition to disposal of hazardous materials and asbestos containing materials, all other demolition materials shall become the Contractor's property and shall be removed from the site and legally disposed of in an approved landfill by the Contractor.

Work shall be substantially complete by Tuesday, December 31, 2002.

Proposals are due at **3:00 p.m., Minnesota time, on Tuesday, July 30, 2002. Late proposals will not be accepted.**

Proposals will be received by:

The Regents of the University of Minnesota
Facilities Management Purchasing Services
400 Donhowe Building
319 - 15th Avenue SE
Minneapolis, Minnesota 55455

Proposal documents may be examined at:

Sebesta Blomberg & Associates, Inc.
2381 Rosegate
Roseville MN, 55113
Builder's Exchanges in Minneapolis and St. Paul, Minnesota.
Construction Bulletin Plan Room, New Hope, Minnesota.
F. W. Dodge Plan Room, Minneapolis, Minnesota.

Copies of the Proposal Documents may be obtained at the office of Sebesta Blomberg & Associates, Inc., upon making a deposit by check in the amount of \$100.00, made payable to Sebesta Blomberg & Associates, Inc. The deposit will be refunded in full to those unsuccessful Proposers who return the documents to the Engineer in usable condition within ten (10) days after Proposals are opened. If the documents are returned defaced or damaged, the deposit will be forfeited to cover the costs of reproduction. A non-refundable, \$25.00 per set handling charge, payable to Sebesta Blomberg & Associates Inc. by separate check before issuance of plans, is required from Proposers who request documents to be delivered.

Requests for Proposal Documents for this project should be addressed to the Engineer's Construction Administrator, Curt Puncochar, **phone:** (651) 634-7429.

Direct other communications regarding this project to the Engineer's Project Manager, Tom J. Kukulski, PE, **phone:** (651) 634-7294.

The University reserves the right to reject any and all Proposals, accept any Proposal, waive informalities in Proposals submitted, and waive minor discrepancies in Proposal procedures, as it deems to be in its best interest.

The University of Minnesota complies with Equal Employment Opportunity and Affirmative Action Policies for contractors and suppliers.

Questions concerning the Targeted Business and Urban Community Economic Development Programs should be directed to D. Craig Taylor, Director of Community and Economic Development, University of Minnesota, Twin Cities Campus, 419 Morrill Hall, 100 Church Street, Minneapolis, MN 55454, **phone:** (612) 626-9151 or (612) 624-9547; **fax:** (612) 624-5223.

Non-State Contracts & Grants

Proposal result information may be obtained via fax by faxing a request to (612) 624-5796.

Pre-Proposal access to the work site is limited to specific times and dates. A Mandatory Project Pre-Proposal Meeting and Tour for Prime Contractors is scheduled for, Tuesday, July 16, 2002. Prospective Proposers are asked to meet at the E. River Flats Road (riverside) main entrance of the University's Main Heating Plant, Building 034, on The Minneapolis East Bank Campus, 1180 Main Street SE, Minneapolis, MN, 55455. Pre-Proposal Meeting is scheduled to begin at 2:00 PM, with a tour of the work areas to follow.

University of Minnesota Purchasing Services

Notice of Intent to Solicit Proposals for University of Minnesota Enterprise Financial System

The University of Minnesota is requesting proposals for an enterprise financial system.

Firms who are interested in submitting a proposal may contact Jane Thomas at: j-thom@cafe.tc.umn.edu to request a copy of the request for Proposal (RFP). Do not contact any other member of the University community regarding this RFP.

Pre-Proposal meeting will be held July 10. Details are in the RFP.

Deadline for submitting proposals to the University of Minnesota Purchasing Services is **July 26, 2002, before 3:00 p.m., local time.**

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Order form on back page

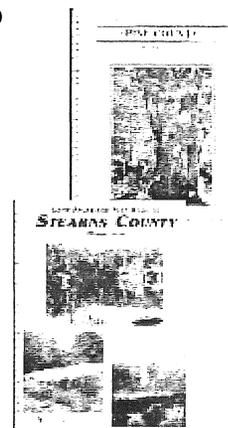
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Plat Map Books

Minnesota's Bookstore offers the most comprehensive selection of Minnesota plat map books currently available. From Rockford Publishing and Cloud Cartographics, these county plat map books are great for the hunter/adventurer or the prospective land owner seeking property sites. Includes key county government offices as well as an alphabetized business directory, city maps and an index to owners.

Aitkin County ('99)	Stock No. 12-66	\$35.00	Lake County (2001)	Stock No. 12-28	\$30.00
Becker County ('95)	Stock No. 12-79	\$30.00	Meeker County (2001)	Stock No. 12-29	\$30.00
Beltrami County ('97)	Stock No. 12-67	\$30.00	Mille Lacs County (2001)	Stock No. 12-30	\$30.00
Blue Earth County ('96)	Stock No. 12-20	\$25.00	Morrison County ('99)	Stock No. 12-31	\$30.00
Carlton County ('97)	Stock No. 12-68	\$30.00	Olmsted ('95)	Stock No. 12-84	\$25.00
Carver County (2001)	Stock No. 12-21	\$30.00	Otter Tail County (2000)	Stock No. 12-33	\$30.00
Cass County ('99)	Stock No. 12-22	\$30.00	Pine County (2000)	Stock No. 12-73	\$40.00
Chisago County ('99)	Stock No. 12-23	\$30.00	St. Louis Co. (North)(2002)	Stock No. 12-74	\$30.00
Cook County ('96)	Stock No. 12-24	\$25.00	St. Louis Co. (South)(2002)	Stock No. 12-75	\$35.00
Crow Wing County (2001)	Stock No. 12-70	\$40.00	Scott County ('95)	Stock No. 12-40	\$25.00
Dakota County (2000)	Stock No. 12-80	\$35.00	Sherburne County (2000)	Stock No. 12-41	\$30.00
Douglas County ('93)	Stock No. 12-81	\$30.00	Stearns County ('96)	Stock No. 12-42	\$25.00
Fillmore County ('98)	Stock No. 12-25	\$30.00	Steele County ('96)	Stock No. 12-43	\$25.00
Freeborn County ('87)	Stock No. 12-78	\$25.00	Todd County ('99)	Stock No. 12-44	\$30.00
Goodhue County ('99)	Stock No. 12-86	\$30.00	Wabasha County ('99)	Stock No. 12-82	\$40.00
Hubbard County ('97)	Stock No. 12-71	\$30.00	Wadena County ('99)	Stock No. 12-46	\$30.00
Isanti County ('99)	Stock No. 12-26	\$30.00	Washington County ('97)	Stock No. 12-85	\$25.00
Itasca County ('98)	Stock No. 12-76	\$35.00	Winona County ('96)	Stock No. 12-77	\$30.00
Kanabec County ('99)	Stock No. 12-27	\$30.00	Wright County (2001)	Stock No. 12-83	\$30.00
Koochiching County (2000)	Stock No. 12-72	\$35.00			



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