

4

State of Minnesota

STATE REGISTER

Department of Administration - Documents Division

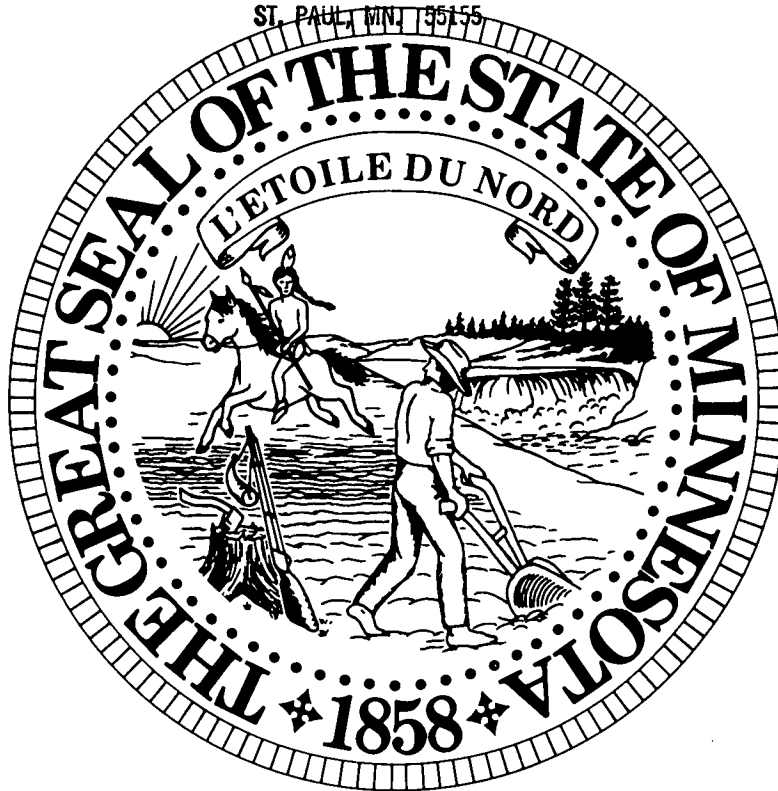
RECEIVED

JAN 26 1988

LEGISLATIVE REFERENCE LIBRARY

STATE CAPITOL

ST. PAUL, MN. 55155



Published every Monday

25 January 1988

Volume 12, Number 30

Pages 1497-1592

STATE REGISTER

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

The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, official notices to the public, state and non-state public contracts, grants, supreme court and tax court decisions, and a monthly calendar of cases to be heard by the state supreme court.

Volume 12 Printing Schedule and Submission Deadlines

Vol. 12 Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
30	Monday 11 January	Friday 15 January	Monday 25 January
31	Friday 15 January	Monday 25 January	Monday 1 February
32	Monday 25 January	Monday 1 February	Monday 8 February
33	Monday 1 February	Monday 8 February	Monday 15 February

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

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

Instructions for submission of documents may be obtained from the State Register editorial offices, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-4273.

The *State Register* is published by the State of Minnesota, Department of Administration, Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to Minn. Stat. § 14.46. Publication is weekly, on Mondays, with an index issue in September. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at \$130.00 per year, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota. Publication Number 326630. (ISSN 0146-7751) No refunds will be made in the event of subscription cancellation. Single issues may be obtained at \$3.50 per copy.

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

Rudy Perpich, Governor

**Sandra J. Hale, Commissioner
Department of Administration**

**Stephen A. Ordahl, Director
Minnesota Documents Division**

Robin PanLener, Editor

Paul Hoffman, Assistant Editor

Debbie Kobold, Circulation Manager

Bonita Karels, Staff Assistant

FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

SENATE

Briefly-Preview—Senate news and committee calendar; published weekly during legislative sessions.

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

Contact: Senate Public Information Office
Room 231 State Capitol, St. Paul, MN 55155
(612) 296-0504

HOUSE

Session Weekly—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions

This Week—weekly interim bulletin of the House.

Session Summary—Summarizes all bills that both the Minnesota House of Representatives and Minnesota Senate passed during their regular and special sessions.

Contact: House Information Office
Room 175 State Office Building, St. Paul, MN 55155
(612) 296-2146

Contents

Minnesota Rules:

Amendments & Additions

Issues 27-30 inclusive 1500

Proposed Rules

Agriculture Department

Compensation for crops damaged or destroyed by elk . . . 1501

Withdrawal of proposed rule on buying and storing grain 1504

Commerce Department

Cosmetology 1504

Nonprofit risk indemnification trusts 1509

Education Department

Libraries 1518

Housing Finance Agency

Urban Indian Housing Program 1521

Pharmacy Board

Pharmacy regulation 1525

Podiatric Medicine Board

Licensure; fees 1528

Public Utilities Commission

Telephone inter-exchange calling 1534

Waste Management Board

Waste tire permits 1541

Adopted Rules

Health Department

Family planning special project grants 1562

Housing Finance Agency

American Indian housing 1564

Definition of capital contribution of investors 1564

Definition of federally subsidized mortgages 1564

Optometry Board

Terms and renewal of license 1564

Waste Management Board

Industrial and hazardous waste processing grants 1564

Management of waste tires and the permitting of waste tire facilities 1564

Executive Orders

Executive Order No. 88-2 Assigning Emergency Responsibilities to State Agencies; Repealing Executive No. 85-9 1566

Official Notices

Minnesota Housing Finance Agency

Applications accepted for Federal Low Income Housing Tax Credit Program 1576

Human Services Department

Health Care Management Division

Notice of Award of Federal Grant to DHS for AIDS Drug Reimbursement Program 1577

Labor and Industry

Reconsideration of Prevailing Wages for Commercial Projects 1579

Labor and Industry

Labor Standards Division

Outside Opinion Sought Regarding Proposed Rules Governing Prevailing Wage Determinations 1579

State Contracts & Advertised Bids

Administration Department

Materials Management Division 1579

Printing & Mailing Services Division 1580

State Designer Selection Board

Request for proposals for the Addition to the Veterinary Diagnostic Laboratory 1581

Human Services Department

Request for proposals for chemical health services 1582

Non-State Public Contracts

Northeast Suburban Transit Commission

Request for proposals for Paratransit Services 1583

Supreme Court Calendar

Cases to be heard during February 1988 1584

Supreme Court Decisions

. 1586

Announcements

. 1587

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 75 state agencies have the authority to issue rules. Each agency is assigned specific *Minnesota Rule* chapter numbers. Every odd-numbered year the *Minnesota Rules* are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*; only the changes made since their publication as **Proposed Rules**. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-652-9747 and ask for "Documents."

Administration Department

1305.2050 s.801; .2100 s.802; .6200 table 33-A
(adopted) 1364

Agriculture Department

1502.0001-.0025 (adopted emergency) 1456
1502.0001-.0025 (withdrawn emergency) 1461
1506.0010-.0040 (proposed) 1501
1555.0005-.0010 (adopted effective 3/1/88) 1365
1555.0011-.0012 (adopted effective 9/1/88) 1365
1562.0100-.2200 (withdrawn) 1504
1560.5400-.7600 (proposed repealer withdrawn) 1504

Commerce Department

2640.0100; .1100; .1700; .3300; .3500; .4100; .5100;
.5200; .5500; .5600; .6000; .6700; .6800; .6900; .7000;
.8200; .8900; .9200 (proposed) 1504
2640.0100 s.7 (proposed repealer) 1504
2766.0010-.0140 (proposed) 1509

Corrections Department

2945.0100; .0110; .0120; .0130; .0500; .0510; .0520;
.0530; .0540; .1000; .1600; .1610; .1620; .2100; .2110;
.2120; .2130; .2500; .2510; .2520; .2530; .2540; .2550;
.3400; .3410; .3420; .3430; .3440; .3450; .3460; .4700;
.4710; .4720; .4730; .4740; .4750; .4760; .5400; .5410;
.5420; .5430; .5440; .5450; .5460; .5470; .5480; .5490;
(withdrawn) 1389

Education Department

3500.0710 (proposed) 1518
3500.0700 (proposed repealer) 1518

Public Utilities Commission (see also 7800)

4220.0100; .0200; .0300; .1100; .1200; .1300; .2100;
.2200; .2300; .2350; .2400; .2500; .2600; .2700; .2800;
.2900; .3000; .3300; .3400; .4100 (proposed) 1396
4220.0100 s.4,8; .2100 s.5,6; .4100 s.2,3,4
(proposed repealer) 1396

Health Department

4700.1900; .2000; .2100; .2210; .2300; .2400; .2500;

.2550 (adopted) 1563
4700.2200; .2400 s.3 (repealed) 1563

Housing Finance Agency

4900.0010 (adopted) 1564
4900.0010 (adopted) 1564
4900.0930; .0980 (adopted) 1564
4900.1500; .1520; .1540; .1572; .1574; .1576; .1578
.1580; .1582; .1584; .1586 (proposed) 1521

Natural Resources Department

6125.0100; .0200; .0300; .0400; .0500; .0600; .0700
(proposed) 1433

Optometry Board

6500.2800; .2900 (adopted) 1564

Pharmacy Board

6800.1250; .1600; .4210; .4220 (proposed) 1525

Podiatric Medicine Board

6900.0010; .0020; .0030; .0160; .0200; .0210; .0250;
.0300; .0400 (proposed) 1528
6900.0300 s.6 (proposed repealer) 1528

Pollution Control Agency

7001.0020; .0040; .0050; .0190; .4000; .4010; .4020;
.4030; .4035; .4040; .4050; .4060; .4070; .4080; .4090;
.4110; .4120; .4130; .4140; .4150 (adopted) 1564
7035.8200; .8205; .8210; .8220; .8230; .8240; .8250;
.8260; .8270; .8280; .8290; .8300; .8400; .8410; .8420;
.8430; .8440; .8450; .8460; .8470; .8480; .8490; .8500;
.8510; .8520; .8530; .8540; .8550; .8560; .8570; .8580;
.8590; .8700; .8710 (adopted) 1564
7001.0020; .0040; .0050; .0190; (proposed) 1541
7001.4000; .4010; .4020; .4030; .4040; .4050; .4060;
.4070; .4080; .4090; .4100; .4110; .4120; .4130; .4140;
.4150 (proposed repealer) 1541
7035.8200; .8205; .8210; .8220; .8230; .8240; .8250; .8260;
.8270; .8280; .8290; .8300; .8400; .8410; .8420; .8430;
.8440; .8450; .8460; .8470; .8480; .8490; .8500; .8510;
.8520; .8530; .8540; .8550; .8560; .8570; .8580; .8590;

.8700; .8710 (proposed repealer) 1541

Public Safety Department

7515.1100; .1110 (adopted) 1456

7515.1100 s.1 (repealed) 1456

Public Utilities Commission (see also 4220.0100)

7815.0100; .0700; .0800; .0900; .1000; .1050; .1100;
.1200; .1400; .1500; .1600 (proposed) 1534

Secretary of State

8210.3000; .3005; .3010; .3015 (proposed) 1446

Veterinary Medicine Board

9100.0400 (proposed) 1450

Waste Management Board

9220.0200-.0680 (proposed) 1541

9200.6000; .6001; .6002; .6003; .6004; .6007; .6008;
.6010 (adopted) 1564

Human Services Department

9515.1000; .1200; .1300; .1400; .1500; .2200; .2300;
.2400; .2500; .2600 (proposed) 1389

9515.1100 (proposed repealer) 1389

9530.4100; .4120; .4130; .4200; .4210; .4220; .4230;
.4250; .4260; .4270; .4280; .4300; .4310; .4320; .4330;
.4340; .4350; .4370; .4380; .4390; .4400; .4410; .4450
(adopted) 1451

9530.0100; .0200; .0300; .0400; .0500; .0600; .0700;
.0800; .0900; .1000; .1100; .1200; .1300; .1400; .1500;
.1600; .1700; .2500; .2600; .2700; .2800; .2900; .3000;
.3100; .3200; .3300; .3400; .3500; .3600; .3700; .3800;
.3900; .4000 (repealed) 1451

9553.0041; .0050; .0060 (proposed) 1429

Proposed Rules

Pursuant to Minn. Stat. of 1982, §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

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

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

Department of Agriculture

Proposed Permanent Rules Relating to Compensation for Crops Damaged or Destroyed by Elk

Notice of Intent to Adopt a Rule Without a Public Hearing

Notice is hereby given that the Minnesota Department of Agriculture intends to adopt the above-entitled rule without a public hearing, following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in *Minnesota Statutes*, Sections 14.22-14.28. The statutory authority to adopt this rule is *Minnesota Statutes*, Section 3.7371, subd. 7.

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

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

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

Comments or written requests for a public hearing must be submitted to: Carol Milligan, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-6906.

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

A copy of the proposed rule is attached to this Notice.

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

The farms experiencing elk damage and, therefore, applying for compensation could be considered small business. However, the program is voluntary and reporting requirements are minimal and necessary to pay claims. Therefore, special small business considerations are not needed and would make the program unworkable.

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

Dated: 8 January 1988

Jim Nichols, Commissioner
Department of Agriculture

Rules as Proposed (all new material)

1506.0010 AUTHORITY.

Parts 1506.0010 to 1506.0040 are prescribed under Minnesota Statutes, section 3.7371, by the commissioner of agriculture to implement procedures to compensate agricultural crop owners for crops that are damaged or destroyed by elk. The procedures in parts 1506.0010 to 1506.0040 are in addition to those in Minnesota Statutes, section 3.7371.

1506.0015 DEFINITIONS.

Subpart 1. **Applicability.** The definitions in this part apply to parts 1506.0010 to 1506.0040.

Subp. 2. **Claim form.** "Claim form" means a form provided by the commissioner, to be completed by the crop owner and the county extension agent or federal crop adjuster, containing information upon which payment for a loss must be based.

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of agriculture or the commissioner's authorized agent.

Subp. 4. **Crop owner.** "Crop owner" means an individual, firm, corporation, copartnership, or association with an interest in crops damaged or destroyed by elk.

Subp. 5. **County extension agent.** "County extension agent" means the University of Minnesota agricultural extension service's county extension agent for the county in which the crop owner resides.

Subp. 6. **Federal crop adjuster.** "Federal crop adjuster" means a crop insurance adjuster having a contract with the Federal Crop Insurance Corporation.

Subp. 7. **Market price.** "Market price" means the commodity price published daily by the Minneapolis Grain Exchange in the daily record of prices and receipts.

Subp. 8. **Target price.** "Target price" means the federal commodity price available from the Agricultural Stabilization and Conservation Service office.

1506.0020 REPORTING.

The crop owner shall notify either the federal crop adjuster or the county extension agent of suspected crop loss or damage within 24 hours of the discovery of a loss. The crop owner shall also complete the appropriate part of the claim form which must be available at the county extension office. The crop owner shall provide all information required to investigate the loss or damage to the federal crop adjuster or the county extension agent. A telephone call or personal contact constitutes notification.

1506.0025 INVESTIGATION AND CROP VALUATION.

Subpart 1. **Whether damaged by elk.** The federal crop adjuster or the county extension agent shall investigate the loss in a timely manner and shall make a finding in writing on the appropriate part of the claim form regarding whether the crop was destroyed or damaged by elk. The finding must be based on physical and circumstantial evidence including:

- A. the condition of the crop;
- B. elk tracks;
- C. the area of the state where the loss occurred;
- D. sightings of elk in the area; and
- E. any other circumstances considered pertinent by the federal crop adjuster or the county extension agent.

The absence of affirmative evidence may be grounds for denial of a claim.

Subp. 2. **Extent of damage.** The federal crop adjuster or the county extension agent shall make a written finding on the claim form of the extent of damage or the amount of crop destroyed. The crop owner may choose to have the federal crop adjuster or county extension agent use the method in item A or B to complete the claim form and determine the amount of crop loss.

A. To submit the claim form at the time the suspected elk damage is discovered, the federal crop adjuster or county extension agent must determine the potential yield, per acre, for the field and record this information on the form in the column labeled "normal yield" and the average yield, per acre, expected from the damaged acres and record this information on the form in the column labeled "average yield expected from damaged acres."

B. To submit the claim form at the time the crop is harvested:

(1) the crop owner shall report the loss to the federal crop adjuster or county extension agent within 24 hours of discovery, and the loss must be investigated by the federal crop adjuster or county extension agent in a timely manner;

(2) the crop owner and federal crop adjuster or county extension agent shall complete the claim form at the time of the investigation, entering the percent of crop loss from damage in the column labeled "normal yield" and leaving the column labeled "average yield expected from damaged acres" blank; and

(3) when the crop is harvested the federal crop adjuster or county extension agent shall enter the actual yield of the damaged field in the column labeled "average yield expected from damaged acres," enter the date in the same column, and submit the form to the commissioner.

1506.0030 COMPLETION AND SIGNING OF CLAIM FORM.

A completed claim form must be signed by the owner and county extension agent or the federal crop adjuster and submitted by the crop owner to the commissioner for review and payment. The commissioner shall return an incomplete claim form to the crop owner, indicating the information necessary for proper completion.

1506.0035 INSURANCE COVERAGE.

If insurance coverage exists on the crop, the commissioner shall withhold payment under parts 1506.0010 to 1506.0040 until the insurance claim has been paid and evidence of payment has been submitted to the commissioner, at which time that insurance payment must be deducted from the determined value. Payment must not be made for claims of less than \$100 per claim or more than \$20,000 in a calendar year.

1506.0040 PAYMENT.

After procedures in parts 1506.0020 to 1506.0035 are completed, the commissioner shall make payment to the crop owners.

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

Department of Agriculture

Notice of Withdrawal of Proposed Rule

Notice is hereby given that the proposed rule relating to buying and storing grain, as published in the *State Register* on September 7, 1987, pages 398-407 (12 S.R. 3988), is withdrawn.

The department is unable to adopt the rule because of failure to comply with *Minnesota Statutes, section 16A.128, subdivision 2a. The department intends to republish the rule and Notice of Hearing or Notice of Intent to Adopt a Rule Without a Public Hearing at a later date.*

Dated: 29 Decmeber 1987

Jim Nichols, Commissioner
Department of Agriculture

Department of Commerce

Proposed Permanent Rules Relating to Cosmetology

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Department of Commerce intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedures Act for adopted rules without a public hearing in *Minnesota Statutes*, section 14.22-14.28. Authority for the adoption of these rules is contained in *Minnesota Statutes*, Sections 45.023 and 155A.05.

All persons have 30 days to submit comments in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of hte proposed rule addressed, the reason for the comment, and any change proposed. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Department and do not result in a substantial change.

Any person may make a written request for a public hearing within the 30 day comment period. If 25 or more persons submit a written request for a public hearing within the 30 day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any persons requesting a hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the department will proceed pursuant to *Minnesota Statutes*, sections 14.13 to 14.20.

Persons who wish to submit comments or a written request for a public hearing should submit them to:

Richard G. Gomsrud
Department Counsel
Department of Commerce
500 Metro Square Building
St. Paul, MN 55101
(612) 296-5689

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

Pursuant to *Minnesota Statutes* Section 14.115, subdivision 2, the impact on small business has been considered in the promulgation of the rules. Anyone wishing to present evidence or argument as to the rules' effect on small business may do so. The Department's position regarding the impact of the rules on small business is set forth in the Statement of Need and Reasonableness.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and reasonableness, all written comments received, andd the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Richard G. Gomsrud, Department Counsel, Department of Commerce, 500 Metro Square Bldg., St. Paul, MN 55101.

A copy of the proposed rules is attached to this Notice. Copies of this Notice and proposed rules are available and may be obtained by contacting Richard G. Gomsrud at the above address.

Michael A. Hatch
Commissioner of Commerce

Rules as Proposed**2640.0100 DEFINITIONS.**

Subpart 1. [Unchanged.]

Subp. 2. **Accommodate or to be accommodated.** "Accommodate" or "to be accommodated" means the maximum number of students present on the school premises at any one time and for which the school has the required physical and program resources. In most cases this will be the maximum number of day student enrollees.

Subp. 3. to 6. [Unchanged.]

Subp. 7. [See Repealer.]

Subp. 8. to 12. [Unchanged.]

Subp. 13. **Demonstration.** "Demonstration" means a presentation of less than eight hours duration, conducted by a recognized expert in the field, for the purposes of training cosmetology students or specialization by current licensees. The same demonstration may be repeated successive times that total more than eight hours. Demonstrations pursuant to nonretail sales are exempt from ~~these rules parts 2640.0100 to 2640.9200.~~

Subp. 14. to 22. [Unchanged.]

2640.1100 EXAMINATION ADMINISTRATION.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Instructor examination.** Instructor examination:

A. [Unchanged.]

B. Each examinee is responsible for providing ~~his or her own~~ the model for the practical examination and shall be responsible for insuring the suitability of that model for the examination. Models shall be over 16 years of age ~~and shall be required to sign a waiver releasing the department, the examiners, the host school, and the examinee of all professional liability.~~ The model shall not be a licensed cosmetologist or a cosmetology student.

Subp. 4. and 5. [Unchanged.]

2640.1700 LICENSE RECIPROCITY WITH OTHER JURISDICTIONS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Evidence of experience.** ~~The~~ An applicant with more than three years of licensure shall provide documentation of at least 1,800 hours of experience as a licensed practitioner at the level for which a Minnesota license is sought within three years prior to the application. The documentation must be from an employer or, in the case of self-employed applicants, from a reliable source.

Subp. 4. [Unchanged.]

2640.3300 MAINTAINING A SALON LICENSE.

The following requirements shall be met by all salons:

A. The licensee shall continuously comply with all applicable provisions of Minnesota Statutes and rules.

B. The manager shall advise the department of a change in name of the salon in writing, including both new and old name and address, within ~~30~~ 60 days of the change.

C. The licensee shall renew the license ~~prior to~~ before its expiration date.

D. The licensee shall display the required documents.

2640.3500 DELINQUENT SALON LICENSES.

Subpart 1. **Failure to renew.** Failure to renew a license ~~prior to~~ before its expiration date shall result in a delinquent salon license. This license must be renewed within 30 days.

Subp. 2. **Renewal.** If less than 30 days have elapsed since the expiration date of the license, the applicant shall submit a written ~~application request~~ request for renewal of license, the license fee, and the ~~required late penalty processing fee.~~

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

elapsed, the salon shall cease operation until a new salon application has been submitted and a provisional license has been issued.

2640.4100 SPECIFIC TYPES OF SALON LICENSES.

Subpart 1. [Unchanged.]

Subp. 2. **Beauty salon and barber shop.** A beauty salon and a barber shop may be operated in the same establishment, if the beauty salon occupies a physically separate area comprised of continuous footage, and is clearly identified as a beauty salon by a conspicuously displayed sign that states, "Beauty Salon" in letters at least two inches in height.

Subp. 3. to 7. [Unchanged.]

2640.5100 COMPLIANCE BY PRESENT LICENSEES AND STUDENTS.

Subpart 1. [Unchanged.]

Subp. 3. **Senior instructor licenses.** Senior instructor licenses are discontinued. Current senior instructor licenses shall be renewed as instructor licenses. Senior instructor licenses which expire before January 1, 1988, shall not be required to satisfy the requirements of part 2640.1900, subpart 2, item B.

Subp. 6. **Salons and booths, temporary exemptions.** Salons and booths licensed on April 1, 1983, shall be exempt from the following provisions until January 1, 1988:

A. to C. [Unchanged.]

Subp. 8. and 10. [Unchanged.]

2640.5200 SCHOOL LICENSURE.

Subpart 1. to 3. [Unchanged.]

Subp. 4. **Surety bond.** The applicant, except the state and its political subdivisions as described in Minnesota Statutes, section 471.617, subdivision 1, shall file with the commissioner a continuous corporate surety bond in the amount of \$10,000, conditioned upon the faithful performance of all contracts and agreements with students made by the applicant. The bond shall run to the state of Minnesota and to any person who may have a cause of action against the applicant arising at any time after the bond is filed and before it is canceled for breach of any contract or agreement made by the applicant with any student. The aggregate liability of the surety for all breaches of the conditions of the bond shall not exceed \$10,000. The surety of the bond may cancel it upon giving 60 days notice in writing to the commissioner and shall be relieved of liability for any breach of condition occurring after the effective date of cancellation.

Subp. 5. [Unchanged.]

2640.5500 DELINQUENT SCHOOL LICENSES.

Failure to renew a school license ~~prior to~~ before its expiration date shall result in a delinquent license. The applicant shall comply with the following:

A. If less than 30 days have elapsed since the expiration date of the license, the applicant shall submit a written ~~application~~ request for renewal of license, the license fee, and the processing fee.

B. If more than 30 days have elapsed since the expiration of the license, the licensee shall reapply for a school license as if no license had been previously issued. The school's operation without a valid license ~~shall be~~ is a violation of the law and no student training provided during that period will be recognized by the department.

2640.5600 CERTIFICATE OF IDENTIFICATION.

Subpart 1. **Issuance.** Upon written request to the department, a licensee may be issued a certificate of identification authorizing his or her lawful practice in a place other than a licensed salon. To obtain the certificate, the individual shall:

A. hold a current Minnesota cosmetologist, manicurist, or esthetician license;

B. provide documentation to the department of at least ~~2700~~ 2,700 hours of lawful practice in Minnesota;

C. provide documentation of current employment in a Minnesota licensed cosmetology, esthetician, or manicuring salon; and

D. attest that the services shall be provided only in a licensed health care facility, or in the residence of a home-bound individual.

Subp. 2. and 3. [Unchanged.]

2640.6000 PHYSICAL REQUIREMENTS.

Subpart 1. **Space.** Space:

A. There shall be a combined clinic and classroom size of at least 25 square feet for each enrollee to be accommodated. This space shall exclude all ~~department~~ office space, storage areas, lounge facilities, and restrooms.

B. All supplies and materials shall be stored in a space ~~inaeessible~~ not accessible to the public.

C. The dispensary shall be a specified area inaccessible to the public.

D. There shall be a furnished student lounge of at least 120 contiguous square feet.

~~E. There shall be an instructors' lounge separate from the student lounge.~~

Subp. 2. to 5. [Unchanged.]

2640.6700 COSMETOLOGIST TRAINING.

A. Cosmetologist training consists of a course of training of at least 1,550 hours. This course shall consist of the full manicurist course content, the full esthetician course content, and the balance in hairdressing, including the ~~approximate~~ breakdown of hours specified in item D and the clinical exercises in provision of cosmetology services specified in item D.

B. [Unchanged.]

C. There shall be instruction in applied science and skills in shampooing, scalp and hair conditioning, hair design and shaping, chemical hair control, hair coloring, hair styling, facials, and makeup, and manicuring and nail care of ~~approximately~~ 1,130 hours and instruction in related theory and sciences of ~~approximately~~ 420 hours.

D. to F [Unchanged.]

2640.6800 ESTHETICIAN TRAINING.

A. to C. [Unchanged.]

D. There shall be planned clinical instruction and experience of ~~approximately~~ 200 hours in the applied sciences.

(1) and (2) [Unchanged.]

E. [Unchanged.]

2640.6900 MANICURIST TRAINING.

A. to C. [Unchanged.]

D. There shall be planned clinical instruction and experience of ~~approximately~~ 150 hours in applied sciences and skills.

(1) and (2) [Unchanged.]

E. [Unchanged.]

2640.7000 REFRESHER COURSES.

A licensed cosmetology school, salon, or a professional association may plan and offer a refresher course taught by licensed instructors of at least 40 hours in length for cosmetologists, estheticians, and/or manicurists. The course shall focus on knowledge, skills, and product types related to chemical services and shall balance lectures, demonstrations, and clinical experiences. It shall be held in a licensed salon or school. ~~Sponsors of a proposed course shall apply for department approval at least ten business days prior to the course date. The course sponsor shall pay the processing fee.~~ The course sponsor shall provide the individuals who successfully pass a final course examination with course completion certificates. The class attendees are then responsible for providing a copy of the completion certificates to the Department of Commerce when required.

2640.8200 STUDENT RECORDS.

Student records shall be maintained as follows:

A. to D. [Unchanged.]

E. The school shall maintain the following reports for each student:

(1) a student registration form containing the student's full and correct name, course of training for which enrolled, and start date. The status of the student shall be stated as full-time or part-time, day or night classes;

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

(2) ~~evidence on a standardized form, from a physician, stating that the student is free from communicable diseases or parasites. This certification shall accompany the student registration;~~

(3) certification of completion of preclinical courses. Documentation signed by the school owner or manager shall indicate that the student has successfully completed the required hours of preclinical work. A student shall not be allowed to perform any service or portion thereof in the school clinic on a client until this certification has been completed;

(4) (3) a progress evaluation report. Upon completion of one-half of the total required hours, the school shall give the student ~~and the department~~ a written progress evaluation assessing the student's progress towards successful fulfillment of the license requirements;

(5) (4) certification of readiness to take the written examination. Documentation signed by school owner or manager, shall indicate that the student has successfully completed 1,350, 500, and 315 hours, for cosmetologist, esthetician, and manicurist respectively, of preclinical and clinical training, and is prepared to take the written state licensing examinations. ~~This certification must be received by the department before the student will be scheduled for the written examinations;~~

(6) (5) documentation signed by school owner or manager, shall indicate that the student has successfully completed the course of training for which he or she enrolled, including documentation of the student's completion of the practical exercises, as required by parts 2640.6700, item D, 2640.6800, item D, subitem (1), and 2640.6900, item D, subitem (1), and documentation of the student's successful completion of the skills certification review, on a form provided by the department;

(7) (6) a certification shall be written and maintained by the school if a student withdraws, is suspended, or expelled from his or her course of training. The certification shall be signed by the school owner or manager, shall indicate the last day on which the student was enrolled, the total number of hours the student has successfully completed as of that date, a transcript detailing the nature of those hours, and the reason for the withdrawal, suspension, or revocation. A copy of a student's termination certification and/or completion of course of training certification must be provided to the student within ten days of the termination from or completion of the cosmetology training.

2640.8900 SCHOOL CLINICS.

All instruction in school clinics and all work performed by students in school clinics shall comply with the operational requirements for a cosmetology salon in part 2640.3900, items A to L, M, S, T, and W. In addition:

A. to F. [Unchanged.]

G. All students ~~and instructors~~ shall be required to wear an identification badge at all times. The badges shall be at least two inches by one inch; state the student's name; and state that the student is either a "Cosmetologist Trainee," "Esthetician Trainee," or "Manicurist Trainee." Badges shall be furnished by the school as part of tuition costs.

H. to L. [Unchanged.]

2640.9200 FEE SCHEDULE.

The fee schedule shall be as follows:

A. [Unchanged.]

B. Penalties:

- (1) Reinspection fee, variable;
- (2) Manager with lapsed practitioner, \$25;
- (3) Reinstatement fee, \$30.

C. Administrative fees:

- (1) Duplicate license (includes individual name or address change), \$5;
- (2) Certificate of identification, \$20;
- (3) Processing fee (covers licensing history or certification of licensure, restoration of lapsed license, salon name change, school name change, late renewals, applications for new licenses), \$15;
- (4) School original application, \$150.

REPEALER. Minnesota Rules, part 2640.0100, subpart 7, is repealed.

APPLICATION.

Subpart 1. Salons. Minnesota Rules, parts 2640.0100; 2640.0500, subpart 1; 2640.0600; 2640.0700; 2640.1100; 2640.1200; 2640.1300; 2640.1400; 2640.1600; 2640.1700, subparts 1 to 3; 2640.1800; 2640.1900; 2640.2000; 2640.2100; 2640.2200; 2640.3100; 2640.3200; 2640.3300; 2640.3400; 2640.3500; 2640.3600; 2640.3700; 2640.3800; 2640.3900; 2640.4000; 2640.4100; 2640.5100.

subpart 6; 2640.6400; 2640.7000; 2640.7100; 2640.7200; 2640.8400; 2640.9100; 2640.9200; and 2640.9400, apply to salons. In the next and subsequent editions of *Minnesota Rules*, these parts may be codified in a separate chapter.

Subp. 2. **Schools.** *Minnesota Rules*, parts 2640.0100; 2640.0500; 2640.0600; 2640.0700; 2640.1100; 2640.1500; 2640.1700; 2640.1800; 2640.1900; 2640.2000; 2640.2100; 2640.2200; 2640.5100, subparts 1 to 4, and 7 to 10; 2640.5200; 2640.5300; 2640.5400; 2640.5500; 2640.5600; 2640.5700; 2640.5800; 2640.5900; 2640.6000; 2640.6100; 2640.6200; 2640.6300; 2640.6400; 2640.6600; 2640.6700; 2640.6800; 2640.6900; 2640.7000; 2640.7100; 2640.7200; 2640.7500; 2640.7600; 2640.7700; 2640.7800; 2640.7900; 2640.8000; 2640.8100; 2640.8200; 2640.8300; 2640.8400; 2640.8500; 2640.8600; 2640.8700; 2640.8800; 2640.8900; 2640.9100; 2640.9200; and 2640.9400, apply to schools. In the next and subsequent editions of *Minnesota Rules*, these parts may be codified in a separate chapter.

Department of Commerce

Proposed Permanent Rules Relating to Nonprofit Risk Indemnification Trusts

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Department of Commerce intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedures Act for adopted rules without a public hearing in *Minnesota Statutes*, section 14.22-14.28. Authority for the adoption of these rules is contained in *Minnesota Statutes*, Sections 45.023 and 60A.29.

All persons have 30 days to submit comments in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Department and do not result in a substantial change.

Any person may make a written request for a public hearing within the 30 day comment period. If 25 or more persons submit a written request for a public hearing within the 30 day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the department will proceed pursuant to *Minnesota Statutes*, sections 14.13 to 14.20.

Persons who wish to submit comments or a written request for a public hearing should submit them to:

Richard G. Gomsrud
Department Counsel
Department of Commerce
500 Metro Square Building
St. Paul, MN 55101
(612) 296-5689

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

Pursuant to *Minnesota Statutes* Section 14.115, subdivision 2, the impact on small business has been considered in the promulgation of the rules. Anyone wishing to present evidence or argument as to the rules' effect on small business may do so. The Department's position regarding the impact of the rules on small business is set forth in the Statement of Need and Reasonableness.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Richard G. Gomsrud, Department Counsel, Department of Commerce, 500 Metro Square Bldg., St. Paul, MN 55101.

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

A copy of the proposed rules is attached to this Notice. Copies of this Notice and proposed rules are available and may be obtained by contacting Richard G. Gomsrud at the above address.

Dated: 14 January 1988

Michael A. Hatch
Commissioner of Commerce

Rules as Proposed (all new material)

CHAPTER 2766 DEPARTMENT OF COMMERCE NONPROFIT RISK INDEMNIFICATION TRUSTS

2766.0010 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of this chapter, the terms defined in this part have the meanings given them.

Subp. 2. **Beneficiary.** "Beneficiary" means a nonprofit entity who becomes a member of the risk indemnification trust by making contributions to obtain coverage through the trust.

Subp. 3. **Board.** "Board" means the governing body of a trust fund that consists of not fewer than five trustees who shall be appointed or elected according to part 2766.0040.

Subp. 4. **Bylaws.** "Bylaws" means the statements adopted by a trust that prescribe its purpose, government, and administration.

Subp. 5. **Commissioner.** "Commissioner" means the commissioner of the Department of Commerce.

Subp. 6. **Contribution.** "Contribution" means the amount paid or to be paid for coverage by beneficiaries. Contributions include amounts paid to the reserve fund and surplus fund, but do not include assessments or penalties.

Subp. 7. **Contribution schedule.** "Contribution schedule" means the statements adopted by the board of a trust fund that establish the contributions required of beneficiaries for coverage under the indemnification agreements between the trust fund and the beneficiaries.

Subp. 8. **Coverage.** "Coverage" means the right of a beneficiary to benefits provided directly or indirectly by a trust, by virtue of the coverage document.

Subp. 9. **Coverage document.** "Coverage document" means the document specifying the benefits, their characteristics and duration, provided by the trust.

Subp. 10. **Days.** "Days" means calendar days.

Subp. 11. **Domiciliary state.** "Domiciliary state" means the state in which a foreign trust fund is organized and approved for operation.

Subp. 12. **Domestic trust fund.** "Domestic trust fund" means a trust fund organized and existing in this state under Minnesota Statutes, section 60A.29, subdivisions 1 to 21.

Subp. 13. **Financial administrator.** "Financial administrator" means an entity trained and experienced in money management and investments, and possessing no less than five years experience as an organization with demonstrated competence in money management and investments.

Subp. 14. **Foreign trust fund.** "Foreign trust fund" means a trust fund organized and existing under the laws of any state other than this state, and authorized to operate in this state under Minnesota Statutes, section 60A.29, subdivisions 22 and 23.

Subp. 15. **Indemnification agreement.** "Indemnification agreement" means the written contract of indemnification and coverages between a trust fund and a beneficiary, issued by the trust fund, and specifying the rights and obligations of the trust fund and the beneficiary.

Subp. 16. **Insurer.** "Insurer" means an insurance company or reinsurance company licensed under Minnesota Statutes, section 60A.07, and authorized by Minnesota Statutes, section 60A.06, to write property, casualty, or automobile liability insurance.

