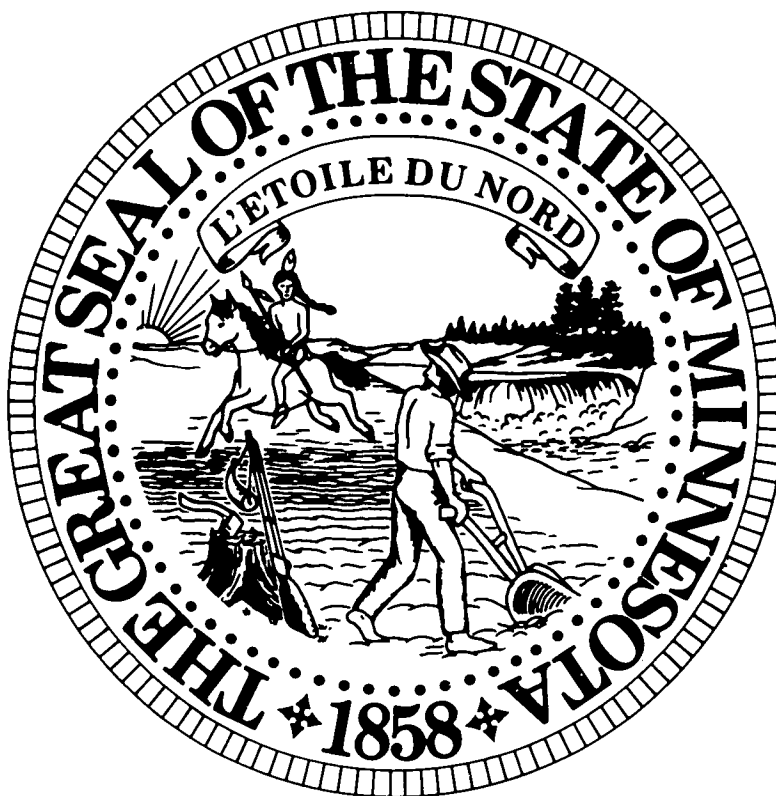


State of Minnesota

# STATE REGISTER

Department of Administration—Print Communications Division



Rules edition  
Published every Monday

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# STATE REGISTER

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

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

A *Contracts Supplement* is published every Thursday and contains additional state contracts and advertised bids, and the most complete source of state contract awards available in one source.

## Printing Schedule and Submission Deadlines

Vol. 14 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
19	Monday 23 October	Monday 30 October	Monday 6 November
20	Monday 30 October	Monday 6 November	Monday 13 November
21	Monday 6 November	Monday 13 November	Monday 20 November
22	Monday 13 November	Monday 20 November	Monday 27 November

\*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 every Monday (Tuesday when Monday is a holiday) by the State of Minnesota, Department of Administration, Print Communications Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to *Minnesota Statutes* § 14.46. A *STATE REGISTER Contracts Supplement* is published every Thursday. The Monday edition is the vehicle for conveying all information about state agency rulemaking, including official notices; hearing notices; proposed, adopted and emergency rules. It also contains executive orders of the governor; commissioners' orders; state contracts and advertised bids; professional, technical and consulting contracts; non-state public contracts; state grants; decisions of the supreme and tax courts; a monthly calendar of scheduled cases before the supreme court; and other announcements. The Thursday edition contains additional state contracts and advertised bids, and the most complete listing of contract awards available in one source.

In accordance with expressed legislative intent that the *STATE REGISTER* be self-supporting, the following subscription rates have been established: the Monday edition costs \$130.00 per year and includes an index issue published in August (single issues are available at the address listed above for \$3.50 per copy); the combined Monday and Thursday editions cost \$195.00 (subscriptions are not available for just the *Contracts Supplement*); trial subscriptions are available for \$60.00, include both the Monday and Thursday edition, last for 13 weeks, and may be converted to a full subscription anytime by making up the price difference. No refunds will be made in the event of subscription cancellation.

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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.

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## FOR LEGISLATIVE NEWS

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

### SENATE

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

**Perspectives**—Publication about the Senate.