Subp. 17. **Policy.** "Policy" means the individual excess stop-loss policy, the aggregate excess stop-loss policy, the surety bond, or the fidelity bond.

Subp. 18. **Runoff trust.** "Runoff trust" means a trust that no longer has authority to operate in Minnesota, but that continues to exist for the purpose of paying claims, preparing reports, and administering transactions associated with the period when the trust provided coverage.

Subp. 19. **Schedule of benefits.** "Schedule of benefits" means the statements adopted by the board of a trust fund that set forth the nature, extent, and circumstances under which the trust fund will indemnify and protect its beneficiaries, and all conditions, limitations, and exclusions relevant to indemnification. The schedule of benefits may be established by adopting standard indemnification agreements.

Subp. 20. **Service company.** "Service company" means an entity licensed under Minnesota Statutes, section 60A.23, subdivision 8, and rules adopted under it, as a vendor of risk management services or an entity named in Minnesota Statutes, section 60A.23, subdivision 8, clause (1), paragraph (a) or (b).

Subp. 21. **Trust agreement.** "Trust agreement" means the instrument adopted by the board of a trust fund and signed by its trustees that establishes the trust fund and prescribes the purpose and organization of the trust fund.

Subp. 22. **Trust documents.** "Trust documents" includes but is not limited to the trust agreement, bylaws, plan of operation, schedule of benefits, contribution schedule, and indemnification agreements, collectively.

Subp. 23. **Trust fund.** "Trust fund" means a trust fund organized and established for the purpose of indemnifying nonprofit beneficiary organizations and their officers, directors, and agents for financial loss due to the imposition of legal liability or for damage or destruction of property, as provided under Minnesota Statutes, section 60A.29, and includes a domestic trust fund and a foreign trust fund unless the context specifically states otherwise.

Subp. 24. **Trust year.** "Trust year" means a trust's fiscal year.

2766.0020 PURPOSE AND SCOPE.

This chapter governs the formation, operation, and dissolution of trust funds, domestic and foreign, in Minnesota. It is intended to ensure that the financial integrity of trust funds is maintained and that trust funds are administered competently and equitably.

2766.0030 BYLAWS.

Subpart 1. **Content.** Bylaws may contain any provisions that do not conflict with this chapter. Bylaws must, at a minimum, contain the following provisions:

- A. the trust's name, purpose, and initial date of existence;
- B. definitions of key terms;
- C. a statement of powers, duties, and responsibilities assigned to the board, the service company, the financial administrator, any trustee, and those reserved to the beneficiaries;
- D. the number, term of office, method of selection, and method of replacement of the trustees of the board;
- E. the procedure to be used by beneficiaries or trustees for calling board meetings, including the four requisite meetings annually;
- F. the method of periodic selection and review of the service company, financial administrator, and any other entity providing services under contract to the trust;
- G. the procedure for amending the bylaws;
- H. the procedure for resolving disputes among member beneficiaries, that must not include submitting disputes to the commissioner;
- I. the criteria for membership in the trust including underwriting standards, financial standards, or loss experience criteria;
- J. the procedure for admitting new beneficiaries to the trust;
- K. criteria for expelling members from the trust, including nonpayment of contributions;
- L. the procedure for withdrawal by, or expulsion of, beneficiaries from the trust, including any minimum period of membership required and penalties involved with termination of membership;
- M. a statement of the coverages the trust intends to provide;
- N. the procedure a beneficiary must follow for adding and dropping any coverage, the basis for doing so, and the basis for determining the costs of doing so;
- O. a schedule for contributions to be made by beneficiaries, including a detailed description of the basis upon which contributions are calculated and penalties for late payment of contributions;
- P. the procedure for changing contributions;

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

Q. the procedure for levying and collecting assessments required to maintain the trust, including penalties for late payment of assessments;

R. a statement of who may have access to trust funds and for what purposes;

S. the procedure for distributing dividends and the eligibility of past and present beneficiaries for dividends; and

T. the procedure for distributing assets remaining upon the trust's dissolution, and the eligibility of past and present beneficiaries for the distribution.

Subp. 2. Adoption and changes. The bylaws must be adopted in writing by all beneficiaries of the trust, including the initial beneficiaries or any beneficiary who joins at a later date. Authority to change the bylaws must reside with the membership or the board, according to the terms of the bylaws. Authority to change the bylaws may not be delegated to a contractor or other outside party. The trust must file bylaw changes with the commissioner not less than 30 days before they become effective.

2766.0040 BOARD.

Subpart 1. Structure. A trust must have a minimum of five and a maximum of seven trustees elected to the board of trustees. The trustees must be beneficiaries of the trust. No trustee may be an employee, agent, or representative of the trust's service company, financial administrator, insurer, or other person or entity providing services under contract to the trust. Trustees shall be elected by vote of the membership. There shall be an odd number of trustees, with staggered terms to provide continuity. One trustee shall be designated the chair. The board shall meet no less than four times annually.

Subp. 2. Duties. The board is responsible for the operation of the trust. The board may delegate some or all of its responsibilities to the chair or other trustees between board meetings. All responsibilities of the trust not expressly delegated by the board or this chapter are the responsibility of the board. The board shall, at a minimum, have the following responsibilities:

A. fiduciary responsibility for the trust's operation and financial condition;

B. selection, supervision, and evaluation of the service company, financial administrator, accountant, insurer, and any other entity providing services to the trust under contract;

C. on the basis of the trust's overall financial condition, authorizing changes in contributions, reserves, or investment practices, and declaring assessments or dividends as appropriate;

D. approval of all reports concerning the trust's operation, financial condition, and status;

E. monitoring the operations of the trust including the delinquent payment of contributions, loss experience of beneficiaries, the financial condition of individual beneficiaries, and authorizing, when necessary, disciplinary action or expulsion as appropriate;

F. authorizing acceptance or rejection of applications for membership to the trust;

G. as permitted by the bylaws, making or recommending changes to the bylaws for the improvement of the trust's operation or financial integrity; and

H. monitoring the trust's compliance with all statutes and rules governing its operation.

2766.0050 APPLICATION.

Subpart 1. Initial application. An organization desiring authority under Minnesota Statutes, section 60A.29, shall apply to the commissioner in writing and on the forms available from the commissioner. Applications must be submitted not later than 60 days before the requested date for authority. All applications for authority shall, at the least, include:

A. a list of all initial beneficiaries of the trust;

B. a statement that is signed and sworn to by each entity wishing to be a beneficiary of the trust, stating that they agree to abide by the bylaws, plan of operation, or other rules governing the trust, and, if an entity is a corporation, the signatures must be that of a corporate officer;

C. a copy of all trust documents, including the bylaws, plan of operation, and any membership agreements;

D. the license fee required, paid by check or draft;

E. proof that the reserve fund has been set up, proof that a minimum of 20 percent of the money required has been deposited into the fund, and a detailed explanation of the schedule for collection of the remainder of the money to be deposited into the fund;

F. proof that the surplus fund has been set up and that the required funds have been deposited into the fund;

G. the name of a resident agent who is authorized to act on behalf of the trust and to accept service of process;

H. copies of applicable insurance policies, including any individual stop-loss and excess stop-loss policies; however, if the policies are not available at the time the application is submitted, specimen copies of the policies may be submitted, provided that proof that coverage is in force is submitted before the effective date of authority; and

I. responses to all questions. An application submitted without responses to any questions, or responses that are inadequate, will be returned to the applicant for completion and resubmission. When a complete application has been submitted to the commissioner, the application must be approved or disapproved within 60 days. An application is not considered complete if the department has requested additional information.

Subp. 2. **Renewal application.** Existing trusts may apply for renewal of authority by completing a renewal application. A renewal application must be filed with the department 60 days before the expiration of the trust's current authority. A renewal application must, at the least:

- A. contain those items included in a new application;
- B. include a detailed explanation regarding changes that have taken place in the trust or its operation since its last application;
- C. include a certified financial statement for the previous fund year; and
- D. include a reserve audit for the previous fund year.

Subp. 3. **Merger.** Two or more existing trusts may apply to merge if the new trust assumes all obligations of the merging trusts. Merger applications are subject to the same requirements as prospective new trusts.

Subp. 4. **Approval and disapproval.** Upon approval of an application, the commissioner shall issue an order granting authority to operate to the proposed trust. Initial authorization orders for new trusts are effective for two years after the initial authorization date. Renewal authorization orders shall be for two years. The termination date shall be stated in the order.

2766.0060 ADMINISTRATION.

Subpart 1. **Service company.** A trust must contract with a service company for services necessary to the trust's day-to-day operations, except services and responsibilities reserved to the beneficiaries, the board, individual trustees, the financial administrator, or other contractors. The service company must have expertise in and be licensed to provide risk management services.

A. Subject to the oversight of the board, the service companies shall, directly or indirectly through subcontractors, provide all services directly related to the administration of the coverage. These services include, but are not limited to:

- (1) accounting and record keeping;
- (2) billing and collection of contributions and assessments;
- (3) claims investigation, settlement, and reserving;
- (4) claims payment, including claims wholly or partially subject to excess insurance or member deductibles;
- (5) general administration;
- (6) loss control and safety programs; and
- (7) underwriting.

B. The service company shall be subject to all other state laws and rules that govern the activities of service companies including but not limited to Minnesota Statutes, sections 60A.23, subdivision 8, and 72A.17 to 72A.32.

Subp. 2. **Financial administrator.** A trust must contract with a financial administrator for investment of the trust's assets and other financial or accounting services. No staff member of the financial administrator may be an owner, officer, employee, or agent of the service company, or of a subcontractor of the service company.

Subp. 3. **Record keeping.** A trust must maintain within Minnesota all records necessary to verify the accuracy and completeness of all reports submitted to the commissioner. The commissioner may examine the trust's records in order to ascertain the trust's compliance with this chapter and with other applicable statutes and rules. All records concerning claims, reserves, financial transactions, and other matters necessary to the trust's operations are the trust's property.

2766.0070 MEMBERSHIP.

Subpart 1. **Availability.** Trust membership is available only to entities authorized to transact business in Minnesota. However, this chapter does not require that a trust offer membership to an entity solely because the entity meets the trust's underwriting standards.

Subp. 2. **Joining.** New beneficiaries must be admitted according to the standards and procedures specified in the bylaws. Membership

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

is not effective before the applicant has signed an indemnification agreement affirming its commitment to comply with the bylaws and the agreement has been submitted to the commissioner 15 days before acceptance of the new beneficiary. The indemnification agreement must disclose that under the rules governing the trust, the commissioner may order that an assessment be levied against beneficiaries if necessary to maintain the trust's sound financial condition.

Subp. 3. **Voluntary withdrawal.** The indemnification agreement must state the procedures for voluntarily withdrawing from the trust. A beneficiary must notify the trust and the commissioner in writing of its desire to withdraw not less than 60 days before the date upon which it desires to withdraw. If it is determined that the withdrawal would cause the trust to be in violation of the minimum number of beneficiaries required to continue the trust, the trust shall notify the commissioner as required under subpart 5 within ten days of receipt of the notice of the intent to withdraw. Withdrawal from a trust is prohibited and void unless:

- A. the beneficiaries will have belonged to the trust continuously:
 - (1) until the end of the current fund year;
 - (2) until the end of the succeeding fund year for new beneficiaries that join in the last three months of the fund year; or
 - (3) for a longer period if required by the bylaws; and
- B. all outstanding contributions and assessments owed by the beneficiary have been paid.

Subp. 4. **Expulsion.** At least annually, the trust shall review the status and experience of each beneficiary by comparison with the criteria for expulsion in the bylaws. A trust must notify the commissioner not less than 15 days before the effective date of the expulsion of the change in membership. A beneficiary may be expelled:

- A. with outstanding contributions or assessments owing; and
- B. notwithstanding that the expulsion is effective before the end of the current fund year.

Subp. 5. **Minimum membership.** A trust shall carefully monitor the number of its beneficiaries. If the number of covered beneficiaries is less than three, the trust shall notify the commissioner:

- A. of its intent to end its self-insurance authority; or
- B. of its proposal for restoring compliance with the three beneficiary member minimum requirement.

If the proposal is unlikely, in the commissioner's judgment, to restore compliance within 90 days, or if after 90 days the trust continues to have fewer than three beneficiaries, the commissioner shall revoke the trust's self-insurance authority.

2766.0080 COVERAGE.

Subpart 1. **Coverage administration and related requirements.** Trusts are subject to the requirements of Minnesota statutes and rules applicable to insurance companies providing property, casualty, or auto liability insurance in Minnesota similar to the coverage the trust wishes to provide. These requirements concern coverage content, coverage administration, underwriting, and related matters, and are contained in the applicable sections of Minnesota Statutes, chapters 60A, 65A, 65B, 72B, 72C, and section 72A.20, and rules adopted under those sections, unless otherwise specifically exempt.

Subp. 2. **Uniform underwriting.** All coverages offered by a trust must be available to all beneficiaries according to the same underwriting standards.

Subp. 3. **Term of coverage.** A trust shall not commit itself to providing coverage for a period that extends beyond the term of an aggregate excess stop-loss coverage or an individual excess stop-loss coverage required under part 2766.0110.

Subp. 4. **Continuing responsibility.** Notwithstanding cancellation or termination of coverage to a particular beneficiary, ceasing to offer a particular coverage, or terminating or revoking authority to self-insure, a trust retains indefinitely all responsibilities to covered beneficiaries and other covered persons associated with the trust while coverage was in force. This responsibility ceases only after a trust dissolves.

2766.0090 CONTRIBUTIONS AND DIVIDENDS.

Subpart 1. **Contributions.** A beneficiary's contributions shall be calculated based upon the trust's anticipated cost for the upcoming fund year. A trust may permit installment payments if payment is always due before contributions are earned. A trust shall promptly take appropriate action to collect a beneficiary's contributions or assessments that are past due. Collection costs are the obligation of the delinquent beneficiary. Payments determined to be uncollectible must be presented to the surety for reimbursement as required by part 2766.0110, subpart 4.

Subp. 2. **Dividends.** A trust may declare and pay a dividend or distribution from its surplus only if:

- A. the dividend would not cause the trust's surplus to be negative;
- B. the trust does not have any advancement liability; and

C. the dividend is apportioned on the basis of the relative amounts of contribution paid by beneficiaries and provides for proportional payment to beneficiaries.

A dividend paid or distributed in violation of this subpart is recoverable from the persons or entities to whom it was paid upon demand by the trust.

2766.0100 RESERVES.

Subpart 1. **Loss and premium reserves.** A trust must establish reserves for all incurred losses, both reported and unreported, and for unearned contributions. To the extent that the amount of loss is uncertain, reserves must be set conservatively. As the degree of uncertainty concerning a loss is changed by new events or information, the amount of the reserve must be changed accordingly. The amount of reserves must be reported annually on forms and according to the instructions set by the commissioner.

Subp. 2. **Full funding reserve.** To comply with Minnesota Statutes, section 60F02, a trust must establish a full funding reserve to pay claims incurred and incurred but not reported, as well as any claim expenses.

A. The amount of the reserve must be equal to the trust's maximum possible liability under the aggregate excess stop-loss insurance.

B. A separate full funding reserve must be maintained for each fund year, beginning at the fund year's inception.

Subp. 3. **Surplus fund.** A trust must protect itself from cash flow difficulties by establishing and maintaining a surplus fund equal to the greater of:

A. contributions collected during the previous fund year, less the money paid into the reserve fund; or

B. \$25,000.

2766.0110 INSURANCE.

Subpart 1. **Purchase and alteration.** The trust and the insurer must notify the commissioner at least 30 days before expiration of any required insurance policy or policies whether it intends to renew the policy, and whether the insurer is willing to renew the policy or policies. Alteration of the required insurance policy or policies midterm with the effect of reducing coverage, and midterm cancellation, are prohibited without prior written approval by the commissioner. Required stop-loss insurance policies must be noncancelable for a minimum of one year for any cause, including nonpayment of premium. If more than one stop-loss insurance policy is obtained in fulfillment of this part's requirements, their expiration dates must be the same.

Subp. 2. **Individual excess.** A trust must have and maintain individual excess stop-loss insurance that provides for the insurer to assume all liability in excess of \$25,000 per person per occurrence under all coverages the trust offers. A trust may apply to the commissioner for increasing the individual excess stop-loss insurance limit up to \$100,000. The commissioner must approve this application if the increased limit would not be detrimental to the solvency and stability of the trust, considering the trust's experience, size, surplus, and other factors affecting financial integrity.

Subp. 3. **Aggregate excess.** A trust must have and maintain aggregate excess stop-loss insurance that provides for the insurer to assume all liability on an occurrence basis for each fund year even in the event of the trust's termination. The amount of the aggregate excess coverage shall be in a minimum amount of \$1,000,000 and may be adjusted upward based on the size of the trust.

Subp. 4. **Surety coverage.** A trust must have and maintain a surety bond from a surety licensed to write bonds in Minnesota in an amount equal to the contributions estimated to be paid with respect to the fund year. The bond shall be adjusted each year based upon contributions anticipated to be collected during the upcoming fund year. The surety shall assume direct responsibility for a beneficiary's outstanding contributions if a beneficiary fails to pay contributions due, including assessments ordered by the commissioner. The surety may attempt to collect reimbursement from the beneficiary on whose behalf the surety is called upon to pay a contribution or incur other extraordinary expenses. However, the surety must fulfill its responsibilities under this part, regardless of whether collection attempts are pending. The surety's responsibilities extend to all matters arising during or attributable to the policy period, and do not terminate with the end of the policy period. The surety bond must not alter or qualify these terms to harm the trust's rights materially.

Subp. 5. **Fidelity bond.** All contractors and individuals who handle trust funds or who will have authority to gain access to trust funds, including trustees, must be covered by a fidelity bond. The bond must cover loss from dishonesty, robbery, forgery or alteration, misplacement, and mysterious and unexplainable disappearance. Except for trustees, the amount of coverage for each occur-

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

rence must be in an amount equal to the average daily balance of the trust's accounts. However, in no case shall the amount be less than \$100,000. Trustees must be bonded for at least \$100,000, but not more than \$500,000. The trust must purchase a fidelity bond covering all contractors and individuals, or submit separate proof of coverage for those contractors and individuals not covered under the trust's bond.

Subp. 6. **Return of liability.** No liability or other responsibility transferred to an insurer or surety under this part may, directly or indirectly, be returned to a trust, a beneficiary, or a beneficiary's parent, subsidiary, or affiliate. This does not prohibit the insurer or surety from seeking reimbursement from the trust or a beneficiary as permitted under subparts 4 and 5.

Subp. 7. **Coverage.** Coverage provided under a policy to the trust must be provided on an occurrence basis by an insurance company licensed in Minnesota.

2766.0120 FINANCIAL INTEGRITY.

Subpart 1. **Integrity of assets.** A trust's assets:

- A. must not be commingled with the assets of a beneficiary;
- B. must not be loaned to anyone for any purpose or used as security for a loan, except as permitted under subpart 5 for investments;
- C. must be employed solely for the purposes stated in the bylaws, and in compliance with this chapter and related statutes; and
- D. must not be considered the property or right of a beneficiary or other covered person, except:
 - (1) for benefits under the coverage documents;
 - (2) for dividends declared under part 2766.0090; or
 - (3) for a portion of the assets remaining after the trust's dissolution under part 2766.0140.

Subp. 2. **Sources and uses of funds.** A trust may expend funds for payment of losses and expenses, and for other costs customarily borne by insurers under conventional insurance policies in Minnesota. Unless specifically provided in this chapter, a trust may not borrow money or issue debt instruments. A trust may bring legal suits to collect delinquent debts. A trust may receive funds only from:

- A. its beneficiaries as contributions, assessments, or penalties;
- B. its insurers, sureties, or debtors under insurance or indemnification agreements;
- C. dividends, interest, or the proceeds of sale of investments;
- D. refunds of excess payments;
- E. coordination of benefits with automobile coverage, workers' compensation coverage, and any other insurance or self-insurance coverage; or
- F. collection of money owed to the trust.

Subp. 3. **Separate accounts.** A trust must establish a separate account for the payment of claims. This account must be used only by the service company, its authorized subcontractors, or the financial administrator, as appropriate to the account's purpose.

Subp. 4. **Investments.** Investments of trust funds are subject to the same restrictions as are applicable to political subdivisions under Minnesota Statutes, section 475.66. In addition, a trust may not invest in securities or debt of a beneficiary or a beneficiary's parent, subsidiary, or affiliate, or a person or entity under contract with the trust.

Subp. 5. **Monitoring financial condition.** The board must regularly monitor the trust's revenues, expenses, and loss development, and evaluate its current and expected financial condition. The board must attempt in good faith to maintain or restore the trust's sound financial condition, using any means at its disposal. These means include but are not limited to adjusting contribution rates, underwriting standards, dividend rates, expulsion standards, and other powers granted under this chapter and the bylaws. If the commissioner judges that the board's actions are inadequate to maintain or restore the trust's sound financial condition, the commissioner shall, as appropriate, order an increase in the contribution rates, revoke the trust's authority, or order that an assessment be levied against the beneficiaries.

2766.0130 REPORTING.

Subpart 1. **Financial statements.** A trust must prepare annual financial statements containing a balance sheet; a full funding reserve calculation worksheet; a statement of revenues, expenses, and surplus; a statement of changes in financial position; and a schedule of investments. The statements must be prepared on forms and according to instructions prescribed by the commissioner. The financial statements must be filed with the commissioner no later than 60 days after conclusion of the fund year. The financial

statements must be audited by an independent certified public accountant. A trust's first annual financial statement, and every second annual financial statement thereafter, must be accompanied by a statement from a qualified actuary concerning the balance sheet items that are based on actuarial assumptions and methods. The form of the actuary statement and the scope of the actuarial review must be according to instructions prescribed by the commissioner.

Subp. 2. **Semiannual reports.** A trust must file semiannual reports with the commissioner no later than 30 days after the second and fourth quarters of each fund year. The reports must contain statements of the trust's:

- A. current total cash on hand and on deposit, and total investments;
- B. current total reserve for unearned and advance contributions, total reserve for outstanding losses reported and unreported, total operating full funding reserve, and total runoff full funding reserve;
- C. dividends declared during the report period;
- D. gross contributions written during the report period;
- E. losses paid during the report period;
- F. proximity to any excess stop-loss insurance attachment point for the current fund year and, if applicable, the past fund year;
- G. current list of all beneficiaries and number of covered employees of each beneficiary; and
- H. other matters the commissioner requests that the board address.

Subp. 3. **Extraordinary audits.** Upon sufficient cause, the commissioner shall require a trust to investigate the accuracy of one or more entries on its financial statements or quarterly reports and to report its findings. If necessary for the investigation's purposes, the commissioner shall require a trust to contract with a qualified actuary, claims specialist, auditor, or other specialist as appropriate to the type of entry being investigated. If warranted by the investigation's findings, the commissioner shall require changes in the trust's reserving, accounting, or record keeping practices. These extraordinary audits are in addition to the commissioner's right to examine trusts under Minnesota Statutes, sections 60A.03, subdivisions 3, 5, and 6; and 60A.031. Sufficient cause includes:

- A. losses that appear significantly different than losses experienced by other trusts or insurance companies for similar coverage;
- B. unusual changes in the amount of entries from period to period that are not sufficiently explained by the financial statements, quarterly reports, or footnotes; or
- C. other indications that a trust's financial statements or quarterly reports may not accurately reflect the trust's status and transactions.

Subp. 4. **Annual status report.** No later than 30 days after the fund year's conclusion, a trust must file with the commissioner a statement describing any changes that have occurred in the information filed with the initial application for authority to self-insure, or the trust's most recent annual status report. The annual status report must be filed in a form and according to instructions prescribed by the commissioner.

Subp. 5. **Penalty.** The financial statements and status report required by this chapter are considered together to be a trust's annual statement. A trust authorized to self-insure its liabilities under this chapter that neglects to file its annual statement in the form prescribed and within the time specified shall be subject to a penalty of \$25 for each day in default. If, at the end of 90 days, the default has not been corrected, the trust shall be given ten days to show cause to the commissioner why its license should not be revoked. If the company has not made the requisite showing within the ten-day period, the license and authority of the trust may, at the discretion of the commissioner, be revoked.

2766.0140 TERMINATION OF SELF-INSURANCE AUTHORITY.

Subpart 1. **Membership.** After it has been determined that a trust will no longer continue, either due to revocation of its authority or due to voluntary termination, no beneficiaries may join, voluntarily withdraw, or be expelled from the trust.

Subp. 2. **Voluntary termination of authority.** A trust may decide to terminate its authority and cease to provide coverage, effective at the end of a fund year. However, a trust may not elect to end its authority less than 45 days before the end of the fund year in question. The trust must notify the commissioner within 15 days of its decision to terminate its authority. A trust voluntarily terminating its authority must comply with the provisions of dissolution under subpart 4.

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

Subp. 3. **Revocation of authority.** The commissioner shall, by order, revoke the authority of a trust to operate upon ten days' written notice if any of the following events occur or conditions develop, and if the commissioner judges them to be material. The events shall include:

A. failure of the trust to comply with this chapter, with all applicable requirements of Minnesota Statutes, chapters 60A, 65A, 65B, 72B, 72C, and section 72A.20, or with other applicable Minnesota statutes or rules;

B. failure of the trust to comply with any lawful order of the commissioner;

C. a deterioration of the trust's financial integrity to the extent that its present or future ability to meet obligations promptly and in full is or will be significantly impaired; or

D. upon notification from the commissioner of revenue that the trust has failed to make payments as required by Minnesota Statutes, chapter 60F

Subp. 4. **Runoff period.** A trust shall continue to exist as a runoff trust after its authority to operate has ended, for the purpose of paying claims, preparing reports, and administering transactions associated with the period when the trust provided coverage. A runoff trust must continue to comply with all appropriate provisions of this chapter and with all other applicable Minnesota statutes and rules. However, authority to exist as a runoff trust is open-ended and does not require renewal of authority under this chapter.

Subp. 5. **Dissolution.** A trust, including a runoff trust, that desires to cease existence shall apply to the commissioner for authorization to dissolve. Applications must be approved or disapproved within 60 days of receipt. Dissolution without authorization is prohibited and void, does not absolve a trust or runoff trust from fulfilling its continuing obligations, and does not absolve its beneficiaries from assessment under this chapter. The trust's assets at the time of dissolution must be distributed as provided in the bylaws. Authorization to dissolve must be granted if either of the following conditions are met:

A. the trust demonstrates that it has no outstanding liabilities, including incurred but not reported liabilities; or

B. the trust has obtained an irrevocable commitment from a licensed insurer that provides for payment of all outstanding liabilities, and for providing all related services, including payment of claims, preparation of reports, and administration of transactions associated with the period when the trust provided coverage.

Subp. 6. **Receivership.** If the commissioner determines that a trust in the process of dissolution has failed to comply with the provisions of this chapter, the commissioner, on determining the action necessary to protect the public interest, may apply to the district court, or the county in which the trust is located, for appointment of a receiver to receive the assets of the trust for the purpose of liquidating or rehabilitating its business or for other relief as the nature of the case and the interest of the claimants may require. The reasonable and necessary expenses of the receivership shall constitute the first claim on the surety bond.

Department of Education

Proposed Permanent Rules Relating to Libraries

Notice of Intent to Adopt a Rule Without a Public Hearing

Notice is hereby given that the State Board of Education intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is found in *Minnesota Statutes* section 121.11 subd. 12 (1986).

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

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

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

Joan Wallin, Supervisor
Media and Technology Unit
683 Capitol Square Building
St. Paul, MN 55101
(612) 296-1570

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

When this rule is adopted, *Minnesota Rules*, part 3500.0700 Library is repealed.

A copy of the proposed rule is attached to this notice.

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

Fiscal Note

The Minnesota Department of Education estimates that there will be an increased cost to some local school districts in the state to implement the rule changes proposed. The cost figures which follow are based on a 1986 staffing and resource study conducted by the Minnesota Educational Media Organization (MEMO) because the data is the most recent and complete available. Increased costs will vary from district to district depending on existing staff and programs currently being offered. Lack of complete data makes it difficult to project a precise cost estimate. The MEMO estimate is based on needs identified in each of the categories listed below.

LICENSED PERSONNEL: New and existing language, as it pertains to licensed personnel, are substantially the same. Consequently, if districts are in compliance with the old rule, there should be no additional cost to implement that portion of the rule requiring a licensed media person.

SUPPORT STAFF: For the first time, the proposed rule would require that some level of support staff be provided in each building. In MEMO's April 1986 survey, 316 buildings have no paid support staff. 49 schools did not answer this question on the survey. Assuming that a halftime support position is a reasonable minimum and assuming an average halftime salary of \$6,100.00, filling 316 halftime support positions would cost \$1,927,600.00 per year, for the two years following adoption of the rule. The level of support staff may vary from building to building. Each building will determine the exact number of hours necessary to provide clerical assistance to the library media program.

School officials may wish to consider one or more of the following ways to provide for support service:

1. Reassign support staff.
Shifting responsibilities may provide opportunities to use current staff more effectively.
2. Extend part-time support service hours.
Lengthen the day of current employees.
3. Hire new support staff.

RESOURCES: The proposed rule language indicates that at a minimum all schools must purchase a percentage of materials each year to replace those becoming outdated. In other words, a school must purchase some new learning resources each year. The collections of resource materials in Minnesota schools have deteriorated during the past decade. A survey conducted by the MEMO EDU6 Rule Change Task Force indicates that elementary and secondary schools have 50 percent fewer recent copyright books in 1980-85 than was true in the 1970-75 time span. This has happened even though more materials are being published today. In MEMO's April 1986 survey, 62 schools including 16,873 students reported that they did not purchase any materials during the 1985-86 school year. 20 schools did not answer this question on the survey. It is imperative that schools look at ways to provide timely materials to students in all settings. This can be done by sharing materials as well as purchasing them. Other than North Central Association standards, national or state recognized minimum budget figures for materials do not exist. Minnesota Department of Education financial reports indicate that in FY86 the total expenditure for books, audiovisual materials, and computer software was \$11,570,460.96. This figure does not include textbooks. The average per pupil amount was \$16.55. If school buildings who reported that they spent nothing on materials were to buy materials at the average per pupil amount of FY 86, the estimated additional cost would be \$279,248.15 statewide per year for the two years following adoption of the rule. This amount is about 2% of the total spent for materials in FY86. The amount per district would vary according to the number of pupils. Each school must look at its own situation and make decisions about how to best provide its students with access to quality materials.

School officials may wish to consider one or more of the options below to provide additional money for the building of school library media collections:

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

1. Block Grant Funds.
Use Block Grant (Chapter II) funds for library media materials purchase.
2. Special Levy.
Enact a one-time special levy to develop a basic, current collection.
3. Capital Funds.
Use capital funds for purchase of library media materials.
This rule is not expected to impact small business in any way.

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

Dated: 12 January 1988

Ruth E. Randall, Secretary
State Board of Education

Rules as Proposed (all new material)

3500.0710 LIBRARY MEDIA PROGRAM.

Subpart 1. **Definition of library media program.** The library media program provides all users, including students, teachers, and administrators, with resources for learning and with instructional programs and services. The program utilizes all types of informational resources including, but not limited to, books, people, periodicals, slides, filmstrips, films, audio, video, computer formats, and corresponding equipment.

The program's components shall include:

- A. instruction in locating and using information;
- B. instruction in the production of resources;
- C. guidance in reading, listening, and viewing;
- D. participation in curriculum development;
- E. provision for inservice programs relating to information and technology;
- F. administration and management of the media program;
- G. development of a comprehensive collection of informational resources;
- H. evaluation and selection of all types of resources;
- I. organization of all types of resources and equipment;
- J. use of educational technology including electronic and nonelectronic resources and equipment;
- K. production of instructional resources for teachers;
- L. provision for reference services and resources;
- M. participation in information networking and utilization of developing educational innovations and technologies; and

N. a written scope and sequence of library media learner outcomes based on, but not limited to, outcomes contained in Model Learner Outcomes for Educational Media and Technology (E730), written and published by the Minnesota Department of Education, Division of Instructional Effectiveness, in 1986. The publication is incorporated by reference. It is revised every five years. When a new edition is published, the new edition replaces the older edition in this item. The publication is available at the Legislative Reference Library, 645 State Office Building, 100 Constitution Avenue, St. Paul, Minnesota 55155, and from local libraries through the interlibrary loan system. In this item, "scope" and "sequence" have the meanings given in part 3500.1150, subpart 7.

Subp. 2. **Personnel.** In all schools, library media instruction and service shall be given by a licensed media person as defined by the Board of Teaching. Licensed media personnel shall be assigned in numbers that assure all components of subpart 1 are fully implemented. Provisions must be made for support staff as necessary.

Subp. 3. **Resources.** There shall be provided for the curriculum of the school, up-to-date resources and the necessary equipment and technological systems to use these resources. The resources shall include a variety of formats such as books, periodicals, and projected and electronic resources, selected in accordance with a school board adopted selection policy. Each year a percentage of the resources shall be updated.

Subp. 4. **Facilities.** There shall be a well-equipped, centrally located, library media center of a size appropriate to the library

media program and the enrollment in every elementary, middle, and secondary school building. Additional space and facilities shall be provided for work storage, listening, viewing, technological, and conference purposes. In one- and two-room elementary schools, provisions shall be made for library media services.

REPEALER. Minnesota Rules, part 3500.0700 is repealed.

Housing Finance Agency

Proposed Permanent Rules Relating to Urban Indian Housing Program

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Minnesota Housing Finance Agency ("agency") proposes to adopt the above-entitled rules without a public hearing. The agency has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes* Sec. 14.21 to 14.28.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules within the 30-day comment period. Such comments are encouraged, and should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rule may be modified as the result of comments received if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language. Unless twenty-five or more persons submit written requests for a public hearing on the proposed rule within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of *Minnesota Statutes* Sec. 14.14 *et. seq.* Any persons requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed.

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

Kathleen J. Johnson
Legal Division
Minnesota Housing Finance Agency
Suite 300
400 Sibley Street
St. Paul, Minnesota 55101
Telephone: 612/296-9794

Authority for the adoption of these rules is contained in *Minnesota Statutes* Sec. 462A.06, Subd. 4 and 11. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules, and that identifies the data and information relied upon to support the proposed rules has been prepared and is available from Kathleen J. Johnson upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the Statement of Need and Reasonableness, all written comments received, and the final rules as adopted will be delivered to a designee of the Attorney General for review as to form and legality, including the issue of substantial change, and to determine whether the agency has the authority to adopt the rules and whether the record demonstrates a rational basis for the need for and reasonableness of the proposed rules. Persons who wish to receive notice of the date of submission of these rules to the Attorney General for review, or who wish to receive a free copy of the final rules as adopted, should make such requests to Kathleen J. Johnson.

A copy of the proposed rule is attached to this notice. Additional copies may be obtained by contacting Kathleen J. Johnson.

Please be advised that *Minnesota Statutes*, Ch. 10A.03 requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes* Sec. 10A.01, Subd. 11 as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250.00, not including his own travel expenses and membership dues, in any year,

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 the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than \$250.00, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101-2520 (612) 296-5615.

Dated: 22 January 1988

James J. Solem
Commissioner

Rules as Proposed

4900.1500 SCOPE OF RULES.

The rules provided in parts 4900.1500 to ~~4900.1570~~ 4900.1586 shall govern the implementation of the urban Indian housing loan program established in Minnesota Statutes, section 462A.07, subdivision 15.

4900.1520 THE URBAN INDIAN HOUSING LOAN PROGRAM.

The urban Indian housing loan program provides loans for housing for American Indian persons and families residing in urban areas of the state. The program is implemented in whole or in part directly by the agency or through administrators selected by the agency after review of proposals submitted pursuant to parts 4900.1500 to 4900.1570. ~~A proposal by an administrator may serve all or a portion of the eligible areas of the state of Minnesota.~~ The eligible areas within the state of Minnesota are the metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2 and any city with a population greater than 50,000 persons. To the extent practicable, the agency shall allocate urban Indian loan program funds equitably among eligible areas, based upon American Indian population estimates. ~~To assist potential applicants, the agency shall provide, upon request, information describing potential uses of urban Indian housing loan program funds, but maintains the authority to reallocate funds at its discretion based on varying loan demand.~~

4900.1540 RECIPIENTS OF LOANS.

Each program must provide for loans for the construction, purchase, or rehabilitation of residential housing. Except as otherwise provided herein and by part 4900.0340, each person or family initially occupying a dwelling unit financed pursuant to the act, program, and parts 4900.1500 to ~~4900.1570~~ 4900.1586 shall be an American Indian as defined by Minnesota Statutes, section 254A.02, subdivision 11, or 462A.07, or an American Indian family as defined by part 4900.0920, and of low and moderate income, as defined by part ~~4900.0010~~; provided that 4900.1574. Developers of multifamily housing developments need not be American Indians of low and moderate income. In obtaining assistance under this program, Indian persons and families shall not be discriminated against on the basis of tribal affiliation or tribal enrollment.

Rules as Proposed (all new material)

4900.1572 HOMEOWNERSHIP MORTGAGE PARTICIPATION COMPONENT.

The agency may arrange to leverage urban Indian housing loan program funds, interest free, with other funds from the agency or another private or public source in order to reduce the interest rate on individual mortgage loans to affordable levels. A maximum of 30 percent of the total financing provided for each individual mortgage may be provided from urban Indian housing loan program funds. The mortgage note or coupon rate is established for each individual mortgage loan in the following manner:

Y_s = Interest rate for the independent funding source

S = Funding source's percentage of total mortgage loan

I = Urban Indian program's percentage of total mortgage loan

S/F = Servicing fee $(Y_s \times S) + (I \times S/F) =$ note or coupon rate

Examples of sources of funds that may be leveraged with urban Indian program funds include, but are not limited to, proceeds from agency mortgage revenue bond sales, proceeds from municipal or county mortgage revenue bond sales, mortgage commitments from private mortgage lenders or secondary mortgage market organizations, or mortgage commitments from nonprofit, public, or governmental sources. In cases in which mortgage revenue bond proceeds are used, all requirements or restrictions imposed on the use by the bond issuer, except as may be specifically modified by the issuer to facilitate the purpose of the urban Indian housing program, must be in full force and effect and complied with. In cases in which sources of funds are provided from other than mortgage revenue bond proceeds, the following requirements or restrictions are also imposed unless specifically waived by the commissioner or agency.

A. Recipients may not have had an ownership interest in a principal residence for three years directly before the date of mortgage loan closing as provided in Internal Revenue Code, section 103A.

B. Recipients must intend to occupy the property as a principal residence within 60 days of loan closing.

C. Both recipients and properties to be mortgaged must meet mortgage industry underwriting standards pertaining to the type of mortgage being provided, for example, FHA, VA, or conventional mortgage.

The agency shall establish a maximum purchase price limitation for homes to be financed under this part that in no instance may exceed the amount provided under the agency's mortgage revenue bond programs.

4900.1574 LOW AND MODERATE INCOME UNDER URBAN INDIAN HOUSING LOAN PROGRAM.

For the purpose of the urban Indian housing loan program, "persons and families of low and moderate income" means recipients of a limited-unit development loan whose adjusted income does not exceed the amount in the following tables:

A. Maximum adjusted income for loans for new construction:

(1) in the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Ramsey, Scott, Washington, and Wright:

Mortgage Interest Rate	Maximum Adjusted Income
0 - 6.0%	\$27,000
6.01 - 7.0%	\$29,000
7.01 - 8.0%	\$31,000
8.01 - 9.0%	\$33,000
9.01 -10.0%	\$35,000

(2) in all other counties:

Mortgage Interest Rate	Maximum Adjusted Income
0 - 6.0%	\$18,000
6.01 - 7.0%	\$20,000
7.01 - 8.0%	\$22,000
8.01 - 9.0%	\$24,000
9.01 -10.0%	\$26,000

B. Maximum adjusted income for loans for existing dwelling unit.

(1) in the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Washington, and Wright:

Mortgage Interest Rate	Maximum Adjusted Income
0 - 6.0%	\$23,000
6.01 - 7.0%	\$25,000
7.01 - 8.0%	\$27,000
8.01 - 9.0%	\$29,000
9.01 -10.0%	\$31,000

(2) in all other counties:

Mortgage Interest Rate	Maximum Adjusted Income
0 - 6.0%	\$13,000
6.01 - 7.0%	\$15,000
7.01 - 8.0%	\$17,000
8.01 - 9.0%	\$19,000
9.01 -10.0%	\$21,000

4900.1576 HOMEOWNERSHIP ASSISTANCE FUND; URBAN INDIAN HOUSING LOAN PROGRAM.

Under the homeownership mortgage participation component of the urban Indian housing loan program, recipients are eligible

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 homeownership assistance fund loans as described in parts 4900.1310 to 4900.1350, except as modified by parts 4900.1500 to 4900.1586. All loan recipients are eligible for downpayment assistance under part 4900.1300. Recipients are eligible for monthly assistance under part 4900.1330 only in the event that the first mortgage note or coupon rate exceeds an interest rate of eight percent per annum.

4900.1578 ADMINISTRATION OF HOMEOWNERSHIP MORTGAGE PARTICIPATION COMPONENT.

The agency shall affirmatively attempt to market and distribute urban Indian program funds through the homeownership mortgage participation component. The agency may enter into contracts and agreements with mortgage lenders and other entities to facilitate distribution and marketing of the homeownership mortgage participation component of the urban Indian housing program, and may pay for the services with urban Indian housing loan program funds. The agency may also reimburse itself for expenses incurred in administration of the program.

4900.1580 ALTERNATIVE PROGRAM COMPONENTS.

The agency may consider alternative program components to provide unique housing opportunities under the program given the availability of additional resources with which to leverage urban Indian housing loan program funds. The agency may directly administer the components, or may select an alternate administrator. An alternate administrator must be a nonprofit entity or local community as defined by part 4900.0010 or an Indian tribal organization eligible under parts 4900.0900 to 4900.1080. It is anticipated that the alternative program component will deal primarily with rental and rehabilitation of housing. An alternative program component may deal with a limited geographical area, but in this event the statewide allocation of urban Indian funds will be adjusted to reflect the direction of funds to the limited geographical area.

4900.1582 SUBMISSION OF ALTERNATIVE PROGRAM COMPONENTS.

Subpart 1. **Submission by agency.** In the event that an alternative program component is developed by the agency, it shall prepare materials in accordance with subpart 2, item B, and submit the materials to the advisory council on urban Indians for review and written comment, and shall consider the conclusions of the advisory council before implementing the alternative program component.

Subp. 2. **Submission by alternate administrator.** In the event that an alternative program component is developed by an alternate administrator as described in part 4900.1580, a proposal must be submitted by the alternate administrator to the agency pertaining to the program. The agency may prescribe a specific form upon which the proposal must be submitted. At a minimum, each proposal for an alternative program component shall contain:

A. Evidence that the organization submitting the proposal is a nonprofit entity, local community, or Indian tribal organization and evidence that the organization has the capacity to successfully carry out the program.

B. A proposed program that describes, in adequate detail as determined by the agency:

(1) the communities or portions of the communities to be served;

(2) the housing needs of American Indians residing in the areas to be served and the manner in which the proposed program assists in meeting those needs;

(3) a financial description of the program, including the dollar amount of program funds requested, types of loans to be made, the terms of the loans and the costs of program administration, and the manner in which these costs will be paid;

(4) a description of the manner in which the program will be implemented and operated, including the duration of the program method of outreach and selection of loan recipients, and procedures for servicing loans over the life of the program; and

(5) the source of any funds other than the urban Indian housing loan program to be included in the program of the applicant, and evidence that these funds will be available.

C. Any additional information that the agency in its reasonable discretion considers necessary after initial review of the proposal to evaluate the merits of the program. The agency may meet with representatives of the organizations submitting proposals to review proposals and request additional information.

4900.1584 SELECTION OF PROPOSAL; ALTERNATE ADMINISTRATOR.

The agency may approve an alternative program component of an alternate administrator in whole or in part, and may approve a program for a limited geographic area. In determining whether or not to approve applications to administer programs under the urban Indian program, the members shall examine the following facts and make their determinations:

A. Any written comments received by the agency from the advisory council regarding the applications for the proposed programs. The agency shall consider the conclusions of the advisory council on urban Indians and the reasons given in support of the conclusions, including the council's evaluation of the applications under the criteria in items B and C.

B. The extent to which the program will assist in serving the housing needs of the urban Indian community. Factors to be considered include:

- (1) the extent to which the program duplicates or is in conflict with other programs that provide housing for urban Indians and the extent to which the program will demonstrate the feasibility of alternative methods for providing housing for urban Indians;
- (2) the geographic location of the proposed program and the percentage of the Minnesota urban Indian community residing in the geographic area or areas to be served, as determined by the agency according to population data;
- (3) the method and cost of program administration, the time required to implement the program, and the capacity of the administrator to carry out the program; and
- (4) the extent to which American Indians are involved in the administration of the program, and in the ownership, management, and labor force of any contractors and subcontractors intended to be employed in the program.

C. The extent to which the use of appropriated funds reduces housing costs to American Indian persons or families and the extent to which the program combines the proceeds of appropriated funds with proceeds of bonds of the agency, or of other issues of bonds, or otherwise uses available money to leverage the appropriated funds.

4900.1586 ADVISORY COUNCIL ON URBAN INDIANS.

The agency shall report to the advisory council on urban Indians on a periodic basis, but annually at a minimum, pertaining to the operation of the homeownership mortgage participation component of the urban Indian housing loan program. The agency shall consider the advice and concerns expressed by the advisory council in its operation of the program.

In the event that the agency develops or receives a proposal for an alternative program component, the agency shall provide a copy of the proposal to the advisory council on urban Indians. The advisory council on urban Indians shall review all proposals. Upon request of the advisory council, the organization submitting the proposal shall present the proposal before the advisory council.

Board of Pharmacy

Proposed Permanent Rules Relating to Pharmacy Regulation

Notice of Intent to Amend Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Pharmacy (hereinafter "Board") proposes to amend *Minnesota Rules* pts. 6800.1250, 6800.1600, 6800.4210 and 6800.4220. A copy of the proposed amendments is attached to this Notice. One additional free copy is available from the Board upon request. Procedures for the adoption of noncontroversial rules found in *Minnesota Statutes* 14.22 to 14.28 (1986) will be used.

THE PUBLIC IS HEREBY ADVISED that:

1. They have 30 days in which to submit comment in support of or in opposition to the proposed amendments, and comment is encouraged.
2. Each comment should identify the portion of the proposed amendment addressed, the reason for the comments, and any change proposed.
3. In addition to submitting comments, interested persons may request in writing during the 30 day comment period that a hearing be held on the proposed rule amendment.
4. All comments, including requests for a public hearing, shall be submitted to David E. Holmstrom, Executive Director, Minnesota Board of Pharmacy, Room 107, Colonial Office Building, 2700 University Avenue West, St. Paul, Minnesota 55114-1079.
5. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed.
6. The proposed amendments may be modified if the modifications are supported by the data and views submitted and do not result in a substantial change in the proposed language.
7. A public hearing will be held only if 25 or more persons submit in writing requests for a hearing on the proposed rule amendment or a portion thereof within 30 days of this notice. If a hearing is required, it will be held in accordance with the provisions of *Minnesota Statutes* 14.131 to 14.20 (1986).

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

8. Under the procedure for adopting noncontroversial rules, the Board must submit any action on its rules to the Attorney General for review of the form and legality of the rule change. Notice of the date of submission of the proposed amendments to the Attorney General for review will be mailed to any person requesting to receive the notice. Requests to receive notice must be submitted to Mr. Holmstrom at the above address.

9. Authority to amend *Minnesota Rules* pts. 6800.1250, 6800.1600, 6800.4210 and 6800.4220 is contained in *Minnesota Statutes* sections 1512.06 subd. 1 (7) and (9), 151.07, 152.02 subd. 7 and 8 and 214.06. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of the proposed amendments has been prepared and is now available. Anyone wishing to receive a copy of this document may contact Mr. Holmstrom at the above address.

10. The approval of the Commissioner of Finance for amendments or rules relating to fees is required by *Minnesota Statutes* section 214.06, subd. 1. A document entitled "Commissioner of Finance Approval" in which the Commissioner has approved the proposed amendments to *Minnesota Rules* pt. 6800.1250 is available. Anyone wishing to receive a copy of this document may contact Mr. Holmstrom at the above address.

11. Promulgation of the proposed fee changes will not result in the expenditure of public monies by local public bodies and will not affect agricultural land in the state. Likewise, it is not believed that the changes will have a quantitative or qualitative impact on any small business. Persons representing small businesses are nevertheless invited to participate in the rulemaking process.

12. Any rule change made pursuant to this proceeding shall be effective five working days after publication in the *State Register* of a notice of the adoption of the change.

Dated: 6 January 1988

David E. Holmstrom, Executive Director
Board of Pharmacy

Rules as Proposed

6800.1250 APPLICATIONS FOR LICENSURE.

Subpart 1. **Submitting.** Applicants for licensure by examination shall submit a completed application for examination including affidavits of internship, a copy of applicant's birth certificate, and a recent photograph. All applicants shall show evidence of graduation with a bachelor of science degree or doctor of pharmacy degree, as the first professional undergraduate degree in pharmacy, from a college of pharmacy or a department of pharmacy of a university approved by the board and meeting at least the minimum standards set by the American Council on Pharmaceutical Education in the current edition of its accreditation manual. ~~Such~~ The evidence shall be shown by submitting ~~a~~ an official final transcript showing the date on which degree was conferred. The above-listed documents together with a check for ~~\$125~~ \$200 must be submitted to the board at least ~~30~~ 45 days prior to the examination. An applicant who is a graduate of a school or college of pharmacy located outside the United States, which has not been recognized and approved by the board, but who is otherwise qualified to apply for a license to practice pharmacy in this state, is considered to have satisfied the requirements of graduation if the applicant verifies to the board the applicant's academic record and the applicant's graduation and meets other requirements as the board may establish. Before taking the licensing examination, a foreign graduate applicant shall pass the Foreign Pharmacy Graduate Equivalency Examination, which is recognized and approved by the board, given by the Foreign Pharmacy Graduate Examination Commission and demonstrate proficiency in the English language by passing the Test of English as a Foreign Language, which is recognized and approved by the board, given by the Educational Testing Service as a prerequisite to taking the licensure examination.

Subp. 2. **Retaking exam.** Any applicant who has failed to pass the examination required by Minnesota Statutes, section 151.06, 151.07, 151.10, or 151.12, may retake ~~such~~ the examination within the next ensuing 14 months, provided that no applicant who has failed in three examinations shall be permitted to take a further examination, except upon petition setting forth facts acceptable to the board. The applicant shall, at least ~~30~~ 45 days before an examination, notify the board in writing of ~~his or her intentions~~ the intention to retake the examination, certifying that information furnished on the original application remains true and correct, or reporting any changes therein, including additional education and experience, and shall submit a fee of ~~\$125~~ \$200 payable to the Minnesota Board of Pharmacy. The board reserves the right to request a full and complete application.

Subp. 3. [Unchanged.]

6800.1600 CONTINUING EDUCATION ADVISORY TASK FORCE.

The continuing education advisory task force shall consist of not more than ten members. ~~Five~~ Three members of the advisory task force shall be pharmacists designated by the Minnesota State Pharmaceutical Association, ~~three~~ members shall be pharmacists designated by the Minnesota Society of Hospital Pharmacists, ~~two~~ two members shall be pharmacists designated by the College of Pharmacy of the University of Minnesota, and two members shall be designated by the board. The continuing education advisory task force shall meet at least quarterly and shall annually elect a ~~chairman~~ chair and ~~vice-chairman~~ vice-chair from its membership. The executive director of the board of pharmacy shall act as secretary to the task force.

6800.4210 SCHEDULE I CONTROLLED SUBSTANCES.

Schedule I shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this part.

A. Opiates. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers (whether optical, positional, or geometric), esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, or salts is possible within the specific chemical designation:

- (1) Acetylmethadol;
- (2) ~~Alfentanil~~;
- (3) Allyprodine;
- (4) to (31) [Renumbered as (3) to (30)]
- (32) (31) Methyl substituted isomers of Fentanyl;
- (a) to (i) [Unchanged.]

(j) para-fluorofentanyl; N-[1-(2-phenylethyl)-4-piperidyl]-N-(4-fluorophenyl)-propanamide (~~para-fluorofentanyl~~), its optical isomers, salts and salts of isomers;

- (33) to (49) [Renumbered as (32) to (48)]

B. to F [Unchanged.]

6800.4220 SCHEDULE II CONTROLLED SUBSTANCES.

The following items are listed in schedule II:

A. and B. [Unchanged.]

C. Opiates. Unless specifically excepted or unless listed in another schedule any of the following opiates, including its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation, dextrorphan and levopropoxyphene excepted:

Statutory Name	Some examples of common names, trade names, or names of products which contain a controlled substance.
----------------	--

- | | |
|--|----------------|
| (1) <u>Alfentanil</u>
(1) to (24) [Renumbered as (2) to (25)] | <u>Alfenta</u> |
|--|----------------|

D. [Unchanged.]

E. Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Statutory Name	Some examples of common names, trade names, or names of products which contain a controlled substance.
(1) Amobarbital	Amytal
(2) Pentobarbital	Nembutal, Tuinal
(3) Phencyclidine	Sernyl, Sernylar
(4) Secobarbital	Seconal

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

F [Unchanged.]

G. Hallucinogenic substances.

(1) [Unchanged.]

(2) Nabilone [another name for Nabilone: (±)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo [b,d] pyran-9-one].

Board of Podiatric Medicine

Proposed Permanent Rules Relating to Licensure; Fees

Notice of Intent to Adopt a Rule Without a Public Hearing

Notice is hereby given that the Minnesota Board of Podiatric Medicine intends to adopt a rule relating to requirements for licensure, standards for approval of podiatric medical schools, for a state clinical examination, and for approval of post-doctoral residency, preceptorship, or other programs, establishing the scope of a temporary permit to practice podiatric medicine and standards for awarding the permit, defining false or misleading advertising, establishing reporting procedures, the term and renewal of licenses, continuing education requirements, reinstatement of licenses, and fees. The Board intends to adopt the rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes* section 153.02.

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

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

Comments or written requests for a public hearing must be submitted to: Joyce M. Schowalter, Executive Director, Suite 108, 2700 University Avenue West, St. Paul, Minnesota 55114, telephone (612) 642-0568.

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

A copy of the proposed rule is attached to this notice.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Joyce M. Schowalter, at the above address, upon request.

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

Dated: 6 January 1988

Joyce M. Schowalter
Executive Director

Rules as Proposed

6900.0010 DEFINITIONS.

Subpart 1. Scope. For purposes of this chapter, the following terms have the meanings given them.

Subp. 2. Clinical residency. "Clinical residency" means a formal, structured postdoctoral training program sponsored by and conducted in an accredited institution such as a hospital or ambulatory health care facility or conducted by a college of podiatric medicine accredited by the Council on Podiatric Medical Education, American Podiatric Medical Association, and designed to:

A. provide the podiatric medical graduate with a well-rounded exposure to a hospital environment in preparation for management of podiatric conditions and diseases as they are related to systemic diseases in the lower extremities;

Proposed Rules

B. develop the podiatric medical graduate in the art of preventing and controlling podiatric conditions and diseases and to promote foot health principally through mechanical and rehabilitative methods;

C. provide the podiatric medical graduate with clinical experience necessary to refine competency in the medical and surgical care of the foot as defined by the statutory scope of practice; or

D. provide the podiatric medical graduate with clinical experience necessary to become competent in the full scope of advanced podiatric medicine and surgery.

Subp. 3. Preceptorship. "Preceptorship" means a formal, structured postdoctoral training program conducted by a podiatrist primarily in an office based setting and controlled and supervised by a college of podiatric medicine accredited by the Council on Podiatric Medical Education, American Podiatric Medical Association, and designed to provide the recent podiatric medical graduate sufficient experiences to have further patient care exposure, to improve clinical management and communication skills, and to obtain increased self confidence.

Subp. 4. Board. "Board" means the Minnesota Board of Podiatric Medicine.

Subp. 5. Revoke a license. "Revoke a license" means to rescind the right to practice and cause the podiatrist to reapply and meet the licensure requirements at the time of application.

Subp. 6. Suspend a license. "Suspend a license" means to discontinue a licensee's right to practice for a definite or indefinite time until specified conditions are met.

Subp. 7. False or misleading advertising. "False or misleading advertising" means a statement or claim that:

A. contains a misrepresentation of fact;

B. is likely to mislead or deceive because in context it makes only a partial disclosure of relevant facts;

C. is intended or is likely to create false or unjustified expectations of favorable results;

D. appeals to an individual's anxiety in an excessive or unfair way;

E. contains material claims of superiority that cannot be substantiated;

F. misrepresents a podiatrist's credentials, training, experience, or ability; or

G. contains other representations or implications that in reasonable probability will cause an ordinary, prudent person to misunderstand or be deceived.

6900.0020 LICENSURE REQUIREMENTS.

Subpart 1. Moral character. The applicant must respond to questions on the application that pertain to the grounds for denial of a license found in Minnesota Statutes, section 153.19, subdivision 1.

A personal recommendation must be received from at least one podiatrist who is licensed in any state and who can recommend the applicant for licensure in Minnesota.

Subp. 2. Education. The applicant must submit a complete transcript of education obtained in one of the following colleges of podiatric medicine:

A. California College of Podiatric Medicine, San Francisco, California;

B. New York College of Podiatric Medicine, New York, New York;

C. Ohio College of Podiatric Medicine, Cleveland, Ohio;

D. Pennsylvania College of Podiatric Medicine, Philadelphia, Pennsylvania;

E. Scholl College of Podiatric Medicine, Chicago, Illinois;

F. University of Osteopathic Medicine and Health Sciences College of Podiatric Medicine and Surgery, Des Moines, Iowa;

or

G. any other college accredited by the Council on Podiatric Medical Education, American Podiatric Medical Association.

The transcript must contain the date of graduation, degree granted, and an original seal of the college.

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

Subp. 3. Examination. The applicant must have received a passing score on each section of all parts of the National Board of Podiatric Medical Examiners Licensing Examination. A passing score is the number corresponding to the cut score recommended by the national board.

A copy of the applicant's scores must be submitted. The copy must contain an original seal of the national board.

A state clinical examination shall include demonstration of the clinical application of podiatric medical knowledge and skill, but need not include demonstrations on actual patients. The examination may be developed in cooperation with boards of podiatric medicine in other states. The passing score is the number corresponding to the cut score recommended by a test development consultant.

Subp. 4. Clinical residency. An acceptable clinical residency must be at least 12 consecutive months in length and be approved by the Council on Podiatric Medical Education of the American Podiatric Medical Association.

Subp. 5. Preceptorship. An acceptable preceptorship must:

- A. consist of a minimum of 12 consecutive months of study;
- B. operate under the control and supervision of an accredited college of podiatric medicine; and
- C. have written objectives appropriate to all training aspects of the program.

Subp. 6. Preceptor requirements. The preceptor must:

A. have a practice that offers experience with the care of children and adults and in drug therapy, radiology, local analgesia, biomechanics, physical medicine, rehabilitation, and the following surgeries:

- (1) nail;
- (2) digital;
- (3) soft tissue;
- (4) forefoot;
- (5) metatarsal;
- (6) midfoot; and
- (7) rearfoot or ankle;

B. hold a clinical appointment at a college or be a member of the teaching staff of a hospital sponsoring a residency program;

C. have a hospital staff appointment with podiatric surgical privileges; and

D. not have been the subject of disciplinary action concerning professional conduct or practice.

Subp. 7. Other graduate training. Other acceptable training must meet the following standards:

A. The program must be 12 consecutive months of formal, structured study started after graduation from a college of podiatric medicine, have written objectives appropriate to all training aspects of the program, and have a written evaluation process.

B. Experience must include drug therapy, radiology, local anesthesia, analgesia, biomechanics, physical medicine, rehabilitation, and the following surgeries:

- (1) nail;
- (2) digital;
- (3) soft tissue;
- (4) forefoot;
- (5) metatarsal;
- (6) midfoot; and
- (7) rearfoot or ankle.

The care of children and adults must be included.

C. A licensed podiatrist must be designated as the unlicensed podiatrist's supervisor and assume full podiatric responsibility for patient services provided by the unlicensed podiatrist. The supervisor must not have been the subject of disciplinary action concerning professional conduct or practice.

D. The supervisor must have a hospital appointment with surgical privileges or have a written arrangement for the unlicensed podiatrist to have at least four months experience with a licensed podiatrist who holds a hospital appointment with surgical privileges.

E. The supervisor shall instruct and direct the unlicensed podiatrist in his or her duties, oversee and check the work, and provide general direction to the unlicensed podiatrist. The unlicensed podiatrist and supervising podiatrist shall comply with at least the following criteria:

(1) A supervisor shall review and evaluate patient services provided by the unlicensed podiatrist on a daily basis from information in patient charts or records. Review may either be in person or by telecommunication.

(2) A supervisor shall be on site at facilities staffed by an unlicensed podiatrist.

(3) One of the licensed podiatrists referred to in item D must be present during the performance of surgical treatment by the unlicensed podiatrist.

(4) A supervising podiatrist may not supervise more than two unlicensed podiatrists.

Subp. 8. Personal appearance. The applicant shall be scheduled for a personal appearance before one or more members of the board or the executive director when the other requirements for licensure have been met. The board may waive the personal appearance if one or more board members has personal knowledge of the accuracy of the applicant's application.

Subp. 9. License in another state. The applicant licensed in another state must cause a form supplied by the board to be submitted from the board of podiatric medicine in the state of original licensure and the other states in which a license was held during the five years immediately preceding application.

6900.0030 APPLICATION NULLIFICATION.

Subpart 1. Reasons. The board will nullify an application for licensure if the applicant fails to complete the application process within 36 months after submission of the application or notification by the board of a deficiency, whichever is later, unless a different action is agreed upon during a disciplinary proceeding.

Subp. 2. Effect. For a nullified application, the fees are forfeited and the application and other documents may be destroyed under the process specified in Minnesota Statutes, section 138.17, subdivision 7. If the applicant later desires licensure, a new application must be submitted and the applicable requirements must be met.

6900.0160 TEMPORARY PERMIT.

Subpart 1. Prerequisites. An applicant for a temporary permit to practice podiatric medicine must submit a complete, acceptable application for a Minnesota license and pay the required fees. The clinical examination and personal interview may be completed during the permit period.

The applicant must submit written evidence that the applicant has been accepted as a resident, preceptee, or graduate trainee in a program and that the program meets the standards in part 6900.0020, subpart 4, 5, 6, or 7.

Subp. 2. Term of permit. The permit is issued for a period not to exceed 12 months of training that must occur within 18 consecutive months. A permit may be reissued once to a qualified applicant. A permit expires when an applicant is licensed, or must be revoked if an applicant has engaged in conduct that constitutes grounds for denial of a license, discontinues training, or moves out of Minnesota.

Subp. 3. Scope of practice. The scope of practice of the permit holder is limited to the performance of podiatric medicine within the structure of the residency, preceptorship, or other graduate training program within which the permit holder is enrolled.

6900.0200 REGISTRATION LICENSE RENEWAL.

Every application for renewal of registration by a podiatrist shall be accompanied by a fee. Subpart 1. Active status. The license renewal term is 12 months beginning on July 1 and ending on June 30. Applications received and postmarked after June 30 will be returned for addition of the late renewal fee.

An applicant for license renewal must submit to the board:

A. an application form, renewal fee, and, if applicable, the late renewal fee; the application form must provide a place for the renewal applicant's signature and must solicit information including the applicant's office address, and other information that may be reasonably requested by the board;

B. evidence of participation in approved continuing education programs as described in part 6900.0300; and

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

C. other evidence as the board may reasonably require.

Subp. 2. Failure to submit renewal application. The procedures in subparts 3 to 6 will be followed by the board for licensees who have failed to submit the renewal application including information about continuing education and applicable fees.

Subp. 3. Notice. Any time after July 1, the board will send to the last address on file with the board, a notice to licensees who have not applied for license renewal. The notice will state that the licensee has failed to make application for renewal; the amount of renewal and late fees and the information required about continuing education that must be submitted in order for the license to be renewed; that the licensee may voluntarily terminate the license by notifying the board; and that failure to respond to the notice by the date specified, which date must be at least 30 days after the notice is sent by the board, either by submitting the renewal application and applicable fees and information required about continuing education or by notifying the board that the licensee has voluntarily terminated the license, will result in expiration of the license and terminating the right to practice.

Subp. 4. Result. If the application for renewal, including required information about continuing education and the applicable renewal and late fees or notice of voluntary termination, is not received by the board by the date specified in the notice, the license will expire and the licensee's right to practice terminates on the date specified in the notice. The expiration and termination will not be considered a disciplinary action against the licensee.

Subp. 5. Reinstatement. A license that has expired under this part may be reinstated under part 6900.0210.

Subp. 6. Contested case proceeding. The board, in lieu of the process in subpart 3, may initiate a contested case hearing to revoke or suspend a license for failure to submit fees and continuing education information requested on the renewal application at the time it initiates disciplinary proceedings against the licensee for other grounds specified in Minnesota Statutes, sections 153.01 to 153.25.

Subp. 7. Name and address change. A podiatrist who has changed names shall notify the board in writing as soon as possible and request a revised renewal certificate. The board may require substantiation of the name change by requiring official documentation.

A podiatrist shall maintain with the board a correct mailing address to receive board communications and notices. A podiatrist who has changed addresses shall notify the board in writing as soon as possible. Placing a notice in first class United States mail, postage prepaid and addressed to the licensee at the licensee's last known address, constitutes valid service.

6900.0210 REINSTATEMENT OF LICENSE.

Subpart 1. Requirements. Upon complying with the requirements in this part, the applicant's license must be reinstated. The podiatrist desiring the reinstatement of a license shall submit the following materials:

A. an application form, license renewal fee, and, if the request is received within 12 months of a previous license expiration, the late renewal fee;

B. verification of licensure status from each state in which the podiatrist has held an active license during the five years preceding application;

C. if the license has been inactive for five years or less, evidence of participation in 15 hours of acceptable continuing education for each year that the license was expired or terminated up to 75 hours;

D. if the license has been inactive for more than five years, evidence of continuing competency as shown by submission of 75 hours of acceptable continuing education obtained during the five years immediately before application; or

E. other evidence as the board may reasonably require.

Subp. 2. Revoked or suspended license. No license that has been suspended or revoked by the board will be reinstated unless the applicant for reinstatement provides evidence of full rehabilitation from the cause for which the license was suspended or revoked and complies with the other reasonable conditions imposed by the board for the purpose of establishing the extent of rehabilitation. In addition, if the disciplinary action was based in part on failure to meet continuing education requirements, the license will not be reinstated until the applicant has successfully completed the requirements. The board may require the licensee to pay the costs of the proceedings resulting in the suspension or revocation of a license under its disciplinary authority and the reinstatement or issuance of a new license. A licensee who has been disciplined by the board in a manner other than by suspension or revocation may be required by the board to pay the costs of the proceedings resulting in the disciplinary action.

Subp. 3. Licensure application not precluded. Nothing in this part prohibits a podiatrist from applying for licensure under Minnesota Statutes, section 153.16.

6900.0250 FEES.

Subpart 1. Amounts. Fees for the licensure of podiatrists are as follows:

A. The fee for licensure by examination is, \$200-;

- B. ~~The fee for reexamination by the board under an original application is for licensure, \$200-;~~
- C. ~~The fee for renewal of a license is, \$75-;~~
- D. ~~The fee for late renewal of a license is, an additional \$50-;~~
- E. ~~The fee for licensure by reciprocity is temporary permit, \$200-; and~~
- F. ~~The fee for the replacement of an original license or renewal certificate is, \$10.~~

Subp. 2. Requirements. Fees must be paid in United States money. A personal check is not acceptable for payment of a license or temporary permit. Fees are not refundable.

6900.0300 CONTINUING EDUCATION.

Subpart 1. **Requirement.** Every podiatrist licensed to practice in Minnesota shall obtain ~~+2~~ 15 clock hours of continuing education credit each licensure year license renewal period. ~~The licensure year begins on July 1 and ends on June 30-~~

Subp. 2. **Obtaining credit continuing education hours.** Continuing education credit hours shall be obtained in the following manner. ~~No less than nine hours of credit per year shall be received through attendance at scientific podiatry seminars approved by the board under this subpart and subpart 3. The seminar must be designed for the benefit of podiatrists. Any speaker or lecturer must be a licensed podiatrist, health professional, or person especially qualified to address a subject of particular interest to podiatrists. The seminar must be of significant intellectual content.~~

~~No more than three hours of credit per year may be received through attendance at hospital staff meetings and state group meetings-;~~

A. attendance at educational programs approved by the board under subpart 3;

B. attendance at hospital staff meetings (no more than three hours of hospital staff meetings may be used for license renewal each year); or

C. participation in a clinical residency, preceptorship, or graduate training that meets the requirements of part 6900.0020, subpart 4, 5, 6, or 7.

Subp. 3. **Requirements of program approval of seminars.** ~~To obtain prior approval, a detailed description of the seminar content and the credentials of speakers shall be submitted to the board at least 60 days in advance of the course or meeting. Seminars may be approved at any time by the board if the required submission is made in the same licensure year in which the course or meeting was offered. Approval of each continuing education program that the licensee desires to use to meet the license renewal requirements should be approved by the board before registration for the program but must be approved by the board before license renewal is granted.~~

In order for a continuing education program to be approved by the board, the program must meet the following criteria:

A. The content must be directly related to the practice of podiatric medicine as defined in Minnesota Statutes, section 153.01, subdivision 2. Subjects such as practice management, risk management, or those not of a scientific nature are not acceptable.

B. The speaker must be a licensed podiatrist, other credentialed health care professional, or person especially qualified to address the subject.

C. The sponsor must provide the attendee a written statement of attendance that includes the name and dates of the program, the name and address of the sponsor, the number of continuing education clock hours granted by the sponsor, the name of the attendee and a signature of the sponsor or designee, or upon completion of the program, the sponsor must send the board a list of attendees.

Subp. 3a. Procedure for program approval. Either the sponsor of a continuing education program or a podiatrist may submit the program for approval by the board.

The following information about the program is required:

A. name and address of the program sponsor;

B. dates and times of the program;

C. subject or content matter of the program;

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

D. name of and identifying information about the speakers or instructors; and

E. assurance that a written statement of attendance will be given to the podiatrist or that a list of attendees will be sent to the board.

The board shall approve each continuing education program for a specific number of clock hours of continuing education. One clock hour is 60 minutes. Partial hours will not be granted. Lunch breaks, rest periods, greetings, and other noneducational time will not be included.

Subp. 4. **Proof of attendance.** Proof of attendance at ~~meetings or seminars described in subparts 2 and 3~~ continuing education programs meeting the requirement of this part shall be submitted to the board at the time of license renewal in the form of a certificate, descriptive receipt, or affidavit.

Subp. 5. **Failure to comply.** The board may take disciplinary action to suspend, revoke, limit, or refuse to renew the license of any podiatrist failing to comply with these continuing education requirements.

Subp. 6. [See Repealer.]

6900.0400 DISCIPLINE.

Insurers required to submit reports to the board under Minnesota Statutes, section 153.24, subdivision 4, shall send the reports to the board by the fifth day of the months of January, April, July, and October of each year.

Grounds for disciplinary action include failure to supervise a resident, preceptee, other graduate trainee, or undergraduate student.

REPEALER. Minnesota Rules, part 6900.0300, subpart 6, is repealed.

Public Utilities Commission

Proposed Permanent Rules Relating to Telephone Inter-Exchange Calling

Notice of Intent to Adopt Rules Without a Public Hearing and Notice of Intent to Adopt Rules With a Public Hearing If Twenty-five or More Persons Request a Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Public Utilities Commission (Commission) intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* Section 14.22 to 14.28 (1986). The Commission's authority to adopt the rule is set forth in *Minnesota Statutes* Sections 237.10, 237.06, 237.12, 237.16 (1986).

All persons have until 4:30 p.m. on February 24, 1988, to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing so that less than 25 people request a hearing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed.

If a public hearing is required, the Commission will proceed pursuant to *Minnesota Statutes* Sections 14.131 to 14.20 (1986). PLEASE NOTE THAT IF TWENTY-FIVE OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITHIN THE 30-DAY COMMENT PERIOD, A HEARING WILL BE HELD ON THURSDAY, MARCH 3, 1988, AND, IF NECESSARY, FRIDAY, MARCH 4, 1988, IN ACCORDANCE WITH THE NOTICE OF PUBLIC HEARING OF THESE SAME RULES PUBLISHED IN THIS *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE COMMISSION. To verify whether a hearing will be held, please call the Commission between February 25, 1988 and March 2, 1988 at (612) 296-7124.

PLEASE ALSO NOTE that the proposed rule amendments will NOT resolve the issues or predetermine the outcome of the current proceeding *In the Matter of the Petition of Certain Subscribers in the Exchanges of Zimmerman, Prescott, Waconia, Belle Plaine, North Branch, Lindstrom, New Prague, Cambridge, Hudson, Houlton, LeSueur, Cannon Falls, Delano, Northfield, Buffalo, and Watertown for Extended Area Service to the Minneapolis/St. Paul Metropolitan Calling Area*, Docket No. P-421, P-405, P-407, P-430, P-426, P-520, P-427/CI-87-76 (the Metro EAS case). Rather, if adopted, the proposed rule amendments will apply in Part III of the Metro EAS case. During Part III, the basis of the proposed extended area service rates will be calculated. The proposed rule

amendment to part 7815.0900, TARIFF FILING, changes the basis on which extended area service rates are calculated under the existing rule. However, the rule change will apply equally to all extended area service petitions, not just the Metro EAS case.

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

Caroline Robinson
Minnesota Public Utilities Commission
780 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
(612) 296-9617

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

The proposed rules, if adopted, will amend the existing rule governing extended area service, a form of inter-exchange telephone calling for which there is no toll charge. The proposed rules are published below. One free copy of the rules is available upon request from the Commission by contacting Kris Kline at the address given above or by calling (612) 296-7124.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rule has been prepared. The Statement of Need and Reasonableness is available for review at the Commission offices. Copies may be obtained at the cost of reproduction from the Commission by contacting Kris Kline at the address given above or by calling (612) 296-7124.

You are hereby advised, pursuant to *Minnesota Statutes* Section 14.115 (1986), "Small business considerations in rulemaking," that the proposed rules will impact small telephone company businesses. The proposed rule amendments require all telephone companies to submit additional information to the Commission to aid in determining whether installing or removing extended area service is in the public interest. Small telephone companies are service businesses regulated by government bodies for standards and costs and, therefore, are exempt from this statute. However, the Commission considered the methods set out in *Minnesota Statutes* Section 14.115 (1986) for reducing the impact of the rule on small telephone companies and concluded that the methods considered would be contrary to the statutory objectives that are the basis of the proposed rulemaking.

The adoption of these rules by the Commission will not require the expenditure of public money by local public bodies or have a direct impact on agricultural land. Therefore, *Minnesota Statutes* Section 14.11 (1986) is not applicable to this rulemaking proceeding.

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

Mary Ellen Hennen
Executive Secretary

Notice of Hearing and Notice of Intent to Cancel Hearing If Fewer Than Twenty-five Persons Request a Hearing In Response to Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Public Utilities Commission (Commission) will hold a public hearing in the above-entitled matter in the Commission's Large Hearing Room, Room 715, 7th floor, 780 American Center Building, 150 East Kellogg Boulevard, St. Paul, Minnesota 55101, commencing at 9:30 a.m. on Thursday, March 3, 1988, and, if necessary, Friday, March 4, 1988, and continuing until all interested or affected persons have an opportunity to participate. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted to the presiding Administrative Law Judge, as hereinafter indicated, without appearing at the hearing.

PLEASE NOTE, HOWEVER, THAT THE HEARING WILL BE CANCELLED IF FEWER THAN TWENTY-FIVE PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE OF INTENT TO ADOPT THESE SAME RULES WITHOUT A PUBLIC HEARING PUBLISHED IN THIS *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE

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

COMMISSION. To verify whether a hearing will be held, please call the Commission between February 25, 1988 and March 2, 1988 at (612) 296-7124.

PLEASE ALSO NOTE that the proposed rule amendments will NOT resolve the issues or predetermine the outcome of the current proceeding *In the Matter of the Petition of Certain Subscribers in the Exchanges of Zimmerman, Prescott, Waconia, Belle Plaine, North Branch, Lindstrom, New Prague, Cambridge, Hudson, Houlton, LeSueur, Cannon Falls, Delano, Northfield, Buffalo, and Watertown for Extended Area Service to the Minneapolis/St. Paul Metropolitan Calling Area*, Docket No. P-421, P-405, P-407, P-430, P-426, P-520, P-427/CI-87-76 (the Metro EAS case). Rather, if adopted, the proposed rule amendments will apply in Part III of the Metro EAS case. During Part III, the basis of the proposed extended area service rates will be calculated. The proposed rule amendment to part 7815.0900, TARIFF FILING, changes the basis on which extended area service rates are calculated under the existing rule. However, the rule change will apply equally to all extended area service petitions, not just the Metro EAS case.

The matter will be heard before Administrative Law Judge Bruce Campbell, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, (612) 341-7602. The rule hearing procedure is governed by *Minnesota Statutes* Sections 14.131 to 14.20 (1986) and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.0200 to 1400.1200 (1985). Questions concerning the rule hearing procedure should be directed to the Administrative Law Judge at the address and telephone number stated above.

The subject of the hearing will be the proposed rules governing Telephone Inter-Exchange Calling, *Minnesota Rules*, parts 7815.0100 to 7815.1600. The proposed rules are authorized by *Minnesota Statutes* Sections 237.10, 237.06, 237.12, 237.16 (1986). The proposed rules are published below. One free copy of the rules is available on request by contacting:

Kris Kline
Minnesota Public Utilities Commission
780 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
(612) 296-7124

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

Any person may present his or her views on the proposed rules in one or more of the following ways: by submitting written data to the Administrative Law Judge at any time before the close of the hearing; by submitting oral or written data at the hearing; and by submitting written data to the Administrative Law Judge during the comment period following the hearing. The comment period will be not less than five working days after the public hearing ends. The 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. The written material received during the comment period shall be available for review at the Office of Administrative Hearings. Within three business days after the expiration of the comment period, the Commission and interested persons may respond in writing to any new information received during the comment period; however, no additional evidence may be submitted during this three-day period.

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

The proposed rules may be modified if the data and views received during the hearing process warrant modification and the modification does not result in a substantial change in the proposed rules.

Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the Commission may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rules are adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified you may so indicate at the hearing or send a request in writing to the Commission at any time prior to the filing of the rules with the Secretary of State.

You are hereby advised, pursuant to *Minnesota Statutes* Section 14.115 (1986), "Small business considerations in rulemaking," that the proposed rules will impact small telephone company businesses. The proposed rule amendments require all telephone companies to submit additional information to the Commission to aid in determining whether installing or removing extended area service is in the public interest. Small telephone companies are service businesses regulated by government bodies for standards and costs and, therefore, are exempt from this statute. However, the Commission has considered the methods set out in *Minnesota Statutes* Section 14.115 (1986) for reducing the impact of the rule on the small telephone companies and concluded that the methods considered would be contrary to the statutory objectives that are the basis of the proposed rulemaking.

The adoption of these rule amendments by the Commission will not require expenditure of public monies by local public bodies nor have a direct impact on agricultural land. Therefore, *Minnesota Statutes* Section 14.11 (1986) is inapplicable to this rulemaking proceeding.

Please be advised that *Minnesota Statutes* ch. 10A (1986) requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes* Section 10A.01, subd. 11 (1986) as any individual:

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

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

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

Mary Ellen Hennen
Executive Secretary

Rules as Proposed

7815.0100 DEFINITIONS.

Subpart 1. to 3. [Unchanged.]

Subp. 3a. Department. "Department" means the Department of Public Service.

Subp. 4. [Unchanged.]

Subp. 5. Petition sponsor. "Petition sponsor" means the person named on the petition form as representing the petitioners.

Subp. 6. Telephone company. "Telephone company" has the meanings given it in Minnesota Statutes, section 237.01, subdivisions 2 and 3, and includes a telephone company that provides local or long-distance telephone service.

7815.0700 PETITION FOR EXTENDED AREA SERVICE.

Customers that desire installation or removal of extended area service from an exchange shall file a petition with the ~~Department of Public Service~~ commission. ~~A copy~~ The petition sponsor shall be served serve a copy on the department, the telephone company that serves the petitioners' exchange, and on the telephone company that serves the exchange to which the installation or removal of extended area service is desired. The petition ~~shall~~ must be on a form approved by the commission and supplied by the department. Blank forms ~~shall~~ must be available from the department and in the offices of all telephone companies. At the time blank forms are made available, the department and the telephone companies shall also provide a brochure, developed by the department and approved by the commission, that describes alternatives to extended area service to the petition sponsor so that the petition sponsor is aware of the options to extended area service. The petition ~~shall~~ must include:

- A. the name of the telephone company serving the petitioners' exchange;
- B. the name of the telephone company serving the exchange to which the installation or removal of extended area service is desired;
- C. the name of each exchange and the principal city in each exchange;
- D. the name, address, and telephone number of the ~~person representing the petitioners to whom correspondence and the commission's order shall be sent~~ petition sponsor;
- E. the name, address, and telephone number of each person signing the petition; and
- F. a statement that the signing customers desire to have extended area service either installed or removed from the named exchanges.

The petition ~~shall~~ must be signed by 15 percent or more of the customers or 600 customers, whichever is less, in the ~~petitioning~~

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

petitioners' exchange. There shall must be one signature per billing number. In the case of a business customer, a duly authorized agent or representative must sign. The sponsor of the petition shall certify that the signatures on the petition are valid and comply with parts 7815.0700 to 7815.1500. Copies of the petition shall must be kept on file and made available to the public at the department and in the local exchange office of the telephone companies. The department and the telephone companies shall use customer billing records to check the validity of the signatures. Anyone who wishes to challenge the validity of the signatures on the petition, or the sufficiency of their number, shall file a written protest, and shall identify the grounds ~~therefor~~ for the protest with the commission and the department within 30 days of the date of service of the petition. Copies of the protest shall must be sent to the petition sponsor and to the telephone companies. ~~The commission and the telephone companies shall use customer billing records to check the validity of the signatures.~~ Within 20 days from the date a written protest is filed with the commission, the department and the telephone companies shall file with the commission and the petition sponsor a joint written statement regarding the validity of the signatures. If the commission finds any signatures on the petition to be invalid, those signatures must not be considered in determining whether a sufficient number of customers in the petitioners' exchange have signed the petition. If the commission finds that an insufficient number of customers in the petitioners' exchange have signed the petition, the commission shall order the petition returned to the petition sponsor. Notwithstanding part 7815.1500, the petition sponsor may collect additional signatures on the petition and refile it as a new petition.

7815.0800 TRAFFIC STUDY.

The Each telephone company serving the petitioning exchange affected exchanges shall conduct a telephone traffic study between the exchanges for which the installation or removal of extended area service is proposed, unless other, equally reliable traffic study data is presently available. Centralized Message Data System (CMDS) or Sample Traffic Analysis and Report System (STARS) data may be considered acceptable traffic study data. The traffic study must be detailed and at least provide a breakdown between residential and business calling. The traffic study shall must be filed with the commission and the department within 45 days of the date of service of the petition or within 45 days of the service date of the commission's order approving the validity of the signatures on the petition or the sufficiency of their number under part 7815.0700. A copy of the traffic study must also be served upon the petition sponsor and the telephone company serving the petitioners' exchange. The commission shall grant an extension of time for filing the traffic study upon a finding that appropriate CMDS or STARS data, or other reliable data, is presently unavailable.

7815.0900 TARIFF FILING.

Subpart 1. **Filing proposed rates.** Within 50 five days of the date of service of filing the petition traffic study, the local exchange telephone companies shall file with the commission and the department (1) tariffs that contain the proposed rates for the exchanges, with supporting cost studies, if extended area service is installed or removed and (2) either a statement of intention to install or remove the extended area service if the commission should order them to do so or a notice of objection to installation or removal of extended area service. A copy of this filing must also be served upon the petition sponsor. The commission shall grant an extension of time upon a finding that the local exchange telephone company is unable to collect and compute the information required for a tariff filing within the 50-day five-day time limit without undue hardship.

Subp. 2. **Basis of rates; proposal to install extended area service.** For a proposal to install extended area service, the proposed rates shall must be based on the company's statewide average embedded book cost to provide or savings due to removal of the service. The cost or savings shall be determined using the ratio of the company's statewide average embedded book cost to current cost applied to the current engineering cost of furnishing extended area service over the specific route. specific additional costs incurred, operating expenses, actual cost for new facilities constructed specifically to provide for extended area service, net book value of existing facilities transferred from another service to extended area service, and a return on the capital investment associated with installing and providing the extended area service.

If installing extended area service requires the replacement and early retirement of an existing asset, such as a switch, and if installing a new asset is required to provide extended area service but can also be used to provide other services, then the local exchange telephone company must provide a proposed schedule of the capital costs, depreciation, and out-of-pocket costs of the new asset and of the prematurely retired asset. The capital cost and out-of-pocket cost schedules must be based on the local exchange telephone company's cost-of-service study. The depreciation schedules must be based on the commission's most recent certified depreciation order for that local exchange telephone company. The proposed depreciation and cost schedules for the new asset must assign the costs of the new asset to extended area service from the date the new asset is installed until the date the prematurely retired asset is completely depreciated. The depreciation and cost schedules for the new and prematurely retired assets must be considered by the commission as part of its review of the proposed rates under subpart 6. Sixty days before the date the prematurely retired asset is fully depreciated, the local exchange telephone company shall file with the commission and the department information to permit an adequate review of the costs assigned to extended area service. These costs must be categorized so as to determine which costs are attributable for depreciation and other expenses.

Subp. 3. **Basis of rates; proposal to eliminate extended area service.** For a proposal to eliminate extended area service, the savings that result from the removal must be based on the factors listed in subpart 2.

Subp. 4. Cost or savings apportionment. The cost of providing or the savings from removing extended area service over the petitioned route ~~shall~~ must be divided equally between the exchanges involved unless the commission determines that an alternative cost apportionment is fair and reasonable, based upon part 7815.1000, items A to G and ~~K~~ J.

The cost or savings ~~shall~~ must be apportioned among the customers in an exchange so that the relationship between the rates for the classes of service remains the same.

Requests for an alternative cost apportionment must be filed with the commission. There must be included in the request an explanation of the reasons for the request. A copy of the request must also be served upon the department, the petition sponsor, and other affected local exchange telephone companies.

Subp. 5. Objection to tariff. If the department, the petition sponsor, or other interested person maintains that the proposed rates were not determined in accordance with this part, the department, the petition sponsor, or other interested person shall file an objection to the tariff filing listing the reasons for the objection. The objection must be filed with the commission within 20 days of receipt of the tariff filing. Copies of the objection must be served upon the department, the petition sponsor, and affected local exchange telephone companies. Replies, if any, to the objection must be filed with the commission within ten days from the date an objection is filed with the commission. Copies of the reply must be served on the department, the petition sponsor, other affected local exchange telephone companies, and any other interested person who filed an objection.

Subp. 6. Consideration of proposed rates. If no objection is filed, the commission, within 45 days of the receipt of the proposed rates, shall review the rates and either approve or reject them. If an objection is filed, the commission, within 45 days of the receipt of the replies to the objection, shall review the proposed rates and shall issue an order approving or rejecting them. On finding that the proposed rates were not determined in accordance with this part, the commission shall reject the tariff filing and order the local exchange telephone company to refile a tariff determined in accordance with this part within 20 days of the commission's order.

7815.1000 STIPULATION OF FACTS.

Within 60 20 days of the date receipt of service of the petition, the staff of commission's order approving proposed rates under part 7815.0900, the department of public service and the telephone companies serving the exchanges in question shall enter into, and file with the commission and the petition sponsor, a stipulation of facts, which shall. The stipulation must contain information upon which the commission can base a determination of whether the public interest requires installation or removal of the extended area service. The stipulation of facts, no single one of which shall is to be dispositive, shall must contain the following information:

- A. the results of the traffic study as outlined in part 7815.0800;
- B. the cost study based on the embedded book cost as outlined in part 7815.0900;
- C. the proposed rates as approved by the commission in part 7815.0900, if extended area service is installed or removed;
- D. the size of the exchanges involved;
- E. the location of government, commercial, employment, and social centers for persons living within the petitioning petitioners' exchange;
- F. the location of schools and school districts serving the petitioning petitioners' exchange;
- G. the location of medical, emergency medical, law enforcement, and fire protection services serving the petitioning petitioners' exchange, and the availability of 911 service allowing access to these services;
- H. if installation is desired, the additional facilities that will need to be installed and the existing facilities that will be utilized and that will no longer be utilized;
- I. if removal is desired, what facilities will no longer be useful or reusable for other services;
- J. when ordered by the commission, the results of any informational polling of the subscribers in one or both exchanges;
and
- ~~K.~~ the average monthly toll billings per main station over the proposed route; and
- K. a list of the alternatives available to extended area service and a recommendation on which service best serves the public interest.

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

7815.1050 INFORMATIONAL POLLING.

Subpart 1. When considered. Within 20 days of receipt of the stipulation of facts required by part 7815.1000 the commission shall consider whether to conduct an informational polling.

Subp. 2. Informational polling. An informational polling must be conducted if the commission determines after review of the stipulation of facts that the polling results would aid the commission in making a final decision on the petition. If polling is conducted, the polling results become part of the record in the proceeding. If the commission orders that a poll be taken, the department shall develop and submit for commission approval the polling instrument. The polling instrument must be comprised of a ballot and an informational notice to accompany the ballot. The ballot must contain questions designed to determine customer opinion on the extended area service proposal. The ballot must also contain the proposed rates as approved by the commission in part 7815.0900. The informational notice must inform subscribers of their right to file a notice of objection to the petition. The informational notice must also contain:

A. a background summary of the petition including the date it was filed, the name of the petitioners' exchange, the proposed route of the extended area service, the other exchanges involved, the telephone companies involved, and the role of the commission and the department in reviewing the petition;

B. the purpose of the ballot and the weight given to the results of the ballot by the commission;

C. a summary of the traffic study;

D. the average monthly toll billings per main station over the proposed route;

E. an estimate of the date the proposed route would be removed or installed;

F. a description of the conditions under which the commission would conduct a contested case hearing on the petition under part 7815.1200; and

G. a description of the format for a notice of objection to the petition.

The department shall submit the polling instrument for commission approval within 20 days of receipt of the commission order requiring an informational polling.

The commission shall issue an order approving, modifying, or rejecting the proposed polling instrument within 20 days of the date the department submits the instrument. If the commission rejects the proposed polling instrument, the department shall resubmit the polling instrument in accordance with the commission's order within 20 days of the commission order.

The department shall conduct the informational polling using the polling instrument approved by the commission. The department shall submit the results of the informational polling to the commission within 60 days of the date of the commission's order approving the polling instrument.

7815.1100 PUBLIC MEETING.

~~Within five days of receipt of the stipulation, the commission shall schedule a public meeting. The commission shall order a public meeting if the commission determines that holding a public meeting would aid the commission in making a final decision on the petition. The commission may order a public meeting at the time it schedules an informational polling under part 7815.1050, subpart 2, or within 20 days of receipt of the information polling results. The~~ If a public meeting is ordered, it ~~shall~~ must be conducted no later than 45 days after the stipulation is received by the commission. ~~If a public meeting is held, the results of the public meeting become part of the record in the proceeding.~~

7815.1200 HEARING.

The petition shall ~~must~~ be assigned to the Office of Administrative Hearings for contested case hearing if ~~within ten days after the public meeting: either~~

A. an affected telephone company files a notice of objection to the installation or removal of extended area service as requested by the petition; ~~or~~

B. ten percent or more of the customers or 100 customers, whichever is less, in at least one affected exchange file a notice of objection with the commission or the commission finds that such a number of customers appeared at the public meeting and gave notice of their objection to the installation or removal of extended area service as sought in the petition; ~~or~~

C. the commission determines that an issue of fact exists that is material to determining whether the proposed installation or removal of extended area service is in the public interest, and that there is a reasonable basis underlying the issue of fact such that the holding of a contested case hearing would aid the commission in making a final decision on the petition.

The staff of the department and the telephone companies shall establish a record before the administrative law judge ~~which~~ that includes the information required under the stipulation of facts and, when applicable, information gathered under part 7815.1050

or 7815.1100. The record may be established by a stipulation of facts and, when applicable, information gathered under part 7815.1050 or 7815.1100, or by testimony and exhibits containing the necessary information. Comments mailed to the administrative law judge shall become part of the record.

7815.1400 FINAL ORDER OF THE COMMISSION.

If a contested case hearing is not necessary petition is not assigned to the Office of Administrative Hearings under part 7815.1200, the final order of the commission shall ~~must~~ be issued within ~~30~~ 45 days of the public meeting, ~~of the receipt of the informational polling results if a public meeting is not held, or of the receipt of the stipulation of facts if there is no informational polling or public meeting.~~ If a contested case hearing is held, the commission ~~will~~ shall issue a final order within 60 days after receipt of the final report of the administrative law judge. The commission shall order the installation or removal of extended area service if it finds that such an action is required by the public interest.

7815.1500 REPETITIONING.

The commission shall not order the removal of extended area service within five years of installation nor shall the commission consider a petition for installation or removal of extended area service sooner than two years after denying a previous petition for installation or removal of extended area service between the same two exchanges.

7815.1600 REQUEST FOR VARIANCE OR TIME EXTENSION.

Subpart 1. Request for variance. Requests for variances for all or specific portions of parts 7815.0700 to 7815.1500 may be filed under part 7830.4400. Unless good cause is shown, requests must be filed with the commission at least seven days before the filing deadline and served upon the department, the petition sponsor, and the affected telephone companies. The request must include an explanation of the reasons for the request. Replies, if any, to requests for a variance, must be filed with the commission and served upon the department, the petition sponsor, and the affected telephone companies within ten days after the receipt of the request for variance.

Subp. 2. Request for time extension. Unless good cause is shown, a request for an extension of time must be filed with the commission at least seven days before the filing deadline. In determining whether good cause exists, due regard must be given to the ability of the commission, department, petition sponsor, and affected telephone companies to effectively proceed without a time extension. The request must include an explanation of the reason for the request. A copy of the request must also be served upon the department, the petition sponsor, and affected telephone companies.

Waste Management Board

Proposed Permanent Rules Relating to Waste Tire Permits

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Waste Management Board (Board) intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* §§ 14.22 to 14.28 (1986). Parts and subparts of *Minnesota Rules* Parts 7001.0020, 7001.0040, 7001.0050, 7001.0190, 7001.4000-.4150, 7035.8200-.8300, 7035.8400-.8590, 7035.8700 and 7035.8710, rules governing the Minnesota Pollution Control Agency waste tire regulatory program, will be repealed. The Board's authority to adopt the rule is set forth in *Minnesota Statutes* § 115A.914, pursuant to Reorganization Order No. 144 (Dept. of Admin. 1987).

All persons have until 4:30 p.m. on Wednesday, February 24, 1988, to submit comments in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the Board will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1986).

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

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

Mr. Edward Welsch
Waste Management Board
1350 Energy Lane
St. Paul, Minnesota, 55108
(612) 649-5750

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

The proposed rule, if adopted, will govern the waste tire regulatory program established in Minn. Stat. § 115A.914 (1986) by establishing the substantive criteria and procedural conditions under which the Board will issue permits for waste tire facilities. The proposed rule is published below. One free copy of the rule is available upon request from Mr. Edward Welsch, at the address and telephone number stated above.

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

You hereby advised, pursuant to *Minnesota Statutes* § 14.115 (1986), "Small business considerations in rulemaking," that the proposed rule will have no negative effect on small businesses because the rule contains reduced regulatory requirements for small businesses.

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

Joseph M. Pavelich, Chair
Waste Management Board

Rules as Proposed

7001.0020 SCOPE.

Except as otherwise specifically provided, parts 7001.0010 to 7001.0210 apply to the following:

A. to K. [Unchanged.]

~~L. An agency permit required for the collection, deposit, storage, or processing of waste tires and tire-derived products.~~

7001.0040 APPLICATION DEADLINES.

Subpart 1. **Application for new permit.** Except as otherwise required by parts 7001.0530 ~~and~~, 7001.1050, ~~and 7001.4060~~, a permit application for a new facility or activity may be submitted at any time. However, it is recommended that the permit application be submitted at least 180 days before the planned date of the commencement of facility construction or of the activity.

Subp. 2. and 3. [Unchanged.]

7001.0050 WRITTEN APPLICATION.

A person who requests the issuance, modification, revocation and reissuance, or reissuance of a permit shall complete, sign, and submit to the director a written application. The person shall submit the written application in a form prescribed by the director. The application shall contain the items listed in items A to I unless the director has issued a written exemption from one or more of the data requirements. After receiving a written request for an exemption from a data requirement, the director shall issue the exemption if the director finds that the data is unnecessary to determine whether the permit should be issued or denied. The application must contain:

A. to H. [Unchanged.]

I. other information relevant to the application as required by parts 7001.0550 to 7001.0640, 7001.1050, 7001.1215, 7001.1290, ~~7001.4000 to 7001.4150~~, or 7040.0500 and 7040.0600.

7001.0190 PROCEDURE FOR MODIFICATION; REVOCATION AND REISSUANCE; AND REVOCATION WITHOUT REISSUANCE OF PERMITS.

Subpart 1. [Unchanged.]

Subp. 2. **Modification solely as to ownership or control.** Upon obtaining the consent of the permittee, the agency shall consider

a request to modify a permit as to the ownership or control of a permitted facility or activity without following the procedures in parts 7001.0100 to 7001.0130 if the agency finds that no other change in the permit is necessary. If the permit is a permit described in part 7001.0020, item A ~~or~~ B, ~~or~~ ~~E~~, the agency shall also find that the agency has received a binding written agreement between the permittee and the proposed transferee containing a specific date for transfer of permit responsibilities and allocation of liabilities between the permittee and the proposed transferee. Within 60 days of receipt of a complete written application for modification as to ownership and control, the director shall place the matter on the agenda for consideration by the agency. The agency shall not unreasonably withhold or unreasonably delay approval of the proposed permit modification.

Subp. 3. **Minor modification.** Upon obtaining the consent of the permittee, the director may modify a permit to make the following corrections or allowances without following the procedures in parts 7001.0100 to 7001.0130:

A. and B. [Unchanged.]

C. to change a provision in the permit that will not result in allowing an actual or potential increase in the emission or discharge of a pollutant into the environment, or that will not result in a reduction of the agency's ability to monitor the permittee's compliance with applicable statutes and rules; and

D. if applicable, to make a change as provided in parts 7001.0730, subpart 3 and 7001.1350; and

~~E. if applicable, to make a change as provided in part 7001.4130, subpart 2.~~

Subp. 4. [Unchanged.]

Rules as Proposed (all new material)

9220.0200 SCOPE.

This chapter applies to owners and operators of facilities that store, transport, or process waste tires. This chapter governs the requirement for waste tire facility permits and establishes standards and requirements for the operation of waste tire facilities.

9220.0210 DEFINITIONS.

Subpart 1. **Scope.** The terms defined in this part apply to this chapter.

Subp. 2. **Agricultural purposes.** "Agricultural purposes" means the use of waste tires as bumpers on agricultural equipment or as a ballast to maintain covers or structures on the agricultural site.

Subp. 3. **Board.** "Board" means the Minnesota Waste Management Board.

Subp. 4. **Chair.** "Chair" means the chair of the Minnesota Waste Management Board.

Subp. 5. **Closure.** "Closure" means the removal of all stockpiles of waste tires and other materials from the waste tire facility in compliance with procedures established by statute, rule, order, or permit.

Subp. 6. **Closure plan.** "Closure plan" means the plan for closure required in part 9220.0490, subpart 3, and the applicable requirements of parts 9220.0490 and 9220.0500.

Subp. 7. **Current closure cost estimate.** "Current closure cost estimate" means the most recent of the estimates prepared under part 9220.0570.

Subp. 8. **Existing waste tire facility.** "Existing waste tire facility" means a facility that is receiving waste tires on the effective date of this chapter.

Subp. 9. **Floodway.** "Floodway" has the meaning given in Minnesota Statutes, section 104.02, subdivision 4.

Subp. 10. **Operator.** "Operator" means the person responsible for the overall operation of the waste tire facility. An operator is a tire collector or tire processor as defined in Minnesota Statutes, section 115A.90, subdivisions 8 and 10.

Subp. 11. **Owner.** "Owner" means a person who owns, in whole or in part, a waste tire facility, the waste tires located at a facility, or the land on which the facility is located.

Subp. 12. **Permit.** "Permit" means an authorization from the board to operate or construct a waste tire facility.

Subp. 13. **Person.** "Person" has the meaning given in Minnesota Statutes, section 115A.90, subdivision 5.

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

Subp. 14. **Processing.** "Processing" has the meaning given in Minnesota Statutes, section 115A.90, subdivision 6.

Subp. 15. **Ravine.** "Ravine" means a deep, narrow cleft or gorge in the earth's surface. A ravine cannot be smoothed out by ordinary tillage.

Subp. 16. **Residuals from processing.** "Residuals from processing" means the unusable materials resulting from chemical or physical processing of waste tires.

Subp. 17. **Shoreland.** "Shoreland" means land located within 1,000 feet from the normal high water mark of a lake, pond, or flowage, or land within 300 feet of a river or stream, or a floodplain as established by ordinance.

Subp. 18. **Sinkhole.** "Sinkhole" means a closed depression formed by subsidence of the underlying bedrock.

Subp. 19. **Tire.** "Tire" has the meaning given in Minnesota Statutes, section 115A.90, subdivision 7.

Subp. 20. **Tire collector.** "Tire collector" has the meaning given in Minnesota Statutes, section 115A.90, subdivision 8.

Subp. 21. **Tire-derived products.** "Tire-derived products" means the usable materials produced from the chemical or physical processing of a waste tire.

Subp. 22. **Tire dump.** "Tire dump" has the meaning given in Minnesota Statutes, section 115A.90, subdivision 9.

Subp. 23. **Tire processor.** "Tire processor" has the meaning given in Minnesota Statutes, section 115A.90, subdivision 10.

Subp. 24. **Transporter.** "Transporter" means a person who removes waste tires from a source of generation, a tire dump, or a waste tire facility.

Subp. 25. **Waste tire.** "Waste tire" has the meaning given in Minnesota Statutes, section 115A.90, subdivision 11.

Subp. 26. **Waste tire facility or facility.** "Waste tire facility" or "facility" means an area where more than 50 waste tires or an equivalent amount of tire-derived products are collected, deposited, stored, or processed. The incidental storage of tire-derived products at the site of final use does not make the site a waste tire facility.

Subp. 27. **Waste tire processing facility.** "Waste tire processing facility" means an area where waste tires or tire-derived products are processed. A waste tire processing facility must meet the qualifications in part 9220.0470.

Subp. 28. **Waste tire storage facility.** "Waste tire storage facility" means an area where waste tires, or tire-derived products, are collected, deposited, or stored. A waste tire storage facility is a facility that does not meet the qualifications for regulation as a waste tire transfer facility or a waste tire processing facility.

Subp. 29. **Waste tire transfer facility.** "Waste tire transfer facility" means an area where waste tires are concentrated for transport to waste tire processing facilities. A waste tire transfer facility must meet the qualifications in part 9220.0460.

Subp. 30. **Wetland.** "Wetland" means an area that is covered by standing water during any portion of a year. Wetland includes but is not limited to wetlands as defined in Classification of Wetlands and Deep Water Habitats of the United States, 1979. This publication is available at the Minnesota State Law Library, Ford Building, 117 University Avenue, Saint Paul, Minnesota 55155. This publication is incorporated into this definition by reference and is not subject to frequent change.

9220.0220 LAND DISPOSAL PROHIBITED.

Disposal of waste tires and tire-derived products in the land is prohibited.

9220.0230 PERMIT REQUIRED.

Subpart 1. **Permit required.** Except as provided in subpart 2, no person may do any of the following without obtaining a waste tire facility permit from the board:

- A. store, process, or dispose of waste tires or tire-derived products; or
- B. establish, construct, modify, own, or operate a waste tire facility.

Subp. 2. **Exclusions.** The following persons are not required to obtain a waste tire facility permit:

- A. a retail tire seller for the retail selling site if no more than 500 waste tires are kept on the business premises;
- B. an owner or operator of a tire retreading business for the business site if no more than 3,000 waste tires are kept on the business premises;
- C. an owner or operator of a business who, in the ordinary course of business, removes tires from motor vehicles if no more than 500 waste tires are kept on the business premises;
- D. a permitted landfill operator with less than 10,000 waste tires stored above ground at the permitted site;
- E. a person using waste tires for agricultural purposes if the waste tires are kept on the site of use; or

F a person conducting abatement activities under an abatement order or stipulation agreement entered into under part 7035.8020. This exemption does not exempt the person from the duty to obtain a waste tire facility permit for activities other than the abatement action.

Subp. 3. **Closure of facilities.** The owner or operator of a waste tire facility who does not seek a waste tire facility permit or who does not qualify for permit by rule status shall within 90 days after the effective date of this chapter close the facility in compliance with part 9220.0500.

9220.0240 PERMIT BY RULE.

Subpart 1. **Facilities eligible.** The owners and operators of the following waste tire facilities are considered to have obtained a waste tire facility permit without submitting the application described in part 9220.0270 if the chair has received the notification described in subpart 3:

A. a waste tire facility used for the storage of no more than 500 waste tires at any one time if the owner or operator, at least once a year, removes all the waste tires, and the facility is in compliance with the location requirements of part 9220.0450, subpart 2; and

B. a waste tire facility used for processing not more than 500 waste tires during any 30 days if the facility is in compliance with the location requirements of part 9220.0450, subpart 2.

Subp. 2. **Eligibility for owners and operators of mobile equipment.** The owners or operators of mobile shredding or baling equipment are considered to have obtained a waste tire facility permit if they submit the notice required under subpart 3 and if they comply with the following conditions:

A. the shredding or baling equipment is located at the tire dump or waste tire facility for less than 90 days; and

B. all bales or tire shreds and residuals are removed from the site 30 days after the completion of the shredding or baling operation.

Subp. 3. **Written notification.** To obtain permit by rule status, the owners and operators of a qualifying waste tire facility or mobile shredding or baling equipment shall submit the following information to the chair. For an existing facility, the notification must be submitted within 90 days of the effective date of part 9220.0200. For a new facility and for each new shredding or baling site, the notification must be submitted 15 days before the operation begins. The notification must contain:

A. the name, address, and telephone number of the owner and operator of the facility or equipment, and the name, address, and telephone number of the facility;

B. a description of the general operation of the facility or equipment, including quantities of waste tires accumulated or processed per month;

C. a description of arrangements made to acquire fire protection services for the facility;

D. the township, range, and section numbers of the facility; and

E. a description of how the waste tires, tire-derived products, and residuals from processing will be disposed.

Subp. 4. **Termination of eligibility for permit by rule.** The board shall terminate the eligibility of owners and operators of a facility for permit by rule status after notice and opportunity for a contested case hearing if the board finds that the facility does not qualify for permit by rule status or that the facility should be permitted to protect human health or the environment. When eligibility to be permitted under this part has been terminated, the owner and operator of the facility must apply within 60 days for a waste tire facility permit or close the facility in compliance with part 9220.0490 and the applicable requirements of part 9220.0500.

9220.0250 DESIGNATION OF PERMITTEE.

The board shall designate all owners and operators of the waste tire facility as co-permittees when issuing a waste tire facility permit.

9220.0260 WASTE TIRE FACILITY PERMIT APPLICATION PROCEDURES.

Subpart 1. **Form.** The application for a waste tire facility permit consists of a general application that includes the appropriate supporting documents, map, and additional application information specific to the facility that is the subject of the application. The content requirements of the general permit application are set forth in part 9220.0270. The additional application information

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 specific to the facility type are set forth in parts 9220.0280 to 9220.0310, and must be submitted with the permit application.

Subp. 2. **Submittal.** Applicants for a waste tire facility shall submit a completed permit application to the chair, and shall retain a copy for their records.

Subp. 3. **Time of submittal.** A person shall submit a permit application in accordance with items A and B.

A. For a waste tire processing or storage facility, a person shall submit a permit application at least 180 days before the planned date of facility construction for a new facility or for an existing facility no later than 90 days after the effective date of this chapter.

B. For a waste tire transfer facility, a person shall submit a permit application at least 90 days before the planned date of facility construction for a new facility or for an existing facility no later than 90 days after the effective date of this chapter.

Subp. 4. **Renewal of existing permit.** A written application for renewal of an existing permit must be submitted 90 days before the expiration date of the existing permit.

9220.0270 WRITTEN APPLICATION.

Subpart 1. **Scope.** A person who requests the issuance or renewal of a permit shall complete, sign, and submit to the chair a written application in a form prescribed by the chair. The application must contain the information in subparts 2 to 10. If a provision does not apply to the particular facility, the applicant shall explain why the provision does not apply.

Subp. 2. **General facility information.** The application must include the following:

A. the name, address, and telephone number of all owners and operators of the facility for which the application is submitted and identification of each applicant as an individual, business, partnership, public entity, or other entity;

B. the name, address, and telephone number of the person who prepared the application; and

C. an indication of whether the facility to be permitted is new or existing.

Subp. 3. **Description of facility operation.** The application must include a description of the following:

A. the type of facility operation, the manner in which waste tires will be collected at the facility, and how those waste tires will be stored, processed, or used;

B. the quantity and type of waste tires stored at the facility currently and the maximum quantity and type of waste tires to be stored at the facility at any time;

C. the facility's ability to meet the technical standards that apply to waste tire storage of part 9220.0450, subpart 3, items D to G;

D. the present use of the land at the site of the facility and of the land within a one-quarter mile radius of the facility, identifying the landowners and their addresses, and zoning designation;

E. weight and use restrictions on the access roads that lead to the site;

F. the location of the facility and whether that location complies with the restrictions established in part 9220.0450, subpart 2;

G. the types, sizes, conditions, and availability of equipment needed for operation and emergency response at the facility, and the functions of each piece of equipment described;

H. the security procedures and the location of fences, gates, and other access control measures;

I. the relationship of the facility to the applicable county solid waste management plan, and the area to be served by the facility; and

J. the expected operating life of the facility and how this number was calculated.

Subp. 4. **Map required.** The application must include a topographic or section map using a scale of no less than one inch equals 200 feet. This map must show the waste tire facility and surrounding area for one quarter mile in detail. At a minimum, the map must show the following:

A. the map scale and directions;

B. wetlands, floodways, shorelands, and surface waters, including intermittent streams;

C. legal boundaries and land ownership, including county, township, and municipal boundaries; township, range, and section numbers; and easements and rights-of-way;

D. the locations of wells, both operating and abandoned;

- E. occupied dwellings;
- F. the facility design and the location of all waste tire storage areas and fire lanes;
- G. all structures and buildings that are or will be constructed at the facility, including those used in collection, storage, or processing operations;
- H. loading and unloading areas;
- I. access and internal roads;
- J. run-off control measures, ditches, and dikes; and
- K. the location of the area used for collection, storage, or processing of waste tires, tire-derived products, and residuals from processing; and the total land area in square feet used for storage of waste tires, tire-derived products, and residuals from processing.

Subp. 5. **Closure plan.** The application must include a plan for closing the facility in compliance with part 9220.0500.

Subp. 6. **Closure cost estimate.** The application must include a closure cost estimate prepared following the procedures in part 9220.0570.

Subp. 7. **Copy of financial assurance mechanism.** The application must include a copy of the financial assurance mechanism required by part 9220.0560.

Subp. 8. **Other information.** The applicant shall submit other information relevant to the application as requested by the chair or as required by parts 9220.0280 to 9220.0310.

9220.0280 ADDITIONAL APPLICATION INFORMATION REQUIRED FOR WASTE TIRE TRANSFER FACILITIES.

The application for a waste tire transfer facility must include the following information in addition to the information required by part 9220.0270:

- A. a description of the types of vehicles that the facility will service;
- B. information on how the accumulation of waste tires at the transfer facility will be controlled so that no more than 10,000 passenger tires or the equivalent weight of other waste tires will be present at the transfer facility at any time; and
- C. information on the type, size, and capacity of storage that will be present at the facility, designating drop boxes, containers, trailers, or stockpiles.

9220.0290 ADDITIONAL APPLICATION INFORMATION REQUIRED FOR WASTE TIRE PROCESSING FACILITIES.

The application for a waste tire processing facility must include the following information in addition to the information required by part 9220.0270;

- A. the maximum quantity and type of tire-derived products and residuals from processing to be stored on the site at any time, specifying the quantity and type of tire-derived products and residuals from processing stored on the site currently and how they are being stored;
- B. a description of the processes and procedures used at the facility for processing waste tires;
- C. the processing capacity of the facility, and the number of tons of waste tires currently being processed;
- D. a description of how the facility will comply with the 75 percent annual processing requirement of part 9220.0470, subpart 2;
- E. a description of how residuals from processing will be disposed of;
- F. the existing and proposed markets for the facility's tire-derived products; and
- G. a copy of the emergency preparedness manual required by part 9220.0470, subpart 4.

9220.0300 ADDITIONAL APPLICATION INFORMATION REQUIRED FOR WASTE TIRE STORAGE FACILITIES.

The application for a waste tire storage facility must include the following information in addition to the information required by part 9220.0270:

- A. the procedures that will be used at the facility to minimize or prevent mosquito and rodent breeding in the waste tire stockpiles;

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

B. a copy of the emergency preparedness manual required by part 9220.0270, subpart 4; and

C. information on how the accumulation of waste tires at the waste tire storage facility will be controlled so that no more than 500,000 passenger tires or the equivalent weight of other waste tires are ever stored at the facility.

9220.0310 SIGNATURES.

A permit application must be signed by all owners and operators. If an owner or operator is a corporation, the president or executive officer of the corporation shall sign. If an owner or operator is a partnership, two partners shall sign. If an owner or operator is a governmental unit, a certification of the signer's authority must be included.

9220.0320 PROVISIONAL STATUS.

Subpart 1. **Scope.** When the owner of a waste tire facility submits a permit application, the facility is considered provisionally permitted. Provisionally permitted facilities must conform to the requirements and standards described in part 9220.0450, except that the annual report required by part 9220.0450, subpart 4, is not required while the waste tire facility has provisional status.

Subp. 2. **Termination of provisional status by permitting, closure, or denial of permit.** Provisional status terminates when a permit is issued, when the chair verifies that closure is complete, or when the board denies a permit.

9220.0330 REVIEW OF PERMIT APPLICATIONS.

The chair shall review all permit applications for completeness. If the chair finds that the application is incomplete or otherwise deficient, the chair shall promptly advise the applicant in writing and suspend further processing of the portion of the application affected by the deficiency until the applicant has supplied the necessary information or otherwise corrected the deficiency.

9220.0340 PUBLIC NOTICE.

Subpart 1. **Scope.** Before the board acts to issue, renew, modify, revoke, or deny a permit, the chair shall seek public comment on the action, unless specifically exempted from this requirement under part 9220.0410.

Subp. 2. **Public notice contents.** The chair shall prepare and issue a public notice of an intended board action. The public notice must include, at a minimum:

A. the address and telephone number of the board office and a statement that additional information may be obtained at this office;

B. the names and addresses of all applicants or permittees, and of the facility that is the subject of the action;

C. a concise description of the facility that is the subject of the action;

D. a statement of the action the chair intends to request the board to take;

E. for action involving the issuance or renewal of permits, the duration of the permit that the chair intends to request the board to issue or renew;

F. a brief description of the procedures and standards for public comments, and the dates on which the public comment period begins and ends; and

G. a brief description of the procedures the board will follow in reaching a decision on the chair's intended action, and the procedures to be followed for requesting a public information meeting or contested case hearing.

Subp. 3. **Duration of notice period.** Unless extended by the chair, the public notice period is 30 days.

Subp. 4. **Distribution of public notice.** The chair shall distribute the public notice in the following manner:

A. A copy of the public notice must be available at the board office.

B. A copy must be mailed to the applicant.

C. Copies must be circulated in the geographic area within a 45-mile radius of the planned or existing facility. The chair shall circulate the public notice in one or more of the following ways:

(1) by posting the notice in the post office, public library, or other buildings used by the general public;

(2) by posting the notice at or near the entrance of the applicant's premises, if located near the facility that is the subject of the permit application; or

(3) by publishing the notice in one or more newspapers or periodicals of general circulation in the designated geographical area.

9220.0350 PUBLIC COMMENTS.

Subpart 1. **Written comments.** During the public comment period established in the public notice, any interested person may

submit written comments on the action before the board. To be considered by the board in taking the action, comments must be in writing and must include the following:

- A. a statement of the person's interest in the action;
- B. a statement of the action the person wishes the board to take; and
- C. the reasons why the person wants the board to take the action.

Subp. 2. **Public information meeting or contested case hearing request.** During the public comment period and at the board meeting where the action is proposed to be taken, a person may request a public informational meeting or contested case hearing.

Subp. 3. **Extension of comment period.** The public comment period may be extended if the chair finds an extension of time is necessary to facilitate additional public comment. Notice of the extension of the comment period must be given in the same manner as the original notice.

9220.0360 PUBLIC INFORMATION MEETING.

Subpart 1. **Determination of need.** If the chair or the board determines that a public information meeting would help clarify and resolve issues regarding action on a permit, the chair shall hold a public information meeting.

Subp. 2. **Location.** The public information meeting must be held in the geographical area of the facility that is the subject of the action or at a place selected by the chair that is generally convenient to persons expected to attend the meeting.

Subp. 3. **Content of notice.** The chair shall publish a notice of the public information meeting. The notice must contain a reference to the action and the date, time, and location of the public information meeting and the issues to be discussed.

Subp. 4. **Distribution of notice.** The chair shall publish the notice in a newspaper of general circulation in the geographical area of the facility or activity that is the subject of the action, and shall mail a copy of the notice to the affected persons, the appropriate city and county officials, and all other persons who have indicated an interest in the permit application.

9220.0370 CONTESTED CASE HEARING.

Subpart 1. **Hearing required.** The board shall hold a contested case hearing if it finds all of the following:

- A. that a person requesting the contested case hearing has raised a material issue of fact or of the application of facts to law related to the chair's proposed action;
- B. that the board has jurisdiction to make determinations on the issues of fact or of the application of facts to law raised by the persons requesting the contested case hearing;
- C. that the record before the board is not adequate to allow the board to resolve a material issue of fact or of the application of fact to law raised by the person requesting the hearing, and that a contested case hearing would result in the creation of a record that would allow the board to resolve the issues raised; and
- D. that the person requesting the contested case hearing would be affected by the board's action.

Subp. 2. **Hearing notice and order.** If the board decides to hold a contested case hearing, the chair shall prepare a notice of and order for hearing. The notice of and order for hearing must contain:

- A. the information required by part 1400.5600 to the Office of Administrative Hearings;
- B. a reference to the public notice of the board action and the date of issuance of the public notice;
- C. identification of the affected parties and a concise description of the issues that have been raised by any party; and
- D. the address of the board office where interested persons may inspect or obtain copies of the public notice of the board action, and other information relevant to the board action.

9220.0380 FINAL DETERMINATION.

Subpart 1. **Board action.** The board shall issue, renew, or modify a permit if it determines that the proposed permittees will comply with all permit conditions and applicable state or federal statutes and rules, or will undertake a schedule of compliance that will result in the facility being operated in compliance with state or federal statutes and rules.

Subp. 2. **Denial of permit.** The board shall refuse to issue a new permit or to modify or renew an existing permit if it finds:

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

A. that the proposed facility or permittee will not comply with all applicable state and federal statutes and rules or conditions of the permit;

B. that there exists at the facility unresolved noncompliance with applicable state or federal statutes and rules or conditions of the permit and that the permittee will not undertake a schedule of compliance to resolve the noncompliance;

C. that the permittee has failed to disclose fully all facts relevant to the facility to be permitted, or that the permittee has submitted false or misleading information to the board or to the chair;

D. that the permitted facility endangers human health or the environment and that the danger cannot be removed by a modification of the conditions of the permit; or

E. that applicable requirements of Minnesota Statutes, chapter 116D, and the rules adopted under Minnesota Statutes, chapter 116D, have not been fulfilled.

9220.0390 TERMS AND CONDITIONS OF PERMITS.

Subpart 1. **Term of permit.** A waste tire facility permit must be issued for up to five years.

Subp. 2. **Special conditions.** Each permit must require the facility to be operated consistent with the application for the facility permit, conditions placed by the board on permit approval, and all applicable state and federal statutes and rules. If the facility receiving the permit is not in compliance with any applicable state or federal statute or rule at the time of issuance, the permit must require the permittees to achieve compliance with the statute or rule within a reasonable period of time.

Subp. 3. **General conditions.** Unless specifically exempted by statute or rule, each permit must include the following general conditions, and the board shall incorporate these conditions into all permits either expressly or by specific reference to this part:

A. The board's issuance of a permit does not release the permittee from any liability, penalty, or duty imposed by Minnesota or federal statutes or rules or local ordinances, except the obligation to obtain the permit.

B. The board's issuance of a permit does not prevent the future adoption by the board of rules or orders more stringent than those in existence at the time the permit is issued and does not prevent the enforcement of these rules or orders against the permittee.

C. The permit does not convey a property right or an exclusive privilege.

D. The permittee may not knowingly make a false or misleading statement, representation or certification in a record, report, plan, or other document required to be submitted to the board or to the chair by the permit. The permittee shall immediately upon discovery report to the chair an error or omission in these records, reports, plans, or other documents.

E. Upon presentation of proper credentials, the board or an authorized employee or agent of the board, shall be allowed by the permittee to enter the permitted facility at reasonable times to examine and copy books, papers, records, or memoranda pertaining to the facility, and to conduct surveys and investigations pertaining to the facility.

F. If the permittee discovers, through any means, including notification by the board, that noncompliance with a condition of the permit has occurred, the permittee shall take all reasonable steps to minimize the adverse impacts on human health, welfare, or the environment.

G. If the permittee discovers that noncompliance with a condition of the permit has occurred that could endanger human health, welfare, or the environment, the permittee shall immediately notify the chair.

H. The permit is not transferable to any person except as provided in part 9220.0410, subpart 2.

I. The permit authorizes the permittee to perform the activities described in the permit under the conditions of the permit. In issuing the permit, the state and board assume no responsibility for damage to person, property, or the environment caused by the activities of the permittee in the conduct of its actions, including those authorized, directed, or undertaken under the permit. To the extent the state and board may be liable for the activities of its employees, that liability is explicitly limited to that provided in the Tort Claims Act, Minnesota Statutes, section 3.736.

9220.0400 CONTINUATION OF EXPIRED PERMIT.

A person who holds an expired permit and who submits a timely and complete application for renewal may continue to conduct the permitted activity until the board takes final action on the application if the chair determines that both of the following are true:

A. the permittee is in compliance with the terms and conditions of the expired permit; and

B. the chair, through no fault of the permittee, has not taken final action on the application on or before the expiration date of the permit.

9220.0410 MODIFICATION OR TRANSFER OF PERMIT.

Subpart 1. **Modification.** The chair shall modify a permit if the modification is needed to reflect changed state or federal statutes or rules applicable to the facility, to incorporate changes in a facility closure plan or emergency response manual, or to make other

modifications consented to by the permittees. The procedures for giving public notice established in part 9220.0340 do not apply to permits modified by the chair under this subpart if the chair finds that the modification would not result in a significant change in facility operation. For all other modifications, the chair shall follow the public notice procedures of part 9220.0340, and the board shall determine whether the permit should be modified.

Subp. 2. Change in facility ownership or operation.

The following conditions apply to the change in facility ownership or operation.

A. Before any change in facility ownership or operation, a written request for transfer of the permit must be submitted to and approved by the board. The request for transfer must indicate the reason the permit transfer is being requested, must be signed by all existing permittees and all persons seeking to become permittees, and must contain all information required in part 9220.0270, subpart 2.

B. If the chair finds that the proposed transfer of the permit would not affect present or future compliance with the permit, the chair shall give the public notice of the chair's intent to transfer the permit following the procedures in parts 9220.0340 to 9220.0370.

C. The board shall approve the transfer of the permit if it determines that the new permittee or permittees will comply with all permit conditions and all applicable laws and rules. After approval, permit transfer occurs when the change in facility ownership or operation becomes effective. In the event that the expected change in facility ownership or operation does not occur, the owners and operators remain fully responsible under the terms of the permit.

9220.0420 REVOCATION OF PERMIT.

Subpart 1. Justification for revocation. The following constitute justification for the chair to begin proceedings to revoke a permit:

A. existence at the facility of unresolved noncompliance with the permit or applicable state and federal statutes and rules, and the permittee is unwilling or unable to resolve the noncompliance;

B. the operation of the facility has terminated; or

C. the chair finds that the facility endangers human health or the environment and that the danger cannot be removed by a modification of the permit.

Subp. 2. Procedure for revocation. The chair shall give notice of the chair's intent to revoke a permit by following the procedures in part 9220.0340. This notice must state that the permittee may request that a contested case hearing be held on the proposed action. If the board grants a contested case hearing, the board shall hold the hearing in accordance with the rules of the Office of Administrative Hearings, parts 1400.5100 to 1400.8500.

9220.0430 INTERACTION OF PERMIT AND ABATEMENT RULES.

If a tire collector wishes to obtain a board permit for a site that is the subject of an abatement action, the tire collector shall notify the chair of this intent within 90 days of the effective date of part 9220.0200 or at the time the abatement plan is submitted and agree to develop a plan for bringing the site into compliance with the technical rules for waste tire transfer, processing, or storage facilities. Notification and agreement under this part does not exempt the owner or operator of a facility that is the subject of an abatement action from the duty to obtain a permit by following the procedures in parts 9220.0260 to 9220.0310 for activities other than the abatement action.

WASTE TIRE FACILITY STANDARDS

9220.0440 RULE CONFLICTS.

Nothing in parts 9220.0440 to 9220.0680 relieves any person from obligations or duties imposed by other laws, statutes, rules, standards, or ordinances of the federal, state, or local governments or any agency thereof now in effect or that become effective in the future. In the event parts 9220.0440 to 9220.0680 conflict with any of those laws, statutes, rules, standards, or ordinances, the more stringent provisions apply.

9220.0450 GENERAL STANDARDS FOR PERMITTED FACILITIES.

Subpart 1. Scope. All permitted waste tire facilities must comply with the technical and operational standards in this part. In

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

addition, each permitted facility must comply with requirements specific to the operation conducted at the facility and any special conditions as specified in parts 9220.0460 to 9220.0480 established in a permit.

Subp. 2. **Location of facility.** A waste tire facility must not be constructed or operated in a wetland, sinkhole, shoreland, ravine, floodway, or any area where it may be subjected to immersion in water.

Subp. 3. **Operation.** A waste tire facility must be operated in compliance with the following standards:

A. No operations involving the use of open flames, blow torches, or highly flammable substances must be conducted within 50 feet of a waste tire pile.

B. An approach and access road to the waste tire facility must be maintained passable for any vehicle at all times. Access to the facility must be strictly controlled through the use of fences, gates, or other means of controlling access.

C. An attendant shall be present at all times the waste tire facility is open for business.

D. A waste tire storage area must be designated. Only waste tires and tire-derived products may be stored in the designated waste tire storage area. This area must be maintained free of vegetation.

E. Waste tires stored indoors must be stored under conditions that meet or exceed those in the current edition of The Standard for Storage of Rubber Tires, National Fire Protection Association (NFPA) 231D, written by the NFPA Committee on Standards for Rubber Tires, published by the NFPA Standards Council. This publication is available at the Minnesota State Law Library, Ford Building, 117 University Avenue, Saint Paul, Minnesota; the Office of Public Safety, Fire Marshal Division; or any local fire department. This publication is incorporated by reference and is not subject to frequent change.

F. No waste tire pile must have an area greater than 10,000 square feet or a vertical height greater than 20 feet.

G. A 50-foot fire lane must be placed around the perimeter of each waste tire pile. Access to the fire lane for emergency vehicles must be unobstructed at all times. The fire lane must be maintained free of rubbish and vegetation at all times.

H. All tire piles must be maintained free of mosquitoes and rodents.

I. Surface water drainage must be diverted around and away from the waste tire storage area.

Subp. 4. **Annual report.** A permittee of a waste tire facility shall submit a report containing the following information to the chair annually, on March 1 of each year:

A. the facility name, address, and permit number;

B. the year covered by the report;

C. the total quantity and type of waste tires or weight of tire-derived products received at the facility during the year covered by the report;

D. the total quantity and type of waste tires or weight of tire-derived products shipped from the facility during the year covered by the report;

E. the total quantity and type of waste tires and weight of tire-derived products located at the facility on the date of reporting;

F. for all waste tires and tire-derived products shipped from the facility, the name and waste tire transporter identification number of the transporter who accepted the waste tires or tire-derived products for transport, and the quantity of waste tires or volume of tire-derived products shipped with that transporter; and if the waste tires were shipped with a person who is not a waste tire transporter, the number of tires shipped, the person's name and telephone number, and the place where the tires were deposited;

G. for all waste tires and tire-derived products received at the facility, the name and waste tire transporter identification number of the transporter who delivered the waste tires or tire-derived products to the facility, and the quantity of waste tires or volume of tire-derived products received from that transporter; and if the waste tires were delivered by a person who is not a waste tire transporter, the number of tires delivered and the person's name and telephone number;

H. for all waste tires removed for recapping, the quantity and type removed, and the name and location of the recapping facility receiving the tires; and

I. the most recent closure cost estimate prepared using the criteria in part 9220.0570.

9220.0460 WASTE TIRE TRANSFER FACILITY STORAGE LIMITATION.

Waste tires stored at the waste tire transfer facility must be limited to 10,000 passenger car tires or the equivalent weight of other waste tires. In addition, all waste tires received at the facility must be transported to a permitted waste tire processing facility at least twice annually or unless otherwise provided in the facility's permit.

9220.0470 ADDITIONAL STANDARDS FOR WASTE TIRE PROCESSING FACILITIES.

Subpart 1. **Scope.** This part sets out the additional standards that apply to the operation of a permitted waste tire processing

facility in addition to the general standards in part 9220.0450. To qualify for regulation as a waste tire processing facility, the standards in part 9220.0450 must be met.

Subp. 2. Storage limitation. A waste tire processing facility must not store more than 70,000 passenger car tires or the equivalent weight of other tires or tire-derived products at any time. Waste tires stored must be limited to one pile of waste tires and one pile of tire-derived product meeting the limits in part 9220.0450, subpart 3, item F, of the general facility standards. In addition, at least 75 percent of the waste tires and tire-derived products that are delivered to or are contained on the site of the waste tire processing facility at the beginning of each year must be processed and removed from the facility during the year.

Subp. 3. Emergency equipment. Equipment for communications and the control of fires must be provided and maintained at the waste tire processing facility at all times.

Subp. 4. Emergency preparedness manual. The operator of the waste tire processing facility shall maintain an emergency preparedness manual at the facility. This manual must be submitted to the chair with the permit application. Once approved, the manual becomes part of the permit. This manual must be updated if a change in the operations of the waste tire processing facility occurs, or if the chair requests an update. This emergency preparedness manual must, at a minimum, contain:

A. a list of names and telephone numbers of persons to be contacted in the event of a fire, flood, or other emergency involving the waste tire processing facility;

B. a list of the emergency response equipment present at the waste tire processing facility or available for use at the facility, the location of the equipment, and how it should be used in the event of a fire or other emergency;

C. the procedures to be followed by facility personnel from discovery of an emergency until the situation is corrected, including the measures that will be taken to minimize the occurrence, recurrence, or spread of fires, explosions, and releases;

D. the locations of known water supplies, fire hydrants, dry-chemical extinguishers, or other materials that may be used for firefighting purposes; and

E. additional relevant information.

No emergency preparedness manual shall be approved unless the permittee demonstrates that arrangements to acquire police and fire protection services for the waste tire processing facility have been made.

Subp. 5. Emergency procedures. The operator of the waste tire processing facility shall implement the emergency procedures of subpart 4, item C, in the event of a fire or other emergency.

Subp. 6. Emergency notification and reports. The operator of the waste tire processing facility shall immediately notify the chair in the event of a fire or other emergency with potential off-site impacts. Within one week of correcting an emergency situation at the waste tire processing facility, the permittee of the facility shall submit to the chair a report on the emergency. This report must set out the type of emergency, the date and time of the emergency, the origins of the emergency, the actions that were taken to respond to the emergency, the results of the actions that were taken, and an analysis of the success or failure of the actions.

9220.0480 ADDITIONAL STANDARDS FOR WASTE TIRE STORAGE FACILITIES.

Subpart 1. Scope. This part sets out the standards that apply to the operation of a permitted waste tire storage facility in addition to the general standards in part 9220.0450. A waste tire facility that cannot qualify for regulation as a waste tire transfer facility or as a waste tire processing facility must comply with the standards in this part.

Subp. 2. Emergency preparedness standards. Waste tire storage facilities must comply with the emergency preparedness standards for waste tire processing facilities in part 9220.0470, subparts 3 to 6.

Subp. 3. Storage limitation. No waste tire storage facility shall store more than 500,000 passenger car tires or the equivalent weight of other waste tires or tire-derived products at any time.

Subp. 4. Additional information. In addition to the information required to be submitted in the annual report required under the general facility standards of part 9220.0450, subpart 4, the operator of the waste tire storage facility shall submit information on the procedures used at the facility to minimize or prevent mosquito breeding and rodent infestation, including the dates when mosquito or rodent control operations were conducted.

Subp. 5. Removal of soil contaminated with pyrolytic oil. If pyrolytic oil is released at the waste tire facility, the permittee shall remove contaminated soil in accordance with any applicable rules governing the removal, transportation, and disposal of the material.

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

9220.0490 CLOSURE.

Subpart 1. **Closure required.** The owner or operator of a waste tire facility shall cease to accept waste tires and immediately close the facility in compliance with any special closure conditions established in the permit, this part, and part 9220.0500, if:

- A. the owner or operator declares the facility closed;
- B. the owner or operator fails to maintain adequate financial assurance;
- C. the board permit for a facility expires and renewal of the permit is not applied for, or is applied for and denied;
- D. the board permit for the facility is revoked;
- E. a board order to cease operations is issued;
- F. a board stipulation agreement specifies closure is to begin; or
- G. the owner or operator of a permitted facility has failed to receive and ship waste tires for a continuous six-month period.

Subp. 2. **Submittal of closure plan.** The owner or operator of a waste tire facility shall submit to the chair a closure plan with the permit application, or as required by an order or stipulation agreement. The chair shall approve the closure plan as part of the permit issuance procedure or as part of a submittal required by a stipulation agreement or order. Compliance with the approved closure plan must be made a condition of any permit, order, or stipulation agreement. No closure plan shall be approved unless the closure plan is consistent with this part and the applicable closure requirements of part 9220.0500.

Subp. 3. **Contents of closure plan.** The closure plan must include:

- A. a description of the facility's operation, including the maximum inventory of waste tires and tire-derived products that will be collected at the facility at any time during the operating life of the facility;
- B. when or under what circumstances the facility will close;
- C. how all waste tires and tire-derived products will be removed from the facility upon closure, and what end-use is planned for the waste tires and tire-derived products; and
- D. a schedule for the applicable closure procedures of part 9220.0500, including the time period for completing the closure procedures.

Subp. 4. **Amendment of the plan.** The permittee may amend the closure plan at any time during the life of the facility. Any amendments to the closure plan must be submitted to and approved by the chair before they become effective. The permittee shall amend the closure plan and submit the amended plan to the chair for approval whenever changes in the operating plan or facility design affect the closure procedures required, or whenever the expected year of closure changes.

9220.0500 CLOSURE PROCEDURES.

Subpart 1. **Time for completion of closure.** Unless otherwise approved in a waste tire facility closure plan, the owner or operator shall within 90 days complete the closure procedures of subpart 2.

Subp. 2. **Closure procedures.** If the conditions of part 9220.0490, subpart 1, exist, the owner or operator shall:

- A. close public access to the facility;
- B. post a gate notice indicating to the public that the facility is closed and indicating the nearest facility where waste tires can be deposited;
- C. notify the board, local units of government, local land use authorities, and fire and health authorities of the closing of the facility;
- D. remove all solid waste to a permitted solid waste facility;
- E. remove all waste tires to a waste tire processing facility that has a permit or provisional status;
- F. remove all tire-derived products to a market; and
- G. notify the chair when the closure activities are completed.

Subp. 3. **Acceptance of removed tires.** If a waste tire processing facility is not available to accept the waste tires removed under subpart 2, item E, the chair shall approve shipment of the waste tires to a waste tire storage or transfer facility willing and able to accept the waste tires.

Subp. 4. **Certification of closure.** After receiving certification from the owner or operator of the facility that the closure procedures have been completed in accordance with subpart 2, the chair shall inspect the facility site. If all procedures have been correctly completed, the chair shall verify that the facility has been closed in compliance with parts 9220.0440 to 9220.0500, and that all duties established by parts 9220.0440 to 9220.0500, and by the facility permit, have been discharged.

9220.0510 PETITION PROCEDURES.

Subpart 1. **Scope.** This part sets out the procedures for submitting a petition for an exemption from the 75 percent annual processing requirement in part 9220.0470, subpart 2.

Subp. 2. **Submission of the petition.** The permittee of a waste tire processing facility may petition the chair for an exemption from the 75 percent annual processing requirement by submitting a petition containing the information described in subpart 3, as soon as the permittee becomes aware that compliance with the 75 percent annual processing requirement cannot be achieved.

Subp. 3. **Information required.** The petition for an exemption from the 75 percent annual processing requirement must contain information sufficient to allow the chair to find:

A. that the 75 percent annual processing requirement will be met in the year following the year for which the exemption is obtained;

B. that an exemption from the 75 percent annual processing requirement will not cause the facility to be out of compliance with any other standard applicable to the facility; and

C. that an exemption from the 75 percent annual processing requirement will not cause the facility to become a hazard to human health, natural resources, or the environment.

Subp. 4. **Determination by the chair.** If the chair, upon evaluation of the information submitted as part of the petition, makes the findings listed under subpart 3, the chair shall grant the petition. The chair shall determine whether the petition shall be granted within 60 days of receiving a petition containing information sufficient for the chair to make the required findings. An exemption granted under this part is valid for one year. The chair shall not grant the permittee of a waste tire processing facility an exemption from the 75 percent annual processing requirement for any two consecutive years.

GENERATION AND TRANSPORTATION**9220.0520 WASTE TIRE DISPOSAL.**

Subpart 1. **Scope.** The requirements of subpart 2 apply to all persons who dispose of waste tires. The requirements of subpart 3 apply only to persons who dispose of more than 100 waste tires in a calendar year.

Subp. 2. **Waste tire disposal.** On and after 90 days from the effective date of this chapter, any person who disposes of waste tires, and who contracts or arranges with a person for their disposal, shall only contract or arrange for disposal of waste tires with a person displaying a waste tire transporter identification number, or a person exempt under part 9220.0530, subpart 3.

Subp. 3. **Record keeping.** All persons who dispose of more than 100 waste tires in a calendar year shall maintain a record of the quantity and type of waste tires sent for disposal. For shipments made under subpart 2, this record must also note the name of the person transporting the waste tires, the identification number of the waste tire transporter, if applicable, and the date of the transaction. For persons who transport their own waste tires for disposal, this record must also note the date of shipment and the name of the waste tire facility where the waste tires were delivered. When requested by the chair, the record must be made available for inspection. The record must be retained for three years from the date of the transaction.

9220.0530 WASTE TIRE TRANSPORTATION.

Subpart 1. **Scope.** This part sets out the requirements that apply to persons who are in the business of transporting waste tires.

Subp. 2. **Exempt persons.** The requirements of this part do not apply to:

A. a person transporting household quantities of waste tires incidental to municipal waste collection, and delivers those waste tires to a permitted solid waste facility, a waste tire facility with a permit or provisional status, or a waste tire facility that is exempt from the requirement to obtain a waste tire permit;

B. a person receiving waste tires incidental to the collection of recyclable materials and who delivers those waste tires to a permitted solid waste facility, a waste tire facility with a permit or provisional status, or a waste tire facility that is exempt from the requirement to obtain a waste tire facility permit;

C. a person transporting no more than ten waste tires to a permitted solid waste facility, a waste tire facility with a permit or provisional status, or a waste tire facility that is exempt from the requirement to obtain a waste tire facility permit;

D. a person transporting waste tires that will only be used for agricultural purposes;

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

E. a person transporting tire-derived products to a market; and

F. a business delivering its own waste tires to a waste tire facility that has obtained provisional status or a permit or is exempt under part 9220.0230, subpart 2, to obtain a waste tire facility permit.

Subp. 3. **Board identification number required.** Except as exempted by subpart 2, a person who transports waste tires must obtain and display a waste tire transporter identification number when transporting waste tires. The information that must be submitted to the chair to obtain a board identification number is specified in part 9220.0540.

Subp. 4. **Waste tire transportation.** A transporter who collects waste tires from a person who disposes waste tires shall deliver the waste tires to a waste tire facility with a permit or provisional status, or a waste tire facility that is exempt from the requirement to obtain a waste tire permit.

Subp. 5. **Record keeping.** Transporters shall record and maintain the following information regarding their activities for each month of operation:

- A. the type and quantity of waste tires collected;
- B. where the waste tires collected were deposited, specifying the number and type deposited at each location; and
- C. where or from whom the waste tires were collected.

Subp. 6. **Submittal of operating record.** Transporters shall submit to the chair an operating record that identifies the transporter by name and identification number, and that summarizes the information accumulated under subpart 5 for the three months preceding the month the record is to be submitted. This record must be submitted April 10, July 10, October 10, and January 10 of each year.

9220.0540 TRANSPORTER APPLICATION REQUIREMENTS.

Subpart 1. **Scope.** A person required to obtain a waste tire transporter identification number under part 9220.0530, subpart 3, shall follow the procedures established in subpart 2.

Subp. 2. **Application.** To obtain a waste tire transporter identification number and approval to transport waste tires, a transporter shall submit a written application to the chair. For a transporter currently transporting waste tires, the application must be submitted not more than 60 days after the effective date of this chapter. For a new transporter, the application must be submitted 15 days before the transporter begins transporting waste tires. The application must contain the following information:

- A. the name, address, and telephone number of the person who will be transporting waste tires; and if a company will be transporting waste tires, the name, address, and telephone number of the officers of the company, along with an identification of the number of drivers that will be transporting tires for the company;
- B. the geographical area that will be served;
- C. the type of vehicle or trailer or both vehicle and trailer that will be used, the license number, and registered vehicle owner;
- D. where the waste tires will be collected, and where delivered or deposited; and
- E. an estimate of the quantity and type of waste tires that will be collected quarterly.

WASTE TIRE FACILITY FINANCIAL ASSURANCE REQUIREMENTS

9220.0550 SCOPE.

Parts 9220.0550 to 9220.0680 apply to owners and operators of waste tire facilities, except those who are exempt from the requirement to obtain a waste tire facility permit under part 9220.0230, subpart 2, or are permitted by rule under part 9220.0240.

9220.0560 FINANCIAL ASSURANCE REQUIRED.

The owner or operator of a waste tire facility shall establish financial assurance for closure of the facility within the time periods established in part 9220.0580, by obtaining one or more of the financial assurance mechanisms approved by the chair, or by obtaining a county-held financial assurance mechanism that has been approved by the chair.

9220.0570 COST ESTIMATE FOR CLOSURE.

Subpart 1. **Average cost of closure estimate.** The chair shall calculate the average cost of closure of a waste tire facility by examining the cost of transportation of waste tires to processing facilities and the average cost of processing waste tires in the state. The chair shall express the average cost of closure through use of a per tire average cost figure.

Subp. 2. **Amount.** The amount of financial assurance to be provided by the owner or operator of a waste tire facility must be greater than or equal to the closure cost estimate derived by multiplying the chair's estimate of the per tire statewide average cost of closure by the maximum number of tires that will be maintained at the facility as stated in the permit application part 9220.0270, subpart 3, item B.

9220.0580 SCHEDULE FOR ESTABLISHING FINANCIAL ASSURANCE.

Subpart 1. **Surety bond or letter of credit.** The owner or operator of a waste tire facility shall submit evidence to the chair with the permit application that a bond or a letter of credit has been obtained.

Subp. 2. **Closure trust fund.** Waste tire facilities shall make annual payments into a closure trust fund. The first payment must be made six months after the date the waste tire facility permit is issued by the board. Subsequent payments must be made no later than 30 days after each anniversary date of the first payment. The minimum amount of each payment must be determined by the formula in part 9220.0610, subpart 5. Evidence of the establishment of a closure trust fund must be submitted with the permit application.

9220.0590 ADJUSTMENTS TO FINANCIAL ASSURANCE LEVEL.

Subpart 1. **Annual recalculation.** The chair shall recalculate annually the per tire statewide average cost of closure. If a change is made in the statewide average, the chair will notify all permittees by mail.

Subp. 2. **Change in closure cost estimate.** If the closure cost estimate for a permitted waste tire facility increases, the permittee shall adjust the level of financial assurance as specified in parts 9220.0610 to 9220.0640.

9220.0600 COUNTY-HELD FINANCIAL ASSURANCE MECHANISM.

Subpart 1. **Scope.** An owner or operator of a waste tire facility may use a county-held financial assurance mechanism to satisfy the requirements of part 9220.0540.

Subp. 2. **Action by county.** A county controlling financial assurance for a waste tire facility shall take all actions needed to gain access to the funds available through the financial assurance mechanism when the owner or operator of the waste tire facility has failed to:

- A. begin or complete closure as required by the permit or part 9220.0500;
- B. provide alternate financial assurance and obtain written approval of the financial assurance from the chair and the county within the time period required by part 9220.0580; or
- C. fund the standby trust fund within the specified time period as required by part 9220.0620.

Subp. 3. **Action by chair.** In the event that the county has failed to gain access to the funds available through the financial assurance mechanism within 30 days of the owner's or operator's failure to perform as specified in subpart 2, or if the county has failed to use any funds obtained under subpart 2 to close the facility in compliance with the closure plan or part 9220.0490, the chair shall be given access to the funds. The county shall take no action that interferes with the chair's access to the funds, and shall cooperate with the chair if necessary to allow the chair to gain access to the funds.

Subp. 4. **Notice.** In the event that the chair takes action under subpart 3, the chair shall give notice of this action to the county and all other involved parties, including the owner or operator of the waste tire facility, and any trustee, surety, or letter of credit institution. Failure by the chair to give notice does not invalidate the chair's actions under subpart 3.

9220.0610 CLOSURE TRUST FUND.

Subpart 1. **Scope.** Subparts 2 to 13 apply to closure trust funds. For trust funds held by a county under part 9220.0600, provisions in this part that refer to the chair apply to both the chair and the county.

Subp. 2. **Establishment of trust fund.** An owner or operator of a waste tire facility may satisfy the requirements of part 9220.0560 by establishing a closure trust fund that conforms to the requirements of subparts 2 to 13 and by submitting an originally-signed duplicate of the trust agreement to the chair with the permit application. The trustee shall be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

Subp. 3. **Wording of trust agreement.** The chair shall approve the form of a trust agreement instrument that contains terms adequate to ensure that financial assurance is provided. The chair shall provide a copy of the approved trust agreement instrument with the permit application forms. The owner or operator of the waste tire facility shall use the form provided by the chair when establishing a trust fund financial assurance mechanism.

Subp. 4. **Pay-in period.** The owner or operator shall make annual payments into the trust fund over the period for which the financial assurance is required, hereinafter called the pay-in period. The pay-in period must equal five years or the expected operating life of the facility, whichever is shorter.

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

Subp. 5. **Payments.** The first payment must be made and a receipt submitted to the chair six months after the date the waste tire facility permit is issued. The first payment must at least be equal to the applicable current closure cost estimate, divided by the number of years in the pay-in period. Subsequent payments must be made no later than 30 days after each anniversary date of the first payment. The minimum amount of each subsequent payment must be determined by this formula:

$$\text{next payment} = \frac{\text{CE} - \text{CV}}{Y}$$

where CE is the current closure cost estimate, CV is the current value of the trust fund, and Y is the number of years remaining in the pay-in period.

Subp. 6. **Establishment of trust fund as an alternate financial assurance mechanism.** If the owner or operator chooses to establish a closure trust fund after having used one or more alternate financial assurance mechanisms in part 9220.0550, the first payment into the trust fund must be at least the amount that the fund would contain if the trust fund were established initially and annual payments made according to specifications of this part as applicable.

Subp. 7. **Additional payments.** If, after the pay-in period is completed, the sum of the current closure cost estimate changes, the owner or operator shall within 60 days deposit an amount into the fund so that its value after this deposit at least equals the amount of the current closure cost estimate. The owner or operator shall submit a receipt from the trustee for this payment to the chair. Alternately, the owner or operator may establish other financial assurance mechanisms as specified in parts 9220.0610 to 9220.0640 to cover the difference.

Subp. 8. **Request for release of excess funds.** During the operating life of the facility, if the value of the trust fund is greater than the sum of the current closure cost estimate, the owner or operator may submit to the chair a written request for release of the amount in excess of the current closure cost estimate covered by the trust fund.

Subp. 9. **Substitution of alternate financial assurance mechanisms.** If an owner or operator substitutes other financial assurance mechanisms as specified in parts 9220.0610 to 9220.0640 in place of all or part of the trust fund, the owner or operator may submit a written request to the chair for release of the amount in excess of the current closure cost estimate covered by the trust fund.

Subp. 10. **Release of funds.** Within 60 days after receiving a request from the owner or operator for release of funds specified in subpart 8 or 9, the chair shall instruct the trustee to release to the owner or operator any funds in excess of the latest closure cost estimate covered by the trust fund.

Subp. 11. **Notification.** The trust fund instrument must require the trustee to notify the owner or operator and the chair by certified mail within ten days following the expiration of the 30-day period after the anniversary of the establishment of the trust if no payment is received from the owner or operator during the period. Within 60 days after receipt by the chair of a notice of nonpayment of any payment required by this part, the owner or operator shall:

- A. make the required payment;
- B. provide alternate financial assurance as specified in this part and obtain the chair's written approval of the assurance provided; or
- C. stop accepting waste tires and begin closure of the facility.

Subp. 12. **Reimbursement.** After beginning closure of the waste tire facility, an owner, operator, or other person authorized to perform closure may request reimbursement from the trust fund for completed closure expenditures by submitting itemized bills to the chair. Within 60 days after receiving bills for completed closure activities, the chair shall determine whether the closure activities were in accordance with the closure plan or otherwise needed to ensure proper closure, and if so, the chair shall instruct the trustee to make reimbursement in the amount the chair specifies in writing. If the chair has reason to believe that the cost of closure will be significantly greater than the value of the trust fund, the chair may withhold reimbursement until it is determined, under part 9220.0670, that the owner or operator is no longer required to maintain financial assurance for closure.

Subp. 13. **Termination of trust fund.** The chair shall agree to termination of the trust if:

- A. an owner or operator substitutes alternate financial assurance as specified in parts 9220.0610 to 9220.0670; or
- B. the chair releases the owner or operator from the requirements of this part under part 9220.0670.

9220.0620 SURETY BOND GUARANTEEING PAYMENT INTO A STANDBY TRUST FUND.

Subpart 1. **Scope.** Subparts 2 to 10 apply to surety bonds that guarantee payment into a standby trust fund. For surety bonds held by a county under part 9220.0600, provisions in this part that refer to the chair apply to both the chair and the county.

Subp. 2. **Surety bond requirements.** An owner or operator may satisfy the requirements of part 9220.0560 by obtaining a surety bond that conforms to the requirements of subparts 2 to 10 and by submitting the bond to the chair. The surety company issuing the

bond must be among those listed as acceptable sureties on federal bonds in Circular 570, issued by the United States Department of the Treasury, as published annually in the Federal Register on July 1.

Subp. 3. **Wording of surety bond.** The chair shall approve the form of a surety bond that contains terms adequate to ensure that financial assurance is provided. The chair shall provide a copy of the approved surety bond instrument with the permit application forms. The owner or operator of the waste tire facility must use the form provided by the chair when establishing a surety bond financial assurance mechanism.

Subp. 4. **Establishment of standby trust fund.** The owner or operator who uses a surety bond to satisfy the requirements of part 9220.0560 shall also establish a standby trust fund. The bond shall require the surety to deposit all payments made under the bond directly into the standby trust fund in accordance with instructions from the chair. An originally-signed duplicate of the trust agreement must be submitted to the chair with the surety bond. The standby trust fund must meet the requirements of part 9220.0580, except that compliance with the requirements in items A to D is not required until the standby trust fund is funded under this part:

- A. payments into the trust fund as specified in part 9220.0610;
- B. updating of the trust agreement to show current closure cost estimates;
- C. annual valuations as required by the trust agreement; and
- D. notices of nonpayment as required by the trust agreement.

Subp. 5. **Performance guarantee.** The bond must guarantee that the owner or operator will:

- A. pay into the standby trust fund an amount equal to the penal sum of the bond before the beginning of closure of the facility;
- B. pay into the standby trust fund an amount equal to the penal sum within 15 days after an order to close the facility is issued by the chair, the board, or court of competent jurisdiction; or
- C. provide alternate financial assurance as specified in parts 9220.0610 to 9220.0640 and obtain the chair's written approval of the assurance provided, within 90 days after receipt by the chair of a notice of cancellation of the bond from the surety.

Subp. 6. **Failure to perform.** Under the terms of the bond, the surety must become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond.

Subp. 7. **Penal sum.** The penal sum of the bond must be at least equal to the sum of the applicable current closure cost estimate.

Subp. 8. **Changes to penal sum.** Within 60 days of an increase in the sum of the current closure cost estimate to an amount greater than the penal sum, the owner or operator shall either cause the penal sum to be increased to an amount at least equal to the sum of the current closure cost estimate and submit evidence of the increase to the chair, or obtain other financial assurance as specified in parts 9220.0610 to 9220.0640 to cover the increase. Whenever the sum of the current closure cost estimate decreases, the penal sum may be reduced to the sum of the current closure cost estimate following written approval by the chair.

Subp. 9. **Notification.** The bond must provide that the surety may cancel the bond only by sending notice of cancellation by certified mail to the owner or operator and the chair. The bond must also provide that cancellation is not effective until 120 days after the chair has received the notice of cancellation, as evidenced by the return receipt. For a surety bond held by a county under part 9220.0600, the bond must provide a 150-day cancellation period rather than a 120-day period.

Subp. 10. **Cancellation of surety bond.** The owner or operator may cancel the bond if the chair has given prior written consent. The chair shall provide written consent if:

- A. an owner or operator substitutes alternate financial assurance as specified in parts 9220.0610 to 9220.0640; or
- B. the chair releases the owner or operator from the requirements of this part in accordance with part 9220.0670.

9220.0630 LETTER OF CREDIT.

Subpart 1. **Scope.** Subparts 2 to 11 apply to letters of credit. For letters of credit held by a county under part 9220.0600, provisions in this part that refer to the chair apply to both the chair and the county.

Subp. 2. **Letter of credit requirements.** An owner or operator may satisfy the requirements of part 9220.0560 by obtaining an irrevocable letter of credit that conforms to the requirements of subparts 2 to 11, and by submitting the letter to the chair. The issuing institution must be an entity that has the authority to issue letters of credit and whose letter of credit operations are regulated

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

and examined by a federal or state agency. An owner or operator of a waste tire facility shall submit the letter of credit to the chair with the facility permit application.

Subp. 3. **Wording of letter of credit.** The chair shall approve the form of a letter of credit that contains terms adequate to ensure that financial assurance is provided. The chair shall provide a copy of the approved letter of credit instrument with the permit application. The owner or operator of the waste tire facility shall use the form provided by the chair when establishing a letter of credit financial assurance mechanism.

Subp. 4. **Establishment of standby trust fund.** An owner or operator who uses a letter of credit to satisfy the requirements of part 9220.0560 shall also establish a standby trust fund. Under the terms of the letter of credit, the issuing institution shall deposit all amounts paid directly into the standby trust fund in accordance with instructions from the chair. An originally-signed duplicate of the standby trust fund agreement must be submitted to the chair with the letter of credit. The standby trust fund agreement must meet the requirements in part 9220.0610, except that compliance with the following is not required until the standby trust fund is funded under this part:

- A. payments into the trust fund as specified in part 9220.0610;
- B. updating of Schedule A of the trust agreement to show current closure cost estimates;
- C. annual valuations as required by the trust agreement; and
- D. notices of nonpayment as required by the trust agreement.

Subp. 5. **Notification.** The letter of credit must be irrevocable and issued for a period of at least one year. The letter of credit must provide that the expiration date will be extended automatically for a period of at least one year unless, at least 120 days before the current expiration date, the issuing institution notifies both the owner or operator and the chair by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days must begin on the date when the chair received the notice, as evidenced by the return receipt. For a letter of credit held by a county under part 9220.0600, the letter of credit must provide a 150-day expiration period rather than a 120-day period.

Subp. 6. **Amount of credit.** The letter of credit must be issued in an amount at least equal to the applicable current closure cost estimate.

Subp. 7. **Changes to amount of credit.** Within 60 days of an increase in the current closure cost estimate to an amount greater than the amount of the credit, the owner or operator shall either cause the amount of the credit to be increased to an amount at least equal to the sum of the current closure cost estimate and submit evidence of the increase to the chair, or obtain other financial assurance as specified in parts 9220.0610 to 9220.0640 to cover the increase. Whenever the current closure cost estimate decreases, the amount of the credit may be reduced to the sum of the current closure cost estimate following written approval by the chair.

Subp. 8. **Failure to perform.** The letter of credit must provide that the chair may draw on the letter of credit, when the chair has determined that the owner or operator has failed to perform closure when required to do so in accordance with the closure plan or part 9220.0500.

Subp. 9. **Failure to establish alternate financial assurance.** The chair shall draw on the letter of credit if the owner or operator does not establish alternate financial assurance as specified in parts 9220.0610 to 9220.0640 and obtain written approval of the alternate assurance from the chair within 90 days after the chair receives notice that the issuing institution has decided not to extend the letter of credit beyond the current expiration date. The chair may delay the drawing if the issuing institution grants an extension of the term of the credit. During the last 30 days of any extension, the chair shall draw on the letter of credit if the owner or operator has failed to provide alternate financial assurance as specified in parts 9220.0610 to 9220.0640 and obtain written approval of the assurance from the chair.

Subp. 10. **Termination of letter of credit.** The chair shall return the letter of credit to the issuing institution for termination if:

- A. an owner or operator substitutes alternate financial assurance as specified in parts 9220.0610 to 9220.0640; or
- B. the chair releases the owner or operator from the requirements of this part in accordance with part 9220.0670.

9220.0640 SURETY BOND GUARANTEEING PERFORMANCE OF CLOSURE FOR PERMITTED FACILITIES.

Subpart 1. **Scope.** Subparts 2 to 11 apply to surety bonds that guarantee performance of closure. Surety bonds that guarantee performance of closure can only be used for permitted facilities with approved closure plans. For surety bonds held by a county under part 9220.0600, provisions in this part that refer to the chair apply to both the chair and the county.

Subp. 2. **Surety bond requirements.** An owner or operator may satisfy the requirements of part 9220.0560 by obtaining a surety bond that conforms to the requirements of subparts 2 to 11 and by submitting the bond to the chair. The surety company issuing the bond must be among those listed as acceptable sureties on federal bonds in Circular 570, issued by the United States Department of the Treasury, as published annually in the Federal Register on July 1. The owner or operator of a waste tire facility shall submit the bond to the chair with the permit application.

Subp. 3. **Wording of performance bond.** The chair shall approve the form of a surety bond guaranteeing performance of closure that contains terms adequate to ensure that financial assurance is provided. The chair shall provide a copy of the approved performance bond instrument with the permit application forms. The owner or operator of the waste tire facility shall use the form provided by the chair when establishing a surety bond guaranteeing performance of closure financial assurance mechanism.

Subp. 4. **Establishment of standby trust fund.** The owner or operator who uses a surety bond to satisfy the requirements of part 9220.0560 shall also establish a standby trust fund. The bond must require the surety to deposit all payments made under the bond directly into the standby trust fund in accordance with instructions from the chair. An originally-signed duplicate of the standby trust fund agreement must be submitted to the chair with the surety bond. The standby trust fund must meet the requirements of part 9220.0610, except that compliance with the following requirements is not required until the standby trust fund is funded under this part:

- A. payments into the trust fund as specified in part 9220.0610;
- B. updating of the trust agreement to show current closure cost estimates;
- C. annual valuations as required by the trust agreement; and
- D. notices of nonpayment as required by the trust agreement.

Subp. 5. **Performance guarantee.** The bond must guarantee that the owner or operator will:

A. perform closure in accordance with the closure plan, and other requirements of the permit for the facility whenever required to do so; or

B. provide alternate financial assurance as specified in parts 9220.0610 to 9220.0640 and obtain the chair's written approval of the assurance provided, within 90 days after receipt by the chair of a notice of cancellation of the bond from the surety.

Subp. 6. **Failure to perform.** Under the terms of the bond, the surety shall become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond as determined by the chair.

Subp. 7. **Penal sum.** The penal sum of the bond must be at least equal to the applicable current closure cost estimate.

Subp. 8. **Changes to penal sum.** Within 60 days of an increase in the sum of the current closure cost estimate to an amount greater than the penal sum, the owner or operator shall either cause the penal sum to be increased to an amount at least equal to the current closure cost estimate and submit evidence of the increase to the chair, or obtain other financial assurance specified in parts 9220.0610 to 9220.0640. Whenever the sum of the current closure cost estimate decreases, the penal sum may be reduced to the current closure cost estimate following written approval of the chair.

Subp. 9. **Notification.** The bond must provide that the surety may cancel the bond only by sending notice of cancellation by certified mail to the owner or operator and to the chair. The bond must also provide that cancellation shall not be effective until 120 days after the chair has received the notice of cancellation as evidenced by the return receipt. For a surety bond held by a county under part 9220.0600, the bond must provide a 150-day cancellation period rather than a 120-day period.

Subp. 10. **Cancellation of surety bond.** The owner or operator may cancel the bond if the chair has given prior written consent. The chair shall provide written consent if:

- A. an owner or operator substitutes alternate financial assurance as specified in parts 9220.0610 to 9220.0640; or
- B. the chair releases the owner or operator from the requirements of this part in accordance with part 9220.0680.

Subp. 11. **Limitation on liability.** The surety is not liable for deficiencies in the owner's or operator's performance of closure after the chair releases the owner or operator from the requirements of this part in accordance with part 9220.0670.

9220.0650 USE OF MULTIPLE FINANCIAL ASSURANCE MECHANISMS.

An owner or operator may satisfy the requirements of part 9220.0560 by establishing more than one financial assurance mechanism per waste tire facility. These mechanisms are limited to trust funds, surety bonds guaranteeing payment into a trust fund, and letters of credit. The mechanisms must be established as specified in parts 9220.0610, 9220.0620, and 9220.0630, except that it is the combination of mechanisms, rather than a single mechanism, that must provide financial assurance at least equal to the sum of the current closure cost estimate. If an owner or operator uses a trust fund in combination with a surety bond or letter of credit, the owner or operator may use the trust fund as the standby trust fund for the other mechanisms. A single standby trust fund may be

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

established for two or more mechanisms. The chair may use any or all of the financial assurance mechanisms to provide for closure of the facility.

9220.0660 USE OF FINANCIAL ASSURANCE MECHANISMS FOR MULTIPLE WASTE TIRE FACILITIES.

An owner or operator may use a financial assurance mechanism specified in parts 9220.0610 to 9220.0640 to meet the requirements of part 9220.0560 for more than one waste tire facility. Evidence of financial assurance submitted to the chair must include a list showing, for each facility, the name, address, and the amount of funds for closure assured by the mechanism. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for each facility. When directing disbursement of funds for closure at any of the facilities covered by the mechanism, the chair shall direct that only the amount of funds designated for that facility be disbursed unless otherwise agreed to by the owner or operator.

9220.0670 RELEASE OF OWNER OR OPERATOR FROM FINANCIAL ASSURANCE REQUIREMENTS.

When an owner or operator has completed, to the satisfaction of the chair, all closure requirements in accordance with the closure plan or other closure requirements, the chair shall notify the owner or operator in writing that financial assurance for closure of the waste tire facility is no longer required.

9220.0680 INCAPACITY OF OWNERS OR OPERATORS, GUARANTORS, OR FINANCIAL INSTITUTIONS.

Subpart 1. **Notification of bankruptcy.** An owner or operator shall notify the chair by certified mail of the commencement of a voluntary or involuntary proceeding under United States Code, title II, Bankruptcy, naming the owner or operator as a debtor, within ten days after commencement of the proceeding.

Subp. 2. **Incapacity of financial institution.** An owner or operator who fulfills the requirements of part 9220.0560 by obtaining a trust fund, surety bond, or letter of credit will be considered to be without the required financial assurance in the event of bankruptcy of the trustee or issuing institution; or in the event that the authority of the trustee to act as trustee is revoked or suspended; or in the event that the institution's authority to issue the surety bond or letter of credit is revoked or suspended. The owner or operator shall establish other financial assurance within 60 days after such an event.

REPEALER. Minnesota Rules, parts 7001.4000; 7001.4010; 7001.4020; 7001.4030; 7001.4035; 7001.4040; 7001.4050; 7001.4060; 7001.4070; 7001.4080; 7001.4090; 7001.4100; 7001.4110; 7001.4120; 7001.4130; 7001.4140; 7001.4150; 7035.8200; 7035.8205; 7035.8210; 7035.8220; 7035.8230; 7035.8240; 7035.8250; 7035.8260; 7035.8270; 7035.8280; 7035.8290; 7035.8300; 7035.8400; 7035.8410; 7035.8420; 7035.8430; 7035.8440; 7035.8450; 7035.8460; 7035.8470; 7035.8480; 7035.8490; 7035.8500; 7035.8510; 7035.8520; 7035.8530; 7035.8540; 7035.8550; 7035.8560; 7035.8570; 7035.8580; 7035.8590; 7035.8700; and 7035.8710, are repealed.

Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

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

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

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under § 14.18.

Department of Health

Adopted Permanent Rules Relating to Family Planning Special Project Grants

The rules proposed and published at *State Register*, Volume 12, Number 12, pages 497-502, September 21, 1987 (12 S.R. 497) are adopted with the following modifications:

Rules as Adopted

FAMILY PLANNING SPECIAL PROJECT GRANTS

4700.2210 MINIMUM STANDARDS FOR FAMILY PLANNING SERVICE COMPONENTS.

An applicant is not required to provide all components to be eligible for funding. However, the applicant must make available the names and addresses of other family planning services provider agencies in the geographic area, if any, who offer components and services not offered by the applicant.

All funded projects must establish linkages to facilitate access to outreach, counseling, and other component services for service recipients.

Procedures for referral and follow-up must be incorporated into all services that are provided by the applicant on a one-to-one basis.

The provision of all service components except public information shall include information on family planning services available from the applicant.

Service components to be provided by the applicant shall be defined by, and shall meet or exceed, the following minimum standards:

D. Method must include the provision to a service recipient of the recipient's family planning method of choice. Provision of any family planning method must include:

(5) medical/laboratory services prior to the provision of a family planning method when the selected method requires medical intervention for prescription, fitting, insertion, or for surgical or diagnostic procedures. When the selected method does not require medical intervention, as described herein, the applicant shall encourage service recipients to obtain medical/laboratory services, but provision by the applicant is not required. Medical/laboratory services shall include:

- (a) social and medical/surgical history with emphasis on the reproductive system;
- (b) height, weight, and blood pressure measures;
- (c) bimanual pelvic examination for females;
- (d) breast examination and instruction on self-examination for females;
- (e) hemoglobin or hematocrit;
- (f) urinalysis for sugar and protein;
- (g) Pap smear; and

(h) when indicated by history or symptoms, for both male and female as appropriate, diagnosis and curative treatment of venereal disease, diagnosis and treatment of vaginitis, diagnosis of pregnancy, and for females, as appropriate, provision of rubella immunization.

Medical services shall be rendered by licensed physicians, or professional nurses with documentable training in gynecological care conducted under the supervision of a licensed physician, or nurse midwives certified by the American College of Nurse Midwifery, ~~under the supervision of a physician~~, or physician's assistants, under the supervision of a licensed physician. Laboratory tests shall be conducted by personnel trained to conduct such tests.

4700.2550 ALLOCATION SCHEME.

~~If the commissioner allocates available funds based on an allocation scheme which limits the amount an applicant can apply for, the scheme must be set out in the notice of availability~~ Annual awards to current recipients of family planning special project funds shall not exceed \$30,000 or a percentage increase or decrease of the current award that is proportionate to the increase or decrease in the department's biennial allocation of these funds.

Annual awards to new applicants shall not exceed \$30,000.

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.

Adopted Rules

Minnesota Housing Finance Agency

Adopted Permanent Rules Relating to American Indian Housing

The rules proposed and published at *State Register*, Volume 12, Number 6, pages 234-236, August 10, 1987 (12 S.R. 234) are adopted as proposed.

Minnesota Housing Finance Agency

Adopted Permanent Rules Relating to the Definition of Capital Contribution of Investors

The rules proposed and published at *State Register*, Volume 12, Number 19, pages 994-995, November 9, 1987 (12 S.R. 994) are adopted as proposed.

Minnesota Housing Finance Agency

Adopted Permanent Rules Relating to the Definition of Federally Subsidized Mortgages

The rule proposed and published at *State Register*, Volume 12, Number 19, pages 995-996, November 9, 1987 (12 S.R. 995) is adopted as proposed.

Board of Optometry

Adopted Permanent Rules Relating to Terms and Renewal of License

The rules proposed and published at *State Register*, Volume 12, Number 15, pages 744-747, October 12, 1987 (12 S.R. 744) are adopted as proposed.

Waste Management Board

Adopted Permanent Rules Relating to Industrial and Hazardous Waste Processing Grants

The rules proposed and published at *State Register*, Volume 12, Number 16, pages 819-822, October 19, 1987 (12 S.R. 819) are adopted as proposed.

Waste Management Board

Adopted Permanent Rules Governing the Management of Waste Tires and the Permitting of Waste Tire Facilities

The rules proposed and published at *State Register*, Volume 11, Number 42, pages 1918-1950, April 20, 1987 (11 S.R. 1918) are adopted with the following modifications:

NOTICE:

The Waste Management Board has proposed to repeal this adopted rule and replace it with the proposed rule appearing on page 1543, of this issue.

Rules as Adopted

7001.4070 GENERAL INFORMATION REQUIREMENTS FOR A PERMIT APPLICATION.

Subp. 3. **Description of facility operation.** The application shall describe the location and operation of the facility. The application shall, at a minimum, include a description of the following:

B. the maximum quantity and type of waste tires to be stored ~~on the site~~ at the facility at any time, specifying the quantity and type of waste tires stored ~~on the site~~ at the facility currently and the storage capacity of the facility;

E. the access to the site of the facility by roads, including weight or other use restrictions;

7035.8205 DEFINITIONS.

Subp. 25. **Waste tire processing facility.** "Waste tire processing facility" means any area where waste tires or tire-derived products are processed. A waste tire processing facility must meet the qualifications in part 7035.8270.

7035.8240 GENERAL STANDARDS FOR PERMITTED FACILITIES.

Subp. 3. **Operation.** A waste tire facility shall be operated in compliance with the following standards:

H. All tire piles shall be maintained free of mosquitoes, through the use of mosquito control methods such as briquettes, spraying, or removal of water ponded in the waste tires.

7035.8480 SURETY BOND GUARANTEEING PAYMENT INTO A STANDBY TRUST FUND.

Subp. 2. **Surety bond requirements.** An owner or operator may satisfy the requirements of part 7035.8420 by obtaining a surety bond that conforms to the requirements of subparts 2 to 10 and by submitting the bond to the director. The surety company issuing the bond must be among those listed as acceptable sureties on federal bonds in Circular 570, issued by the United States Department of the Treasury, as published annually in the Federal Register on July 1. ~~An~~ The owner or operator of the waste tire facility shall submit the bond to the director with the facility permit application or ~~under in accordance with~~ part 7035.8450.

7035.8490 LETTER OF CREDIT.

Subp. 2. **Letter of credit requirements.** An owner or operator may satisfy the requirements of part 7035.8420 by obtaining an irrevocable letter of credit that conforms to the requirements of subparts 2 to 11, and by submitting the letter to the director. The issuing institution must be an entity that has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by a federal or state agency. ~~An~~ The owner or operator of a the waste tire facility shall submit the letter of credit to the director with the facility permit application or ~~under in accordance with~~ part 7035.8450.

Subp. 3. **Wording of letter of credit.** The wording of the letter of credit must be identical to the wording in part ~~7035.8490~~ 7035.8580.

7035.8500 SURETY BOND GUARANTEEING PERFORMANCE OF CLOSURE FOR PERMITTED FACILITIES.

Subp. 2. **Surety bond requirements.** An owner or operator may satisfy the requirements of part 7035.8420 by obtaining a surety bond that conforms to the requirements of subparts 2 to 11 and by submitting the bond to the director. The surety company issuing the bond must be among those listed as acceptable sureties on federal bonds in Circular 570, issued by the United States Department of the Treasury, as published annually in the Federal Register on July 1. ~~An~~ The owner or operator of a the waste tire facility shall submit the bond to the director with the facility permit application or in accordance with part 7035.8450.

Subp. 4. **Establishment of standby trust fund.** The owner or operator who uses a surety bond to satisfy the requirements of part 7035.8420 shall also establish a standby trust fund. The bond shall require the surety to deposit all payments made under the bond directly into the standby trust fund in accordance with instructions from the director. An originally-signed duplicate of the standby trust fund agreement must be submitted to the director with the surety bond. The standby trust fund must meet the requirements of part 7035.8470, except that compliance with the requirements in items A to D is not required until the standby trust fund is funded under this part:

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.

Executive Orders

Executive Order No. 88-2 Assigning Emergency Responsibilities to State Agencies; Repealing Executive Order No. 85-9

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

WHEREAS, natural and man-made disasters in major proportions have and will occur in any part of the state; and

WHEREAS, state resources may be called upon in response to these disasters; and

WHEREAS, state agencies may be asked in part or in whole to direct these resources at the state and regional emergency operating centers;

NOW, THEREFORE, I hereby order that:

1. Each department, independent division, bureau, board, commission, and independent institution of the state government, hereinafter referred to as agencies, develop and make available to their employees emergency plans and procedures for:

- a. the protection of their personnel, equipment, supplies, and public records in a disaster;
- b. the carrying on of its normal services in a disaster;
- c. the carrying out of emergency assignments made by this executive order.

2. The responsibility for emergency planning rest with the head of each agency. Agency heads shall designate competent agency personnel to:

- a. develop emergency plans and procedures;
- b. report and direct state resources from the state and/or regional emergency operating centers in response to a disaster/emergency;
- c. staff disaster application centers when providing disaster relief following a presidential declaration of a major disaster, as requested by the Division of Emergency Management;
- d. support emergency management activities coordinated by regional program coordinators of the Division of Emergency Management.

Agency personnel shall be available for these activities, which include planning, training, and participating in emergency operations, and shall be granted time off or compensation, if any, pursuant to the applicable collective bargaining unit agreement, commissioner's plan or managerial plan, for services performed outside of regular working hours.

3. The Division of Emergency Management assume overall responsibility for coordinating the development and updating of state disaster plans. Each state agency is responsible for developing whatever standard operating procedures and/or administrative plans it needs in order to carry out its emergency responsibility assignments. Draft copies of plans and procedures shall be submitted to the Division of Emergency Management for review and coordination.

4. Each state agency that has a role in emergency management, participate to the limits of their abilities in the development of hazard mitigation strategies which will reduce and/or eliminate the vulnerability of life and property to the effects of disasters.

5. Certain state agencies be given specific emergency assignments to further clarify their role in emergency management. These specific emergency assignments are included as an appendix to the body of this Executive Order.

This Executive Order repeals Executive Order No. 85-9.

Pursuant to *Minnesota Statutes* 1986, Section 4.035, Subdivision 2, this Order shall be effective

fifteen (15) days after its publication in the *State Register* and filing with the Secretary of State and shall remain in effect until rescinded by proper authority or it expires in accordance with *Minnesota Statutes* 1986, Section 4.035, Subdivision 3.

IN TESTIMONY WHEREOF, I have set my hand on this fifteenth day of January, 1988.



Rudy Perpich
Governor

I. DEPARTMENT OF ADMINISTRATION

- Section 100** The Department of Administration shall provide architects and engineers to prepare damage assessment and damage survey reports of public buildings damaged by disaster.
- Section 101** The Department of Administration shall administer the state self insurance program as it relates to federal disaster assistance, as set forth under Public Law 93-288.
- Section 102** The Department of Administration shall provide administrative support of state government in a disaster. This support would include, but is not limited to, assigning administrative staff, equipment, stenographic, printing and duplicating materials and maintenance, at state and regional emergency operating centers.
- Section 103** The Department of Administration shall furnish computer services needed for emergency operations and resource management in an emergency. These services include the use of computer facilities and support staff to provide needed information on a twenty-four hour basis during and immediately following an emergency.

Telecommunications and Technology Management Division

- Section 110** The Telecommunications and Technology Management Division shall provide emergency telecommunications support and shall coordinate planning and delivery of statewide telecommunications systems and services for emergency operations, as necessary, during an emergency.
- Section 111** The Telecommunications and Technology Management Division shall be responsible for providing telephone operation support during exercises and emergencies in state emergency operating centers.
- Section 112** The Director of the Telecommunications and Technology Management Division shall be the chief of the State Communications Service.

II. DEPARTMENT OF AGRICULTURE

(Where domestic animals are involved, the Board of Animal Health is responsible.)

- Section 200** The Department of Agriculture shall provide guidance for the use of agricultural land and crops affected by a disaster.
- Section 201** The Department of Agriculture, with the assistance of the Board of Animal Health, shall develop procedures for the protection of farm animals affected by a disaster.
- Section 202** The Department of Agriculture shall assist in the preparation of damage estimates for the Division of Emergency Management on agricultural losses to support disaster declaration requests.
- Section 203** The Department of Agriculture shall develop emergency procedures for a statewide food supply and distribution program in order to maintain adequate emergency food supplies. These procedures will make provisions for the control and distribution of primary and secondary foods as prescribed by federal guidelines.
- Section 204** The Department of Agriculture shall be responsible for a statewide program for the decontamination and salvage of animals and crops exposed to radiation and the use of contaminated agricultural land to include decontamination methods, cultivation guidance, and types of crops to be grown.
- Section 205** The Department of Agriculture shall coordinate food service activities with federal agencies that have responsibilities for food resources.
- Section 206** The Department of Agriculture shall provide personnel, that will be trained and certified by the Division of Emergency

Executive Orders

Management, to serve as hazardous materials response technicians. These technicians will respond, as requested by the Division of Emergency Management and in a timely manner, to the scene of any hazardous materials incident in the state, 24 hours per day seven days per week.

Section 207 The Department of Agriculture shall be responsible for the supervision and coordination of responses to emergencies regarding pesticides and fertilizers in keeping with existing state statutes.

III. ATTORNEY GENERAL

Section 300 The Attorney General shall be responsible for providing legal advice and opinions in support of state emergency operations to include preparing and reviewing proclamations and special regulations as issued by the governor.

Section 301 The Attorney General shall provide representation at disaster assistance centers and public meetings as requested by the Division of Emergency Management, to provide consumer information to persons affected by a disaster.

IV. STATE AUDITOR

Section 400 The State Auditor shall be responsible for assuring that audits of project applications submitted by political jurisdictions meet the applicable audit requirements. The State Auditor is responsible for conducting audits where audits are required by the Single Audit Act of 1984.

Section 401 The State Auditor shall be responsible for conducting state audits for applicants of Minnesota Statutes Chapter 9.061 "The Calamity Act."

V. DEPARTMENT OF COMMERCE

Section 500 The Department of Commerce shall provide representation at disaster assistance centers and public meetings as requested by the Division of Emergency Management, to furnish information relative to insurance claim procedures to persons affected by a disaster.

Section 501 The Department of Commerce shall develop procedures to provide the necessary staff to support the state's responsibility in emergency banking and fiscal matters of the economic stabilization program as established by the Federal Reserve Bank of Minneapolis and the Federal Reserve System.

Section 502 The Department of Commerce shall assist state and local governments with a damage assessment of private or individual dwellings and businesses, as requested by the Division of Emergency Management.

VI. DEPARTMENT OF JOBS AND TRAINING

Field Operations Division

Section 600 The Field Operations Division shall be responsible for coordinating and directing the use of manpower within the state during disaster operations from state and regional emergency operating centers.

Unemployment Insurance Division

Section 610 The Unemployment Insurance Division shall develop procedures to provide unemployment assistance to eligible individuals whose unemployment results from a disaster declared under the Disaster Relief Act of 1974 (Public Law 93-288). It will also arrange for payment of benefits under regular unemployment compensation laws to eligible individuals in cases where a disaster has not been declared.

Employment Programs Division

Section 620 The Employment Programs Division shall develop procedures for the use of supplementary manpower services to support emergency operations of the state during a disaster.

VII. DEPARTMENT OF EDUCATION

Section 700 The Department of Education shall encourage local school districts to cooperate with local government authorities to ensure the preparation of plans for the protection of school children in an emergency. These plans shall include sheltering students in schools, or evacuating them to their homes, as well as using the schools as congregate care centers in support of emergency operations.

Section 701 The Department of Education shall assist local school districts in preparing and submitting a request for financial assistance from the federal government, as appropriate, when public school facilities have been damaged or destroyed by a major disaster.

Section 702 The Department of Education shall prepare procedures and support a response to hazardous materials incidents in the state as requested by the Division of Emergency Management.

Division of Management Effectiveness

Section 710 The Division of Management Effectiveness, Child Nutrition Section shall have the responsibility for providing federal government food commodities. The Department of Human Services shall be responsible for coordinating the distribution of these provisions to victims in the disaster area.

VIII. DEPARTMENT OF EMPLOYEE RELATIONS

Section 800 The Department of Employee Relations shall support the Department of Jobs and Training in the management of manpower services at state and regional emergency operating centers, during a disaster, and will assist in the development of emergency employment utilization procedures.

IX. DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT**Policy Analysis Division**

Section 900 The Policy Analysis Division shall provide the Division of Emergency Management with an estimate of the immediate economic impact of a disaster and, where applicable, provide estimated projections of long range effects of a major disaster. This shall include the accessibility and coordination of data from and through other state agencies of a nonconfidential nature that is relevant to the disaster situation.

Section 901 The Policy Analysis Division shall be responsible for the management of essential services and be responsible for emergency industrial production, and shall prepare plans and procedures for controlling this production from state and regional emergency operating centers in coordination with the federal government.

X. DEPARTMENT OF FINANCE

Section 1000 The Department of Finance shall develop procedures for fiscal management of the state during a disaster.

Section 1001 The Department of Finance shall process and issue checks for disaster victims that have applied to the Individual and Family Grant Program within 3 days after receipt of payment authorization from the Department of Public Safety, Division of Emergency Management.

XI. DEPARTMENT OF HEALTH

Section 1100 The Department of Health shall develop procedures for providing emergency health services and emergency care for the critically ill and injured as a result of a disaster. These procedures shall include provisions for blood donor programs in coordination with the American Red Cross, disease control, sewage and waste disposal, the handling of radioactive materials, potable water supply, disposition of mass casualties, health assessment and training programs for health care and support personnel.

Section 1101 The Department of Health, in cooperation with the office of Electronic Communications of the Technical Services Division of the Department of Transportation, shall develop a statewide emergency medical services radio communication system.

Section 1102 The Department of Health, through its emergency medical services field staff and district representatives, shall assist in the coordinating of emergency medical resources, including hospitals, blood banks and ambulance services to respond to disasters.

Section 1103 The Department of Health shall provide assistance to local officials in conjunction with the local health agency to ensure the safety of food and water for human consumption during and immediately following a disaster.

Section 1104 The Department of Health shall contact and secure the services of appropriate technical personnel including engineers, environmental health specialists, health physicists, and chemists in the field to meet the health needs of people in a disaster area. Such staff will be responsible for determining the safety of water supplies, food pathways, food stuffs, contamination levels in the environs and overall safety conditions prior to reoccupancy.

Section 1105 The Department of Health shall provide engineers and environmental health specialists to prepare damage survey reports of health and public water facilities damaged by a disaster. The engineers will assist communities in determining the cost to repair or replace damaged health facilities and public water distribution systems so federal financial assistance can be requested under Public Law 93-288.

Section 1106 The Department of Health shall be responsible for providing guidance on protective action levels and medical assistance to local health authorities in areas affected by accidents or incidents involving explosions, storage and transportation of radioactive materials and fixed nuclear facilities. They shall develop procedures to accomplish this and conduct in-service training to maintain this response capability.

Executive Orders

- Section 1107** The Department of Health shall coordinate food service activities with federal and state agencies having responsibilities for providing food resources in an emergency, specifically by conducting food inspections at mass feeding facilities.
- Section 1108** The Department of Health shall assist in hazard mitigation efforts to reduce or eliminate potential hazards that endanger the citizens of the state of Minnesota.
- Section 1109** The Department of Health shall conduct an assessment of ill or injured populations using interviewing, sampling and statistical techniques in surveillance of potential epidemic conditions following a disaster.
- Section 1110** The Department of Health shall prepare procedures and support the response effort to a hazardous materials incident in the state as requested by the Division of Emergency Management.

XII. MINNESOTA HOUSING FINANCE AGENCY

- Section 1200** The Minnesota Housing Finance Agency shall coordinate home improvement grants and low cost home improvement loans available to home owners of low and moderate incomes.
- Section 1201** The Minnesota Housing Finance Agency shall provide guidance for coordinating emergency construction and housing activities within the state to the limits of their capabilities, following a disaster.

XIII. DEPARTMENT OF HUMAN SERVICES

- Section 1300** The Department of Human Services shall be responsible for coordinating the provision of government commodity foods and food stamps to victims in a disaster area. Legal responsibility for government commodities is placed with the Minnesota Department of Education, Child Nutrition Section.
- Section 1301** The Department of Human Services shall be responsible for coordinating the mass emergency repatriation of Minnesota residents upon an emergency declaration by the federal government or upon a request from the U.S. State Department.
- Section 1302** The Minnesota Board on Aging (Aging Program Division) shall provide representation at the disaster application center and the disaster area, as deemed necessary by the Division of Emergency Management, to assist and identify elderly disaster victims.
- Section 1303** The Department of Human Services shall assist in hazard mitigation efforts to reduce or eliminate potential hazards that endanger the citizens of the state of Minnesota.
- Section 1304** The Department of Human Services shall be responsible for preparing plans and procedures for providing emergency human services with local government during an emergency. This includes providing emergency human services coordinator for state and regional emergency operating centers.
- Section 1305** The Department of Human Services shall provide personnel to assist the state in the delivery of individual assistance, following a Presidential Declaration of a Major Disaster.

XIV. DEPARTMENT OF MILITARY AFFAIRS

- Section 1400** The Department of Military Affairs shall prepare plans and procedures to support civil authorities in an emergency that is beyond the capabilities of local resources to deal with. As authorized by the governor, the department shall render assistance to civil authorities within the state of Minnesota to include, but not be limited to, supplemental state and local law enforcement, continuance of vital public service, rescue and communication support, the restoration of essential facilities within the capabilities of the department, the prevention of loss of life and suffering, and the taking of the necessary action to assist in the restoration of civilian government, as required.

XV. DEPARTMENT OF NATURAL RESOURCES

- Section 1500** The Department of Natural Resources shall be responsible for preparing plans and procedures for radiological, chemical, and biological monitoring of lakes, animals, forests, and grasslands in its area of jurisdiction and is responsible for assigning personnel to state and regional emergency operating centers.
- Section 1501** The Department of Natural Resources shall be responsible for providing technical assistance and for debris and wreckage removal from state waterways and forested areas subject to the availability of funds.
- Section 1502** The Department of Natural Resources shall provide engineers to prepare damage survey reports of debris clearance, emergency protective measures, and damage to dikes, levees, irrigation works, drainage facilities, and public buildings in the disaster area.
- Section 1503** The Department of Natural Resources shall prepare plans and support the response effort to hazardous materials incidents in the state as requested by the Division of Emergency Management.

Waters Division

- Section 1510** The Waters Division shall be responsible for coordinating the Flood Plain Management Program and the National Flood Insurance Program in Minnesota.
- Section 1511** The Waters Division shall serve as deputy hazard mitigation coordinator for flood disasters. The Waters division will be responsible for developing and disseminating the flood hazard mitigation plan, for assuring that the provisions of the plan are implemented, and for providing hazard mitigation training for disaster staff and affected local officials.
- Section 1512** The Waters Division shall assist state and local units of government in applying for grants from the federal government for the purpose of accomplishing hazard mitigation for flood damage reduction.
- Section 1513** The Waters Division shall determine the impact of emergency diking projects on the flood plain and shall recommend approval or disapproval before work begins.
- Section 1514** The Waters Division shall establish plans for the conservation and allocation of surface and underground waters in the state during emergencies.
- Section 1515** The Waters Division shall assign the state climatologist to prepare necessary climatological reports as well as other related weather data in support of emergency operations.

Enforcement Division

- Section 1520** The Enforcement Division shall provide personnel and equipment support to the State Patrol in emergency law enforcement and traffic control operations, when requested by the Division of Emergency Management.
- Section 1521** The Enforcement Division shall prepare procedures for providing communications support in a disaster area.

Forestry Division

- Section 1530** The Forestry Division shall provide personnel and equipment support to the state Fire Marshal Division in emergency rescue operations, when requested by the Division of Emergency Management.
- Section 1531** The Forestry Division shall be responsible for coordinating fire suppression activities in forested and grassland areas in the state.
- Section 1532** The Forestry Division shall assist state and local governments in applying for grants from the federal government for the purpose of reimbursing expenses actually incurred by a property owner in the removal of timber damaged by a major disaster.
- Section 1533** The Forestry Division shall assist local government in training for emergency fire and rescue operations in full coordination with the state Fire Marshal Division and the Vocational-Technical Education System.

XVI. POLLUTION CONTROL AGENCY

- Section 1600** The Pollution Control Agency shall, upon instructions from the office of the governor, waive, modify, or suspend the enforcement rules of the agency for areas stricken by disaster. This required action will be to relieve or expedite recovery operations to avert an even greater disaster from occurring.
- Section 1601** The Pollution Control Agency shall provide engineers to prepare damage assessment and damage survey reports of damage to public-owned waste disposal and utility systems in a disaster area.
- Section 1602** The Pollution Control Agency shall review the environmental effects of an emergency diking project and recommend approval or disapproval before work begins.
- Section 1603** The Pollution Control Agency shall develop procedures, including a notification system for coordinating the control, cleanup of spills, and disposal of polluting substances.
- Section 1604** The Pollution Control Agency shall be responsible for providing support to the Department of Health, as requested, in the detection of pollution caused by radiological, chemical, and biological agents and to assist in securing an alternative water supply.
- Section 1605** The Pollution Control Agency shall provide personnel, that will be trained and certified by the Division of Emergency Management, to serve as hazardous materials response technicians. These technicians will respond, as requested by the Division of Emergency Management and in a timely manner, to the scene of any hazardous materials incident in the state, 24 hours per day, seven days per week.

Executive Orders

XVII. DEPARTMENT OF PUBLIC SAFETY

Capitol Complex Security Division

- Section 1700** The Capitol Complex Security Division shall be responsible for providing protection to property, and equipment in the capitol complex during an emergency and shall develop procedures to accomplish this.
- Section 1701** The Capitol Complex Security Division shall provide twenty four hour security for the state emergency operating center and the joint public information center during an emergency.
- Section 1702** The Capitol Complex Security Division shall be responsible for facilitating the transfer of the 24-hour duty officer telephone number to and from the Division of Emergency Management switchboard. The Capitol Complex Security Division is also responsible for activating the duty officer pager when the duty officer is on the pager and an emergency is reported.
- Section 1703** The Capitol Complex Security Division shall act as a back-up for the activation of the NAWAS for the Metro Warning Point.
- Section 1704** The Capitol Complex Security Division shall provide back-up personnel for state patrol radio operators to operate the radio console in the state emergency operating center as requested by the Division of Emergency Management.

Criminal Apprehension Division

- Section 1710** The Criminal Apprehension Division shall be responsible for the dissemination of warnings over the Minnesota Law Enforcement Teletype Network.
- Section 1711** The Criminal Apprehension Division shall make its field agents available, when possible, to assist other state government agencies with search and rescue, evacuation and traffic control, and law enforcement, during a disaster.

Division of Emergency Management

- Section 1720** The director of the Division of Emergency Management shall serve as the state coordinating officer, and the deputy director shall serve as the deputy state coordinating officer, for all presidentially declared emergencies and/or major disasters.
- Section 1721** The director of the Division of Emergency Management shall serve as the state hazard mitigation coordinator, coordinating all hazard mitigation action requirements from the Federal Emergency Management Agency, through responsible state agencies, with local government.
- Section 1722** The Division of Emergency Management shall monitor the operations of the state portion of the National Warning System and coordinate any actions determined to be necessary to maintain service or extend coverage within the state.
- Section 1723** The Division of Emergency Management shall assist local communities in the completion of all prerequisite actions needed to construct flood protection works. The Division of Emergency Management will also help to obtain the concurrence of the Department of Natural Resources, the Department of Transportation, and the Pollution Control Agency in any project before requesting construction assistance from the U.S. Army Corps of Engineers.
- Section 1724** The Division of Emergency Management shall maintain a 24-hour duty officer system for the purpose of ensuring the proper receipt and dissemination of disaster notifications to appropriate state and local government officials. This is to include, among other types of emergencies, reports of hazardous materials spills in compliance with SARA Title III and pipeline accidents/incidents in compliance with Pipeline Safety Act.
- Section 1725** The Division of Emergency Management shall activate the state emergency operating center when any type of major disaster threatens or has occurred. Regional program coordinators shall establish an emergency operating center in or adjacent to the disaster area, as required, to coordinate field operations. The division shall notify state agencies with responsibilities in emergency operations when the state and/or regional emergency operating centers are or will be activated in order that they may provide staff.
- Section 1726** The Division of Emergency Management shall coordinate damage assessment requests for federal disaster assistance on behalf of political subdivisions and state agencies.
- Section 1727** The Division of Emergency Management shall notify all appropriate state agencies to provide representatives to the disaster application centers that have been established following a presidential declaration of a major disaster.
- Section 1728** The Division of Emergency Management shall assist political subdivisions in preparing and processing project applications for federal assistance in repairing and restoring essential public facilities.
- Section 1729** The Division of Emergency Management shall administer the Individual and Family Grant Program as provided under Public Law 93-288.

- Section 1730** The Division of Emergency Management shall coordinate the activities of the private relief agencies as they pertain to the Foreign Disaster Relief Program and their response to major disasters.
- Section 1731** The Division of Emergency Management shall be responsible for implementing emergency energy procedures in the event of an energy shortage.
- Section 1732** The Division of Emergency Management shall have overall responsibility for coordinating the development and maintenance of necessary emergency operations plans, including those required by the state or federal government.
- Section 1733** The Division of Emergency Management shall prepare procedures for the development of requests to the state Executive Council for financial assistance under provisions of Minnesota State Statute 9.061, the "Calamity Act."
- Section 1734** The Division of Emergency Management shall be responsible for the coordination of all emergency functions of the state and shall review all emergency plans submitted by other agencies for coordination and shall approve all such plans on behalf of the governor, except those of a military nature.
- Section 1735** The Division of Emergency Management shall provide technical guidance and assistance to other agencies and political subdivisions in the preparation of their emergency procedures.
- Section 1736** The Division of Emergency Management shall keep the governor and the Executive Council and Legislature, as appropriate, informed of all actual or impending emergency operations.
- Section 1737** The Division of Emergency Management shall coordinate the emergency training needs/requests of other state agencies and local government.
- Section 1738** The Division of Emergency Management shall maintain regional offices in geographical sections of the state, as provided in the Minnesota Statutes Chapter 12. These regional offices will serve as regional emergency operations centers to ensure continuity of government and support to all areas of the state.
- Section 1739** The Division of Emergency Management shall be responsible for the operation of state level programs in economic stabilization and assistance to the counties in establishing economic stabilization programs.
- Section 1740** The Division of Emergency Management shall be responsible for designating the location of alternate state emergency operating centers, should the primary emergency operations center be unusable.
- Section 1741** The Division of Emergency Management shall be responsible for the operation of the Radiological Protection Service of state disaster operations. The state radiological protection officer shall be the chief of the Radiological Protection Service.
- Section 1742** The Division of Emergency Management shall coordinate radiological protection for the state with respect to widespread radiological emergencies involving nuclear detonations.

Fire Marshal Division

- Section 1750** The state Fire Marshal Division shall assist local government in planning for emergency rescue operations, fire protection, and in obtaining fire fighting and rescue assistance in an emergency in accordance with the state emergency operations plan.
- Section 1751** The state Fire Marshal Division shall coordinate with the Vocational-Technical Education System and the Department of Natural Resources for emergency training of local responders to emergency fire and rescue operations, as needed.
- Section 1752** The state Fire Marshal Division shall coordinate the state's response to major fires, except those that involve grass and forest land and assign personnel to state and regional operating centers.
- Section 1753** The state Fire Marshal Division shall develop procedures and support a response effort to hazardous materials incidents in the state as requested by the Division of Emergency Management.

Liquor Control Division

- Section 1760** The Liquor Control Division shall provide support to the State Patrol Division in response to any disaster situation as required.

State Patrol Division

- Section 1770** The State Patrol Division shall be responsible for law enforcement and traffic control on all interstate and state trunk highways in an emergency.
- Section 1771** The State Patrol Division shall assist local police agencies with available resources in law enforcement and traffic control when requested by proper local authority to do so.
- Section 1772** The State Patrol Division shall act as net control for the National Warning System (NAWAS) within the state for the dissemination of national and local emergency information and warnings.

Executive Orders

- Section 1773** The State Patrol Division shall be responsible for providing any assistance that may be required by the Capitol Complex Security Division to protect the personnel in the capitol complex during an emergency, and shall prepare plans and procedures to accomplish this.
- Section 1774** The State Patrol Division shall assist in hazard mitigation efforts to reduce or eliminate potential hazards that endanger the citizens of the state of Minnesota.
- Section 1775** The chief of the State Patrol shall be in charge of the law enforcement function and shall coordinate its emergency operations in the state including the assignment of personnel as law enforcement chiefs of the state and regional operating centers.
- Section 1776** The State Patrol statewide radio frequency shall serve as the state's direction and control net. The State Patrol is responsible for providing personnel to operate the radio console in the state emergency operating center during exercises, drills, and emergencies.
- Section 1777** The State Patrol radio communication system is the state's direction and control net. The State Patrol is responsible for providing radio operators to maintain communications on the direction and control net during exercises, drills and emergencies.
- Section 1778** The State Patrol Division shall prepare procedures and support the response effort to hazardous materials incidents in the state as requested by the Division of Emergency Management.

XVIII. DEPARTMENT OF PUBLIC SERVICE

- Section 1800** The Department of Public Service shall develop procedures for the allocation, conservation, and management of energy resources during energy emergencies, in coordination with energy suppliers in the state.
- Section 1801** The Department of Public Service shall coordinate their activities with the Division of Emergency Management in the implementation of emergency energy procedures during an emergency.
- Section 1802** The Department of Public Service shall develop various public information releases for use in an energy emergency.

XIX. DEPARTMENT OF REVENUE

- Section 1900** The Department of Revenue shall provide for representation at such assistance centers, as requested by the Division of Emergency Management, to provide guidance to disaster victims on the effects of their losses regarding state taxes.
- Section 1901** The Department of Revenue shall assist local governments and citizens certify tax losses sustained as a result of a natural disaster, if the disaster is of such magnitude as to require such information.
- Section 1902** The Department of Revenue shall assist local government in conducting a damage assessment of private homes and businesses as needed.

Petroleum Division

- Section 1910** The Petroleum Division shall assist the Division of Emergency Management in the implementation of an energy plan which provides for the allocation and conservation of energy resources and provide staff at the state and regional emergency operating centers.

Alcohol, Tobacco, and Special Taxes Division

Field Audit Division

- Section 1920** The Alcohol, Tobacco, and Special Taxes Division, and Field Audit Division shall assign personnel to assist with compliance activities associated with the economic stabilization function.

XX. DEPARTMENT OF TRANSPORTATION

Aeronautics Division

- Section 2000** The Aeronautics Division shall restrict flights over disaster areas when requested by the Division of Emergency Management or other appropriate authority.
- Section 2001** The Aeronautics Division shall coordinate flights with the Civil Air Patrol in search and rescue missions and aerial radiological monitoring.
- Section 2002** The Aeronautics Division shall coordinate civilian air transportation and military air transportation in a disaster situation.
- Section 2003** The Aeronautics Division shall provide personnel to prepare damage survey reports for airports and airport facilities damaged in any type of major disaster.

- Section 2004** The Aeronautics Division shall provide air transportation and/or reconnaissance as required by the Division of Emergency Management in a declared disaster situation.
- Section 2005** The Aeronautics Division shall have a plan for the utilization of aircraft available for emergency operations.
- Section 2006** The Aeronautics Division shall be responsible for providing and coordinating the use of air transportation resources within the Transportation Service of state government at state and regional emergency operating centers during a disaster.
- Section 2007** The Aeronautics Division shall maintain current records of airport facilities, aircraft registrations, and licensed pilots that could be used to provide transportation to various parts of the state in the event of a disaster.

Operations Division

- Section 2010** The Operations Division shall develop emergency procedures for the emergency engineering services in disaster operations and shall assign personnel to state and regional emergency operating centers.
- Section 2011** The Operations Division shall make available the Maintenance Construction Communications System for use as the Division of Emergency Management's command net, should the direction and control net (State Patrol radio) fail.
- Section 2012** The Operations Division shall be responsible for debris and wreckage removal from all interstate and state trunk highways and for other assistance to political subdivisions on other roadways as may be required.
- Section 2013** The Operations Division shall provide any highway clearances and waivers required to expedite the transportation of high priority materials and personnel during periods of declared emergencies, including mass relocation of the populace.
- Section 2014** The Operations Division shall determine the impact of an emergency diking project on the interstate and trunk highway system and recommend approval or disapproval of the project before work begins.
- Section 2015** The Operations Division shall provide engineers to prepare damage assessment and damage survey reports of damage to roads, streets, and highway facilities caused by a disaster.
- Section 2016** The Operations Division, working with the state Health Department and State Patrol, shall assist in radiological emergency response and protection efforts such as radiological monitoring and decontamination of state highways and vital facilities.
- Section 2017** The Operations Division shall assist in hazard mitigation efforts to reduce or eliminate potential hazards that endanger the citizens of the state of Minnesota.
- Section 2018** The Operations Division shall prepare emergency highway traffic regulation plans and procedures for the regulation of highway travel during periods of emergency operations.
- Section 2019** The Operations Division shall prepare plans and procedures and be responsible for the coordination of all rail, bus, and truck transportation in the state during an emergency, including emergency transportation in the disaster area.
- Section 2020** The Operations Division shall coordinate and direct the operations of the Transportation Service during a disaster from state and regional emergency operating centers.

Program Management Division

- Section 2030** The Program Management Division shall develop procedures for receiving and disseminating information to appropriate agencies concerning the shipment of chemicals, radiological substances, and other materials that are potentially hazardous.
- Section 2031** The Program Management Division shall provide personnel, that will be trained and certified by the Division of Emergency Management, to serve as hazardous materials response technicians. These technicians will respond, as requested by the Division of Emergency Management and in a timely manner, to the scene of any hazardous materials incident in the state, 24 hours per day, seven days per week.
- Section 2032** The Program Management Division shall assist in hazard mitigation efforts to reduce or eliminate potential hazards that endanger the citizens of the state of Minnesota.

Technical Services Division

Office of Electronic Communication

- Section 2040** The Office of Electronic Communications shall provide for the maintenance of radio communications systems essential to operations during an emergency or disaster.
- Section 2041** The Director of Electronic Communications shall be the state radio officer.

Executive Orders

XXI. VOCATIONAL-TECHNICAL EDUCATION SYSTEM

Section 2100 The Vocational-Technical shall assist local government in training for emergency fire and rescue operations in coordination with the state Fire Marshal Division, and the Department of Natural Resources.

Official Notices

Pursuant to the provisions of Minnesota Statutes § 14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

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

Minnesota Housing Finance Agency

Applications Accepted for the Federal Low Income Housing Tax Credit Program

Introduction

The Minnesota Housing Finance Agency (MHFA) is pleased to announce that it is accepting applications for reservation and allocation of the Low Income Housing Tax Credits, authorized by the Federal Tax Reform Act of 1986. The Low Income Housing Tax Credits offer a ten year reduction in tax liability to owners and investors in eligible low-income, new construction, rehabilitation or existing rental housing.

The tax credit program is a three year program that began January 1, 1987, and expires December 31, 1989. The total amount of the tax credit available for 1988 for Minnesota will be \$5,307,500, based on \$1.25 per capita. Ten percent of the total, or \$530,750, is reserved for qualified nonprofit organizations.

Credit Formula

The 1987 Minnesota Legislature designated the MHFA as the primary apportionment agency for low income housing tax credits for the state and also authorized eligible cities and counties to administer the tax credits in their respective jurisdictions based on the following formula.

The MHFA shall reserve to each eligible city and county an amount equal to the greater of (1) the product obtained by multiplying \$1.6875 by the population of the city or county, or (2) 90 percent of the total state ceiling for low-income housing credits, multiplied by a fraction that has as its numerator the number of rental units located within the city or county and that has as its denominator the total number of rental units located within the state. (Minnesota Statutes Chapter 462A.222 Subdivision 2.)

Local Administration of Tax Credit

The following eligible cities and counties have the authority to administer the tax credits locally:

City/County	Amount of Tax Credit for 1988
St. Cloud	\$ 74,171
Bloomington	142,238
Dakota County	385,958
Duluth	146,347
Minneapolis	958,807
St. Paul	548,296
Rochester	105,945
Washington County	215,852
Subtotal	<u>\$2,577,614</u>
Administered by MHFA	\$2,199,136
Nonprofit Set-Aside	<u>\$ 530,750</u>
Total Available for State	<u><u>\$5,307,500</u></u>

Applicants with eligible buildings located within the jurisdiction of the above local governments must apply to the local administrators for allocation of the low income housing tax credit. Any sub-allocation to local governments that is not committed by October 1, 1988, must be returned to the MHFA for statewide allocation. The MHFA will not make an allocation for projects located

within the jurisdiction of the cities or counties that have elected to administer the credits, until the amounts reserved have been allocated or returned to the MHFA for allocation.

State Ceiling, State Demographer Population and Rental Unit Estimates for Tax Credits in 1988

The ceiling for the State of Minnesota for calendar year 1988 is \$5,307,500—Minnesota's population estimate of 4,246,000 times \$1.25. The estimated number of rental units in the state is 409,533.

The Minnesota population estimate of 4,246,000 is based on the annual estimates of population of states: from U.S. Census Bureau release of December 30, 1987 Estimates of the Resident Population of States, July 1, 1987.

Allocating Agency	Population	Rental Units
St. Cloud	43,953	5,756
Bloomington	84,289	7,771
Dakota County	228,716	16,440
Duluth	84,012	12,547
Minneapolis	360,000	82,203
St. Paul	267,000	47,008
Rochester	62,782	8,229
Washington County	127,912	5,756

Population estimates of individual cities and counties by State Demographer published September, 1987. The number of rental units in each local jurisdiction was estimated by the State Demographer based on 1980 Census data.

MHFA Administration of Tax Credits

Applicants with eligible buildings in the balance of the state, not within the jurisdiction of eligible local credit administrators, may apply to the MHFA for an allocation of low income housing tax credits.

In addition, the MHFA has been designated as the credit agency to provide low income housing credits for projects involving qualified 501(c)(3) and 501(c)(4) nonprofit organizations **statewide**. Ten percent of the state ceiling has been set aside for qualified nonprofits as required by Section 42 of the Internal Revenue Code of 1986. Qualified nonprofits can apply to the MHFA for the low income housing tax credit set-aside, regardless of the geographic location of the proposed low income housing building.

For additional information or an application packet for buildings located in the MHFA jurisdictions, please write to MHFA at:

Minnesota Housing Finance Agency
Multi-Family Underwriting
Low Income Housing Tax Credit Program
400 Sibley Street, Suite 300
St. Paul, MN 55101

or call (612) 297-3294.

Department of Human Services Health Care Managements Division

Notice of the Award of a Federal Grant to DHS for an AIDS Drug Reimbursement Program

The Fiscal Year 1987 Supplemental Appropriation (HR 1827) recently signed by the President included \$30,000,000 to be awarded to States to cover the cost of azidothymidine (AZT) and any other drug which has been determined by the Food and Drug Administration to prolong the life of a person with acquired immunodeficiency syndrome (AIDS). The money is to be made available for low-income individuals not covered under the State Medicaid program or another third-party payor, whose State Medicaid program does not provide this drug coverage.

The allotment under the Grant Award for Minnesota is \$169,697, this is based on the number of living AIDS patients reported by the Centers of Disease Control in Minnesota as of July 6, 1987, compared to the number of surviving AIDS patients in the country.

The State has agreed to do the following:

- To define low-income for the purposes of this program, which may include establishing provisions for copayment by patients.

Official Notices

- To pay for the costs of AZT provided to low-income individuals not covered under the State Medicaid program or another third-party payor.
- To give priority to qualified individuals who meet the low-income definition and who received AZT under the treatment investigational new drug program.
- To maintain the confidentiality of patients who apply for low-income eligibility under this program.
- To provide after 6 months a status report of funds expended under this program, as well as the projected need for funds through September 30, 1988. Any projected unexpended funds will be redistributed to other States.
- To ensure that funds are only used for the payment for AZT. Funds may not be used to cover administrative costs associated with this program. (If in the future other drugs are determined by the Food and Drug Administration to prolong the life of AIDS patients, appropriate adjustments will be made in this policy.)
- To comply with all nondiscrimination State/Federal legislation i.e. civil rights, handicapped individuals, age discrimination and sex discrimination.

Since funds are limited, the following criteria will be used to select individuals who would benefit most from AZT treatment.

Criteria set #1:

1. AIDS with a previous diagnosis of pneumocystis carinii pneumonia.
2. AIDS related complex with one of the following:
 1. > 15 pounds or > 10% of prior body weight.
 2. Oral candidiasis.

All persons had reduced T-helper counts
(< 400; 75% had less than 200).

Criteria set #2:

1. Any person with AIDS by virtue of an opportunistic infection diagnosis. These persons usually have a very reduced T-helper count.
2. Any person with AIDS by virtue of a malignancy, Kaposi's sarcoma or lymphoma and a reduced T-helper count (< 400).
3. Any person with symptoms related to the human immunodeficiency virus (fevers, night sweats, diarrhea, early weight loss, fatigue) and a T-helper count < 400.
4. Any person with Human Immunodeficiency Virus neurological disease.

A letter has been sent to twenty-six physicians who are currently involved or interested in the treatment of individuals with a diagnosis of AIDS. Information regarding this Grant has also been sent to the Minnesota Medical Association for publication in the MMA newsletter.

The Minnesota Aids Project (MAP) will cooperate with the Department to aid in the implementation of the Grant.

Physicians who wish to refer individuals with AIDS for AZT treatment should submit:

1. The name, address and phone number of the individual.
2. A statement as to whether or not the individual has participated in the treatment Investigational New Drug Program (IND).
3. A statement that s/he meets criteria set # 1 or # 2 and which set s/he meets.
4. An order for AZT.

The information should be sent to DHS to the attention of Ron Hook at:

DHS
Health Services Policy Unit, 6th Floor
444 Lafayette Rd.
St. Paul, Mn. 55155

The deadline is 02-12-88 and the letter must be postmarked by that date.

Department of Labor and Industry**Reconsideration of Prevailing Wages for Commercial Projects**

Due to a reporting error, the Commissioner has reconsidered prevailing wage determinations as authorized by M.S. 177.44, subd. 4 for carpenters certified August 1, 1987 in Beltrami, Cass, Clearwater, Hubbard, Itasca, Kittson, Koochiching, Mahnomen, Marshall, Norman, Pennington, Polk, and Roseau counties; sheet metal workers certified August 1, 1987 in Beltrami and Clearwater counties and; sheet metal workers certified October 1, 1987 in Blue Earth, Faribault, Fillmore, Lincoln, Lyon and Waseca counties.

Copies may be obtained by contacting the Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. The charges for the cost of copying and mailing are \$.50 for the first county and \$.30 for any additional counties. A sales tax of 6% must be added to all orders. A check or money order must accompany each request.

**Department of Labor and Industry
Labor Standards Division****Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing
Prevailing Wage Determinations**

Notice is hereby given that the State Department of Labor and Industry is seeking information or opinions from sources outside the agency in preparing to promulgate new rules governing Truck Rental Rates. The promulgation of these rules is authorized by Minnesota Statutes, section 177.44, which requires the agency to establish by rule minimum rates for truck drivers who own and operate the truck on state highway projects.

The State Department of Labor and Industry requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to: Don Jackman, Director of Labor Standards, 444 Lafayette Road, St. Paul, MN 55101. Oral statements will be received during regular business hours over the telephone at (612) 296-6452 and in person at the above address.

All statements of information and comment shall be accepted until February 29, 1988. Any written material received by the State Department of Labor and Industry shall become part of the record in the event that the rules are promulgated.

Dated: 19 January 1988

Ray Bohn, Commissioner
Dept. of Labor & Industry

State Contracts and Advertised Bids

Pursuant to the provisions of Minn. Stat. § 14.10, an agency must make reasonable effort to publicize the availability of any services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

Commodities contracts with an estimated value of \$15,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

Department of Administration: Materials Management Division**Contracts and Requisitions Open for Bid**

Call 296-2600 for information on a specific bid, or to request a specific bid. Buyer's initials are listed next to each commodity.

State Contracts and Advertised Bids

Commodity: Cheshire labeling machines
Contact: J.D.
Bid due date at 2pm: January 29
Agency: Administration
Deliver to: St. Paul
Requisition #: 02520 82060

Commodity: Two color continuous press
Contact: J.D.
Bid due date at 2pm: January 29
Agency: MN Corr. Facility
Deliver to: Lino Lakes
Requisition #: 78550 05765

Commodity: Forklift
Contact: B.T.
Bid due date at 2pm: January 29
Agency: Natural Resources
Deliver to: Various
Requisition #: 29000 49400

Commodity: Tripods, leveling rods, etc.
Contact: J.D.
Bid due date at 2pm: February 1
Agency: Transportation
Deliver to: St. Paul
Requisition #: 79000 82575

Commodity: Dump trucks addendum #3
Contact: D.M.
Bid due date at 2pm: February 1
Agency: Various
Deliver to: Various
Requisition #: SCH 113 C

Commodity: New or used truck mounted pick up sweeper
Contact: B.T.
Bid due date at 2pm: February 1
Agency: Transportation
Deliver to: Golden Valley
Requisition #: 79382 01333

Commodity: Typesetting system
Contact: J.D.
Bid due date at 2pm: February 1
Agency: MN Corr. Facility
Deliver to: Oak Park Hts.
Requisition #: 78630 07615

Commodity: Carpeting and installation
Contact: L.P.
Bid due date at 2pm: February 1
Agency: Southwest State Univ.
Deliver to: Marshall
Requisition #: 26175 07239

Commodity: Ford V56-411 mower
Contact: B.T.
Bid due date at 2pm: February 1
Agency: Moose Lake Reg. Trmt. Ctr.
Deliver to: Moose Lake
Requisition #: 55103 04079

Commodity: Fixture installation
Contact: P.A.
Bid due date at 2pm: February 2
Agency: Henry Whipple Federal Office Bldg.
Deliver to: Ft. Snelling
Requisition #: 21200 17198

Commodity: Automatic teller machines
Contact: A.W.
Bid due date at 2pm: February 2
Agency: Capitol Complex
Deliver to: St. Paul
Requisition #: RFP—Price Contract

Department of Administration: Printing & Mailing Services

Printing vendors for the following printing contracts must review contract specifications in printing buyers office at 117 University Avenue, Room 134-B, St. Paul, MN.

Commodity: Drinking Drivers Lose (Brochure). Negatives available, two-sided, three fold
Contact: Art Cooper
Bid due date at 2pm: January 22
Agency: Public Safety
Deliver to: St. Paul
Requisition #: 4164

Commodity: 1988 Bear Hunt Application. Type to be set, map only, copy camera ready, two-sided
Contact: Art Cooper
Bid due date at 2pm: January 27
Agency: Natural Resources
Deliver to: St. Paul
Requisition #: 4359

Commodity: Annuity receipt card. Type to be set, two-sided computer forms
Contact: Art Cooper
Bid due date at 2pm: January 27
Agency: Mn. State Retirement System
Deliver to: St. Paul
Requisition #: 4232

Commodity: Dummy Prebill. Camera ready copy, carbon interleave, two-sided, perforated
Contact: Art Cooper
Bid due date at 2pm: January 27
Agency: Public Safety
Deliver to: St. Paul
Requisition #: 4369

Commodity: Fish Scale Envelope. 28# Brown Kraft, camera ready, one-side
Contact: Art Cooper
Bid due date at 2pm: January 27
Agency: Natural Resources
Deliver to: St. Paul
Requisition #: 4353

Commodity: DL Window Envelope. 20# white wove, one-sided, copy camera ready
Contact: Art Cooper
Bid due date at 2pm: January 27
Agency: Public Safety
Deliver to: St. Paul
Requisition #: 4368

State Contracts and Advertised Bids

Commodity: Prescription for Duck Hunters. Type to be set, negatives available, two-sided, folding
Contact: Art Cooper
Bid due date at 2pm: January 27
Agency: Natural Resources
Deliver to: St. Paul
Requisition #: 4298

Commodity: 1988 Water & Watercraft Laws. Type to be set, two-sided, folding, 60# white
Contact: Art Cooper
Bid due date at 2pm: January 27
Agency: Natural Resources
Deliver to: St. Paul
Requisition #: 4149

Commodity: One ply continuous forms ad letterheads
Contact: Art Cooper

Bid due date at 2pm: February 1
Agency: Printing & Mailing Services
Deliver to: St. Paul
Requisition #: 0003

Commodity: State forest snowmobile trail maps, 70# white, 2-sided
Contact: Art Cooper
Bid due date at 2pm: January 28
Agency: Natural Resources
Deliver to: St. Paul
Requisition #: 3935

Commodity: State forest ski touring trail maps, 70# white, 2-sided
Contact: Art Cooper
Bid due date at 2pm: January 28
Agency: Natural Resources
Deliver to: St. Paul
Requisition #: 3936

Commodity: Agency brochure, 4-color printing, camera ready copy
Contact: Art Cooper
Bid due date at 2pm: January 28
Agency: Minnesota State Arts Board
Deliver to: St. Paul
Requisition #: 3557

Commodity: Willmar Community College General Catalog, 100 pages plus cover, 6"x9", 60# white
Contact: Art Cooper
Bid due date at 2pm: January 29
Agency: Willmar Community College
Deliver to: Willmar, Minnesota
Requisition #: 4428

State Designer Selection Board

Request for Proposal for the Addition to the Veterinary Diagnostic Laboratory

TO REGISTERED PROFESSIONALS IN MINNESOTA:

The State Designer Selection Board has been requested to select designer for the addition to the **Veterinary Diagnostic Laboratory, University of Minnesota-St. Paul**. Design firms who wish to be considered for this project should submit proposals on or before 4:00 p.m., **February 16, 1988**, to George Iwan, Executive Secretary, State Designer Selection Board, Room G-10, Administration Building, St. Paul, Minnesota 55155-1495.

The proposal must conform to the following:

1. Six copies of the proposal will be required.
2. All data must be on 8½" × 11" sheets, soft bound.
3. The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 8 below, together with the designer's firm name, address, telephone number and the name of the contact person.
4. **Mandatory Proposal contents in sequence:**
 - a) Identity of firm and an indication of its legal status, i.e. corporation, partnership, etc. If the response is from a joint venture, this information must be provided for firms comprising the joint venture.
 - b) Names of the persons who would be directly responsible for the major elements of the work, including consultants, together with brief descriptions of their qualifications. If desired, identify roles that such persons played in projects which are relevant to the project at hand.
 - c) A commitment to enter the work promptly, if selected, by engaging the consultants, and assigning the persons named 4b above along with adequate staff to meet the requirements of work.
 - d) A list of State and University of Minnesota current and past commissions under contract or awarded to the prime firm(s) submitting this proposal during the three (3) years immediately preceding the date of this request for proposal. The prime firm(s) shall **list and total** all fees associated with these projects whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects listed pursuant to the above.
 - e) A section containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualification for the work. The graphic material must be identified. It must be work in which the personnel listed in "c" have had significant participation and their roles must be clearly described. It must be noted if the personnel named were, at the time of the work, employed by other than their present firms.

State Contracts and Advertised Bids

The proposal shall consist of no more than twenty (20) pages. **Proposals not conforming to the parameters set forth in this request will be disqualified and discarded without further examination.**

5. Statutory Proposal Requirements:

In accordance with the provisions of *Minnesota Statutes*, 1981 Supplement, Section 363.073; for all contracts estimated to be in excess of \$50,000.00, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted. **The proposal will not be accepted unless it includes one of the following:**

- a) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; **or**
- b) A statement certifying that firm has a current certificate of compliance issued by the Commissioner of Human Rights; **or**
- c) A statement certifying that the firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months; **or**
- d) A statement certifying that the firm has an application pending for a certificate of compliance.

6. In accordance with the provisions of *Minnesota Statutes* 16B.19, Subdivision 6, at least 10% of the amount of any contract in excess of \$200,000.00 must be subcontracted to certified small businesses owned and operated by S/E/D persons as defined by *Minnesota Statutes* 645.445. Alternatively, the requirement may be met by purchasing materials or supplies from S/E/D businesses. Any combination of subcontracting and purchasing that meets the 10% requirements is acceptable. If there are no S/E/D persons able to perform subcontracting or provide supplies and materials, other small businesses as defined are to be utilized instead of small businesses owned and operated by S/E/D persons.

7. Design firms wishing to have their proposals returned after the Board's review must follow one of the following procedures:
- a) Enclose a self-addressed stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded; **or**
 - b) Enclose a self-addressed stamped mailing envelope with the proposals. When the Board has completed its review, proposals will be returned using this envelope.

In accordance with existing statute, the Board will retain one copy of each proposal submitted.

Any questions concerning the Board's procedures or their schedule for the project herein described may be referred to George Iwan at (612) 296-4656.

8) PROJECT—3-88

Veterinary Diagnostic Laboratory
Addition and Remodeling
University of Minnesota-St. Paul

The University of Minnesota plans to construct a new addition and undertake remodeling work for a Veterinary Diagnostic Laboratory Addition and Remodeling to be located on the St. Paul campus. The project will have a construction budget of approximately \$5.9 million. The new addition will consist of approximately 41,000 gsf. The remodeling will include approximately 9,400 asf of major remodeling and 3,700 asf of moderate to light remodeling.

Overall, the facility will contain approximately 21,000 asf of laboratory space; 8,000 asf of office type space; and 6,000 asf of support space. Included in the support space is approximately 2,700 sf of covered loading dock area and truck parking. The laboratory area includes approximately 7,000 asf of highly sophisticated state-of-the-art pathology-necropsy area.

Questions concerning this project may be referred to Clint Hewitt at (612) 625-7355.

Damon Farber, Chairman
State Designer Selection Board

Department of Human Services

Request for Proposals for Chemical Health Services

The Chemical Dependency Program Division (CDPD) of the Department of Human Services is requesting proposals for four (4) projects regarding chemical health services. The first proposal is to expand and improve chemical dependency services for treating Southeast Asian persons on an outpatient basis. A total of up to \$40,000 is available to one or more grantees.

The second RFP is to provide a women's CD assessment and placement criteria for women, including how or when their children should be included in treatment. A total of up to \$56,000 is available to one or more grantees.

Non-State Public Contracts

The third RFP is to establish a cooperative model, linking the components of CD, domestic abuse and economic stress as they effect rural women; and the shared responsibilities of service providers in multiple problem identification and using the appropriate service delivery system. A total of up to \$40,000 is available to one or more grantees.

The fourth RFP is to provide education and increase awareness of service providers of the chemical abuse among older adults, older women, and disabled people. The project will establish a chemical use assessment tool sensitive to older adults and identify existing service providers and programs for older adults and disabled people. This project includes a training component. A total of up to \$50,000 is available to one or more grantees.

The four RFP's will begin on or about June 1, 1988 and continue for a minimum of 12 months.

For specific information regarding the Southeast Asian RFP, please contact Ruthie Dallas, (612) 296-3504. For information regarding the women's and elderly RFP's, please contact Sharon Johnson, (612) 296-4711.

All requests for further information or **copies of the complete RFP** form can be obtained by contacting Dorrie Hennagir, CDPD Grants Manager, at (612) 296-4617.

Proposals in response to this RFP must be submitted on the CDPD grant application form that can be obtained by contacting Ms. Hennagir at the above number. Eight copies of the proposal must be in the CDPD office, 444 Lafayette Road, St. Paul, MN 55155, no later than 4:20 p.m. on March 7, 1988. Proposals which are mailed in must have a legible postmark date of no later than March 4, 1988 to be accepted.

Non-State Public Contracts

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

Northeast Suburban Transit Commission (NEST)

Request for Proposals for Paratransit Services

Notice is hereby given that the Northeast Suburban Transit (NEST) Commission is requesting proposals for a paratransit service for the Cities of North St. Paul, Maplewood and Oakdale.

The paratransit service will consist of a two-vehicle dial-a-ride service within the Cities of North St. Paul, Maplewood and Oakdale, with service to begin May 2, 1988. The service contract will be an eight (8) month 1988 contract with one-year renewal options for 1989 and 1990.

All proposals must be received no later than Friday, February 5, 1988, to the attention of Ron Rogstad, Oakdale City Hall, 1584 Hadley Avenue North, Oakdale, MN 55119. Copies of the Request for Proposal (RFP) may be obtained from Ron Rogstad at the above address. Inquiries should be directed to Ron Rogstad, Oakdale City Hall, (612) 739-5086.

Supreme Court Calendar

Listed below are the cases scheduled to be heard by the Minnesota Supreme Court in the next few weeks. This listing has been compiled by the Minnesota State Law Library for informational purposes only. Cases may be rescheduled by the Court subsequent to publication in the *State Register*. Questions concerning dates, locations, cases, etc., should be directed to: Clerk of the Appellate Courts, Room 230 State Capitol, St. Paul, MN 55155 612-296-2581.

February 1988

Compiled by Mary D. Flynn, (612) 297-4050

Listed below are the cases scheduled to be heard by the Minnesota Supreme Court in the next few weeks. This listing has been compiled by the Minnesota State Law Library for informational purposes only. Cases may be rescheduled by the Court subsequent to publication in the *State Register*. Questions concerning the time and location of hearings should be directed to: Clerk of the Appellate Courts, Room 230 State Capitol, St. Paul, MN 55155 (612) 296-2581.

Monday, February 1, 1988 9:00 a.m.

CX-87-1759 & C1-87-1763 BRUCE REDGATE, Respondent (Attorney: Lorrie L. Bescheinen of Schermer, Schwappach, Borkon, Ramstead & Mariani) vs. **SROGA'S STANDARD SERVICE and AMERICAN MUTUAL INSURANCE COMPANY, Respondents (CX-87-1759), Relators (C1-87-1763)** (Attorney: Roderick C. Cosgriff of Gilmore, de Lambert, Aafedt & Forde) **NEW HOPE FOODS/HARDEES and GARLINGTON GROUP, Relators (CX-87-1759) Respondents (C1-87-1763)** (Attorney: Gregory A. McClenahan of Chadwick, Johnson & Condon, P.A.). Order Workers' Compensation Court of Appeals.

Is a partially disabled employee required to conduct a diligent search for employment within his restrictions prior to maximum medical improvement as a condition of entitlement to continuing temporary disability benefits?

Was there substantial evidence supporting the compensation judge's findings that the employee did not make a diligent search for work after March 10, 1986, and was not entitled to temporary disability benefits during his subsequent period of retraining?

Did the compensation judge correctly determine the employee's weekly wage at Hardee's on November 4, 1985 using the 26 week average weekly formula?

C9-87-1672 In the Matter of the Welfare of: C.K. and K.K. (Attorneys: Thomas L. Johnson, Hennepin County Attorney, David L. Piper, Eugene H. Stein, and Wright Walling of Curtin, Mahoney & Cairns). Order Hennepin County.

Did the trial court, where two young children were sexually and physically abused by a parent, abuse its discretion in:

- A. denying the petition for termination of parental rights
- B. ordering unsupervised visitation
- C. ordering the return of physical custody of the children to the parents?

Does the trial court order comply with *Minnesota Statutes* § 260.191, subd. (1)(a) requiring findings of fact to support the disposition ordered?

Tuesday, February 2, 1988 9:00 a.m.

C7-87-715 & C6-87-1001 STATE of MINNESOTA, Respondent (Attorney: Lee W. Barry, Assistant Hennepin County Attorney) vs. **JAMES REDDING, Appellant** (Attorney: C. Paul Jones, State Public Defender). Judgment Hennepin County.

Was the evidence presented at trial sufficient to corroborate the accomplice testimony and sustain Appellant's conviction for murder in the first degree?

Did the plea agreements entered into between the State and Turner, Reed and Waddell encourage perjury, making their testimony inadmissible?

Did the State have a duty to interview Appellant's alibi witness?

Did the trial court err in admitting certain physical evidence, and in ruling that appellant's prior convictions were admissible for impeachment purposes?

C4-87-719 STATE of MINNESOTA, Respondent (Attorney: Thomas L. Johnson, Hennepin County Attorney) vs. **JOHN KEVIN DAVID SCRUGGS, Appellant** (Attorney: William E. McGee, Legal Rights Center, Inc.). Judgment and Orders Hennepin County.

Was the indictment properly based on evidence admissible before the Grand Jury?

Was a Sprigle type hearing required on the issue of motive as it related to the burglary of the gun store?

Did the County Attorney commit prosecutorial misconduct and deny Appellant a fair trial and due process of law during his final argument?

Was the Appellant denied a fair trial and due process of law by the plea agreements entered into with three witnesses?

Wednesday, February 3, 1988 5:30 p.m. at William Mitchell College of Law

C4-87-655 IN RE the MARRIAGE OF: LOUISE ANN OLDEWURTEL, f/k/a/ LOUISE ANN REDDING, Lower Court Petitioner,, Respondent (Attorneys: Lisa E. Doering and Lisa Ray of Jack S. Jaycox Law Offices) vs. JAMES ALAN REDDING, Lower Court Respondent, G. A. REDDING, et al., petitioner, Appellant (Attorney: Jack M. Fribley of Faegre & Benson). Opinion Court of Appeals.

May a judicial lien granted to Louise A. Oldewurtel in 1986 be accorded priority over previously existing valid security interest granted to G. A. Redding in stock and a previously recorded mortgage granted to the Windom State Bank in farmland?

Thursday, February 4, 1988 9:00 a.m.

CO-87-572 LINDA L. MCGOWAN, petitioner, Relator (Attorney: Michael J. Persellin of Law Offices of St. Cloud Area Legal Services) vs. EXECUTIVE EXPRESS TRANSPORTATION ENTERPRISES, Inc., Respondent (Attorney: Frank Kundrat of Hall, Byers, Hanson, Steil & Weinberger) COMMISSIONER OF JOBS AND TRAINING (Attorney: Donald E. Notvik, Special Assistant Attorney General)

Does the record support the Commissioner's determination that the conduct of the Relator in this case constituted misconduct requiring that she be disqualified from receiving unemployment compensation benefits pursuant to *Minnesota Statutes* § 268.09, subd. 1(2) 1986?

C1-87-631 ANTONIA GARCIA SEARLES, Respondent (Attorneys: John A. Winters, C. W. Kludt and Patricia Gimbel) vs. SCOTT SEARLES, JR., petitioner, Appellant (Attorney: Charles Reynolds of Erickson, Erie, Odland, Fitzgerald & Reynolds). Opinion Court of Appeals.

Does the complaint set forth a legally sufficient claim for relief?

Monday, February 8, 1988 9:00 a.m.

C1-85-1550 In Re the Petition for Disciplinary Action against RONALD O. W. YLITALO, an Attorney at Law of the State of Minnesota (Attorney: Martin A. Cole, Assistant Lawyers Professional Responsibility). Petition for Disciplinary Action.

What discipline is appropriate for respondent's failure to timely file personal income tax returns for the years 1981 through 1985 and for his failure to maintain at all times a trust account balance sufficient to meet the amount to be held in trust for clients?

C4-87-395 In Re the Petition for Disciplinary Action against DAVID A. PYLES, an Attorney at Law of the State of Minnesota (Attorney: Candice M. Hojan, Senior Assistant Lawyers Professional Responsibility, Theodore J. Collins of Collins, Buckley, Sauntry & Haugh). Petition for Disciplinary Action.

Has Psychological disability as a mitigating factor been sufficiently proven to justify a sanction less than disbarment in a case of misappropriation of client funds?

Tuesday, February 9, 1988 9:00 a.m.

CX-86-2206 GERALD HOLMQUIST, Respondent (Attorney: Paul D. Krueger of Donohue, Rajkowski, Hansmeier, Grunke & Jovanovich) vs. STATE OF MINNESOTA, petitioner, Appellant (Attorney: Mary Ann Bernard, Special Assistant State Attorney General). Opinion Court of Appeals.

Does a statute immunizing state and local governments from suit for "the performance or failure to perform a discretionary duty, whether or not the discretion is abused" require dismissal of a lawsuit for failure to place signing on a highway?

Wednesday, February 10, 1988 9:00 a.m.

C8-87-1923 ARLENE JOHNSON, as Trustee for the Heirs of KAREN KAY LUNDQUIST, Decedent, Plaintiff (Attorney: William M. Schade of Somsen, Dempsey & Schade) vs. CONSOLIDATED FREIGHTWAYS, INC., Respondent (Attorney: William A. Moeller of Gislason, Dosland, Hunter & Malecki). Certified Question. United States District Court, Fourth Division.

When a surviving spouse or next of kin of a decedent dies after commencement of a wrongful death action pursuant to *Minnesota Statutes*, § 573.02, does the trustee's claim for damages for pecuniary loss sustained by decedent survive his or her death?

Is a determination of a driver's comparative fault in an arbitration proceeding for uninsured motorist benefits res judicata or does such determination constitute collateral estoppel in a subsequent wrongful death action?

Supreme Court Calendar

To what extent are survivors economic loss benefits, funeral and burial expense benefits, and survivor's replacement services loss benefits paid to the surviving spouse pursuant to *Minnesota Statutes*, § 65B.44, Subdivisions 4, 6, and 7, deducted from a recovery by the trustee in a wrongful death action brought pursuant to *Minnesota Statutes*, § 573.02, when the surviving spouse dies before resolution of the case?

Are uninsured motorist benefits paid to the trustee for the surviving spouse and next of kin deducted from a recovery by the trustee in a wrongful death action where the person to whom the proceeds were paid by the trustee pursuant to court order dies before resolution of the wrongful death action?

Supreme Court Decisions

Decisions Filed Friday 22 January 1988

C1-86-2143 State of Minnesota, petitioner, Appellant v. Nathaniel Parker. Court of Appeals.

In aggravated DWI case, prosecutor's unobjected-to comment in closing argument on defendant's failure to call certain witnesses to support an affirmative defense did not constitute plain error requiring a new trial.

Reversed and judgment of conviction reinstated. Amdahl, C.J.

Took no part, Popovich, J.

C5-87-664 State of Minnesota v. Grailon Leon Williams, Appellant. Hennepin County.

Defendant's conviction for first degree murder is affirmed; the conviction was sustained by sufficient evidence, and the accomplice testimony was properly admitted.

Conviction affirmed; remanded for determination of jail credit. Simonett, J.

C3-85-1503 Reedon of Faribault, Inc., d.b.a. Best Western Galaxie Motor Lodge v. Fidelity and Guaranty Insurance Underwriters, Inc., petitioner, Appellant, Palmer and Cornell, Inc. Court of Appeals.

The release of the insured's agent in this case by *Pierringer* agreement released the insurer from vicarious liability.

The evidence is insufficient to support the finding of the jury that the insurer was independently negligent.

Reversed. Kelley, J.

Dissenting in part, concurring in part, Wahl, J. and Yetka, J.

Took no part, Popovich, J.

C3-86-2130 State of Minnesota, petitioner, Appellant v. Donald Ray Goff. Court of Appeals.

In order to properly raise the issue of whether the sentencing court is barred from using a prior conviction to enhance a sentence for a current offense because the prior conviction was obtained in violation of the defendant's right to counsel, the defendant must produce some evidence that he was not represented by counsel in the prior proceeding and did not validly waive counsel.

Reversed. Coyne, J.

Took no part, Popovich, J.

C5-86-2131 Hoyt Investment Company, et al. v. Bloomington Commerce and Trade Center Associates, et al., petitioners, Appellants, The Port Authority of the City of Bloomington, The City of Bloomington, The Metropolitan Sports Facilities Commission. Court of Appeals.

Once a decision of the court of appeals becomes final following denial of a petition for further review, the trial court is required to direct the entry of judgment in accordance with that decision.

Affirmed. Coyne, J.

Took no part, Popovich, J.

C5-87-1264, C6-87-1340 Lyle Emme, as parent and natural guardian of Christopher Emme, and Christopher Emme, Appellants (C6-87-1340) v. C.O.M.B., Inc., et al., Airdart, Inc., et al., (Appellants (C5-87-1264). Hennepin County.

Appeal from denial of a motion for partial summary judgment is premature and certification of the question does not render order appealable pursuant to Rule 103.03(h), Minn. R. Civ. App. P.

Appeal from order denying motion to reinstate defendants dismissed without prejudice pursuant to Minn. Stat. 544.41, subd. 2 (1986) is nonappealable.

Appeals dismissed. Coyne, J.

Orders

In Re: Miera, Supreme Court Request for leave of absence granted. Amdahl, C.J.

C9-87-1848 In Re Petition for Disciplinary Action against John R. Speakman, an Attorney at Law of the State of Minnesota. Supreme Court.

Indefinitely suspended. Amdahl, C.J.

C3-87-2509 In Re Petition for Disciplinary Action against William F. Orme, an Attorney at Law of the State of Minnesota. Supreme Court.

Temporarily suspended. Amdahl, C.J.

Announcements

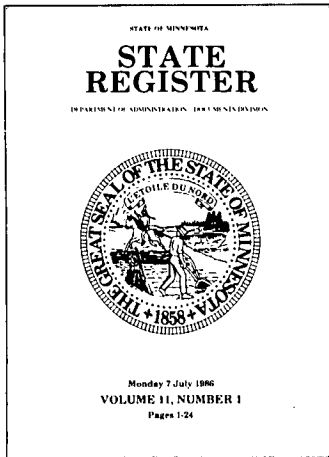
Birth & Death Records: The service counter for birth and death records has moved to Room 119, just off the lobby, of the Minnesota Health Department, 717 Delaware Street S.E., Minneapolis.

Benefit Breakfast: A pancake breakfast to benefit the Minnesota State Band will be held from 8:30 a.m. to 1 p.m. February 14 at St. Francis De Sales Church, 650 Palace Ave., St. Paul. The cost is \$3 for adults and \$1.75 for children, which includes door prizes and music by an old-time German band.

Cross-Country Ski Trail Passes: Department of Natural Resources officials remind cross-country skiers that they must purchase a Minnesota Ski Pass before using trails in state, county, or regional parks. The Minnesota Ski Pass can be purchased at all state parks, most county and regional parks, many ski shops and at the DNR License Bureau at 500 Lafayette Road, St. Paul. It can also be purchased with VISA or Mastercard by calling (612) 296-6699 in the metro region or 1-800-652-9747 outstate. For more information, contact: Captain Paul Rice, DNR Metro Enforcement Supervisor (612) 296-8609; Del Barber, DNR Metro Trails & Waterways Coordinator (612) 296-3572.

MEEB Has New Executive Director: A new Executive Director of the Minnesota Environmental Education Board (MEEB) has been appointed. Jacqueline Lind took over the top MEEB position December 17. As Executive Director, Lind will be responsible for coordinating the activities of MEEB's 13 Regional Environmental Education Councils (REECs) which carry out ongoing environmental education plans. With an annual \$349,000 budget, she will also be working with the MEEB chairperson, state board members, regional councils, professional and clerical staff, as well as state legislators, other state agency personnel, educators and the public. For more information, contact: Jackie Lind, MEEB Director (612) 296-0212.

Proposals Requested for New Independent Living Center: Proposals to establish a Center for Independent Living in an area of Minnesota not presently being served are being requested by the Rehabilitation Services Division of the Department of Jobs and Training. Approximately \$75,000 in state funds will be made available July 1 for the establishment of a new independent living center within the state. Meetings will be conducted at those locations where sufficient interest and participation by the local community have been demonstrated. It is expected that these informational meetings will be held the week of February 8. Among the services that the centers are required to provide are: intake counseling, peer counseling, information and referral on attendant care, advocacy and housing and transportation assistance. Communities needing additional information can contact Scott Rostron, director, Independent Living Program, (612) 296-5085.



We want you to have our business—\$1 billion annually

Each year over \$1 billion in state contracts are awarded. About \$20 million in state contracts per week are advertised in the **State Register**, the most complete listing of state contracts available. Just a *sampling* of contracts includes, consulting services, professional services, technical services, commodities, equipment, supplies, and a wide variety of special services.

For 50¢ a day, the price of a **Wall Street Journal**, we will deliver to your office the most effective and economical means of tracking state contracts. The smart way to stay in the know, and land the business of state government, is with the **State Register**.

Come blizzard, tornado, flood or earthquake—you'll find important and valuable information for your business you won't find anywhere else. Every Monday, 52 times a year, the **State Register** publishes the most thorough listing of state contracts, and is the only source of state agency rulemaking activity, plus important tax court decisions, official notices, executive orders of the governor, supreme court decisions, and a calendar of scheduled cases to which you can add your "friend of the court" questions.

Could you hire someone to bring all this information to you and your company for so little money? Let us bring you the business of state government. Subscribe to the **State Register** today, or call 296-4273 for more information.

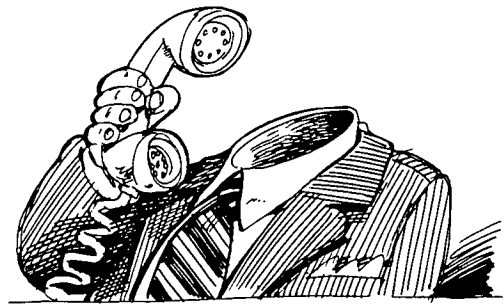
An annual subscription is \$130 and a 13-week trial subscription is \$40. MasterCard/VISA orders can be taken over the phone, otherwise prepayment is required. Send your orders to the Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Ever called and been transferred to this guy?

1987 & 1988 State of Minnesota Telephone Directory. Get a direct line to the persons you want to speak to. Contains names, numbers, and agencies in the executive, legislative and judicial branches of state government. Four sections give listings alphabetically name, agency, Minnesota region, plus an index for cross referencing. Over 250 pages, paperback, 8½"x11". Code #1-87. \$10.95

U.S. Government Manual 1986-87. Contains comprehensive information on federal agencies of the legislative, judicial and executive branches of government. Each agency description includes address, phone number, a list of principal officials, a summary of each agency's purpose and programs and activities. Paperback 940 pages with appendices and index. Code #16-46. \$19.00



TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "Documents." Make checks payable to the State of Minnesota. Please include 6% sales tax, and \$1.50 for postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Department of Commerce Regulated Profession Publications

Banking Laws 1986. Complete text of state law governing banks, trust companies and other financial institutions. Code #2-76 \$29.95

Business and Nonprofit Corporation Act 1987. Laws governing establishment and conduct of for-profit and non-profit corporations in Minnesota. Chapters 80B, 302A, 317. Code #2-87 \$10.00

Fair Labor Standards Act 1987. Minimum wage and overtime compensation standards for employers. Chapter 177. Code #2-75 \$5.00

Insurance Laws 1987. A compendium of laws applicable to the insurance business. Includes chapters on company and individual agents licensing requirements. Code #2-1, \$20.00

Insurance Rules 1986. Essential licensing information for businesses and agents. Includes standards on policies, practices, marketing and continuing education. Code #3-1 \$14.00

Notary Public Laws 1987. Statutory requirements regarding the oath of office, necessary bond, and taking of depositions. Includes an explanation of the term of the office and procedures for removal from office. Code #2-13 \$4.00

Real Estate Laws 1987. Complete and up-to-date extract from the 1986 Minnesota Statutes. Code #2-92 \$6.00

Real Estate Rules 1987. Contains all education and licensing requirements for agents. Chapters 2800, 2805, and 2810. Code #3-99 \$8.00

Securities Laws 1987. Governs the activities of broker/dealers, agents or investment advisors. Chapter 80A. Code #2-12 \$6.00

Securities Rules 1987. Subjects include standards of conduct, equity securities, investment companies and more. Chapter 2875. Code #3-5 \$13.00

Banking Rules 1987. New rules are expected in early fall '87. Call then for more information.

Uniform Commercial Code 1986. Chapter 336. U.S. laws governing trade, including contracts, title, payment, warranties, performance and liability. Code #2-2 \$10.00

Mailing Lists. All kinds available. A catalog will be available in late summer '87. Call to receive a copy. (612) 297-2552 or 296-0930.

TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and \$1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Pheasants in Minnesota

Pheasants in Minnesota, focusing exclusively on the ringneck pheasant, this DNR booklet tells of this popular game bird's origin, introduction and development in Minnesota. Through many full-color photos the book shows the pheasant in various settings, tells how to maintain wildlife habitat and explains the wise management of the hunt. A great gift for each member of your hunting party, or as a memento to a special Minnesota hunting vacation. Quantity discounts available. Code #9-13, \$5.95.

Woodworking for Wildlife, delightfully written and carefully illustrated with a variety of game bird and mammal box designs. Includes important information on the placement of nests in proper habitat areas and maintenance requirements. Diagrams, 48 pp. Code #9-14, \$6.00.



TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and \$1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

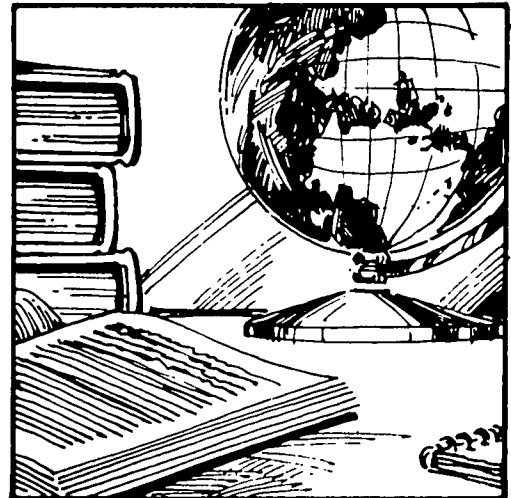
Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Get Smart with these Education Resources

Board of Teaching-Licensure Rules 1987. Minnesota Rules Chapter 8700. Requirements for the issuance and renewal of all licenses, from vo-tech and hearing impaired to librarians and media generalists. Includes the Code of Ethics for Minnesota Teachers, and standards for teachers prepared in other states. Code #3-74. \$7.00 plus tax.

Education Directory 1987-88. All the elementary and secondary schools in the state. Includes Minnesota school districts, superintendents, boards, principals, district addresses, phone numbers and enrollment figures. Code #1-93, \$6.00 plus tax.

Minnesota Guidebook to State Agency Services 1987-1990. Packed with information to help you cut red tape for easy and fast service from state agencies. Its 640 pages guide you through license requirements, forms, fees, reports, services, grants, and more. Provides hundreds of addresses, phones and agency descriptions. Code #1-4. \$15.00 plus tax.



Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Code No.		Quantity	Description		Item Price	Total
Name or Company					Subtotal	
Attention					Plus 6% tax MN Residents Only	
Address						
City		State	Zip	Postage/Handling (per order)		\$1.50
VISA/MasterCard No. or Cust. Deposit No.					TOTAL	
Signature			Expiration Date	Telephone (During Day)		

TO ORDER:
Complete attached order blank. Include either your VISA/MasterCard number with the expiration date, or a check/money order made out to the State of Minnesota. Orders by phone are accepted when purchasing with your VISA/MasterCard or if you have a customer deposit account. Please include a phone number where you can be reached during the day in case we have questions about your order. Please include 6% sales tax and \$1.50 postage and handling.
PREPAYMENT REQUIRED.
Merchandise may be returned at \$1.50 restocking charge, if it is in resalable condition.
NOTE: State Register and other subscriptions do not require sales tax or postage and handling fees. Prices subject to change without notice.
Please allow about 6 weeks for delivery. In a hurry? Stop by our Bookstore. Bookstore Hours 8:00-4:30 M-F

Send your order to:
Minnesota Documents Division
117 University Ave., St. Paul, MN 55155
Metro area 612-297-3000
In Minnesota, toll free 1-800-652-9747

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Good Business Decisions are Made with Good Information

Minnesota Manufacturer's Directory. More than 7,000 entries that include name, address, phone number, staff size, sales volume, market area, year of establishment, type of firm, C.E.O., Sales or Marketing Manager, Purchasing Manager and four major manufactured products. Code #40-2, \$73.00 plus tax.

Business and NonProfit Corporation Act 1987. A handy reference that contains all the state laws governing the establishment and conduct of corporations in Minnesota. Includes *Minnesota Statutes* Chapters 80B, 302, 302A and 317. Code #2-87, \$10.00 plus tax.

Minnesota Guidebook to State Agency Services 1987-1990. Packed with information to help you cut through red tape for easy and fast dealing with state agencies, this treasure of information opens state government to you. Its 640 pages describe agencies, how they work, listing contacts, addresses, phones, and license requirements, grants, forms, reports, maps, publications and much more. Gives historical, statistical and important data useful in hundreds of ways. Code #1-4, \$15.00 plus tax.



Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Resolve Bargaining Disputes and Grievances

Public Employment Labor Relations Act 1987. The collective bargaining rights and responsibilities of public employers and public employees. Details employees' right to organize and the legislature's authority. Code #2-90, \$5.00 plus tax.

Public Sector Labor Relations in Minnesota. A practical resource and training guide analyzing public sector labor relations in Minnesota. A special emphasis on contract administration, grievance handling and the arbitration process. 286 pages, paperbound. Code #10-51, \$12.50.

Minnesota Guidebook to State Agency Services 1987-1990. A treasure of helpful, useful, and interesting information about Minnesota state government. This important resource guides you through applications, fees, licenses, reports, history and travel highlights. Describes agencies in detail, giving addresses, phones and contact people. Code #1-4, \$15.00 plus tax.



Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

The Rules of the Game—a Wise Investment

Securities Laws, 1987. Governs the activities of broker/dealers, agents and investment advisors. *Minnesota Statutes* Chapter 80A. Code #2-12, \$6.00 plus tax.

Securities Rules, 1987. Rules implementing the legislative mandate. Subjects include equity securities and investment companies. *Minnesota Rules* Chapter 2875. Code #3-5, \$13.00 plus tax.

Minnesota Guidebook to State Agency Services, 1987-1990. Packed with information to help you, this 640-page resource guides you through license requirements, forms, fees, reports, services, grants, and more. Its listing of addresses, phones, and agency descriptions cut red tape for easy and fast service from state agencies. Code #1-4, \$15.00 plus tax.



Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Documents Division

Publications, Services, Subscriptions

Order Form on Back—For Information, Call 297-3000

NEW PUBLICATIONS:

Building Code 1987. Regulates design, construction, quality of materials, use and occupancy of all buildings and structures. Includes adoption by reference of Uniform Building Code, National Electrical Code and others. Code #3-65s3, \$10.00.

Plumbing Code 1987. Rules concerning public safety and health in regard to: materials, joints, traps, fixtures, water supply, drainage, inspection and water conditioning. Code #3-6, \$11.00.

Health Care Facilities Directory 1987. A list of hospitals and related institutions licensed and/or certified to deliver various levels of care. The list is alphabetical by county, town and facility name. Code #1-89, \$15.00.

Human Services Rules Supplement 1987. The 1987 Supplement to the Department's rule book includes recent changes to many rules in effect from July 1986 through January 1987. Code #3-95s1, \$14.00.

Human Services Rules 1986. Governs assistance programs, eligibility, grant amounts, AFDC and residence requirements. *Minnesota Rules* 9500-9580. Code #3-95, \$24.95.

OTHER PUBLICATIONS

1987 Laws of Minnesota: Laws of the 1987 legislative session, \$42.50 per set. Code #18-5.

1987 Minnesota Rules: Rules of the 75 state agencies authorized to establish rules of conduct and procedure. Code 18-300. \$160 plus \$9.60 sales tax per 10-volume set.

Motor Vehicle Traffic Laws 1987. Includes laws governing motor carriers, motor vehicle registration and no-fault auto insurance. Code #2-85, \$13.00 plus tax.

Criminal Code and Selected Statutes 1987. Governs the conduct of peace officers, continuing education requirements for officers, prison sentences and more. Code #2-68, \$15.00 plus tax.

Education Rules. Rules of the State Board of Education governing state aid, vocational education, handicapped students, teacher certificates and much more. Code #3-28, \$19.00 plus tax.

Woodworking for Wildlife. Carefully illustrated with a variety of game bird and mammal box designs, including maintenance requirements and important information on the placement of nests in proper habitat areas. Diagrams. Code #9-14. \$6.00 plus tax.

Walleye. A unique blend of modern fishing strategies and never-before-published biological facts about this popular gamefish. Packed with full-color photographs. Code No. 19-70. \$12.95, plus tax.

Crappie Fishing. Fishing tips from a game warden and angling enthusiast. Written in an easy-to-read style to appeal to anglers of every experience level. Many full-color photographs. Code No. 19-75. \$9.95, plus tax.

Fishes of the Minnesota Region: An authoritative guide to the 148 kinds of fish found in Minnesota's waters, the book is a resource for identification and distribution of fish, and features color photographs. Code #19-44, \$12.95, plus tax.

American Flag. Perfect for home or office. 3' x 5' with embroidered stars. Heavy nylon bunting. Code No. 6-1. \$21.00, plus tax.

The Living White House (revised edition). A history of the White House that focuses on its life in the flow of American history, its symbolic place in the continuing life of the country, and the Presidents and their families who have changed it and been changed by it. Many photographs, some full-color. Code No. 16-30. \$7.50, plus tax.

SUBSCRIPTIONS:

State Register. Minnesota's official weekly publication for agency rules and notices, executive orders of the Governor, state contracts, Supreme Court Calendar, Supreme Court and Tax Court Decisions. Annual subscription \$130; Trial Subscription (13 weeks) \$40.00; Single copies \$3.50.

Workers Compensation Decisions. Volume 40. Selected landmark decisions of the Worker's Compensation Court of Appeals. Annual subscription. \$105.00.

SERVICES:

Mailing Lists. Lists of Minnesota licensed professionals and permit holders. Write or call (612) 297-2552 for a free mailing list catalog which contains available lists, selections, formats, pricing and ordering information.

1987 Lake Map Index. Listing over 4,000 lake maps. Free.

Minnesota State Documents Center 1987 Catalog. Lists publications available through Minnesota Documents Center. Free.

State Register Binder. Durable 3½ inches, forest green binders imprinted with the *State Register* logo. \$6.50 plus 39¢ tax.



Department of Administration

Minnesota Documents Division

117 University Avenue • St. Paul, Minnesota 55155

Metro area 612-297-3000
In Minnesota, toll free 1-800-652-9747

Second Class
U.S. Postage
Paid
Permit No.
326630
St. Paul, MN

Please notify us of any address changes so that we can continue to give you our best service. Include your old mailing label to speed your service.

Legislative Reference Library
Zona DeWitt
645 State Office Bldg
INTEROFFICE

For Your Convenience, photocopy this order blank

TO ORDER:

Complete attached order blank. Include either your VISA/Mastercard number with the expiration date, or a check/money order made out to the State of Minnesota. Orders by phone are accepted when purchasing with your VISA/Mastercard or if you have a customer deposit account. Please include a phone number where you can be reached during the day in case we have questions about your order.

Please include 6% sales tax and \$1.50 postage and handling.

PREPAYMENT REQUIRED.

Merchandise may be returned if it is in resalable condition.

NOTE:
State Register and other subscriptions do not require sales tax or postage and handling fees.

Code No.	Quantity	Description	Item Price	Total
Name or Company			Subtotal	
Attention			Plus 6% tax MN Residents Only	
Address				
City	State	Zip	Postage/Handling (per order)	\$1.50
VISA/Master Card No. or Cust. Deposit No.			TOTAL	
Signature		Expiration Date	Telephone (During Day)	



Metro area (612) 297-3000
In Minnesota toll-free 1-800-652-9747

Prices subject to change without notice.

Please allow about 6 weeks for delivery. In a hurry? Stop by our Bookstore. Bookstore Hours 8:00-4:30 M-F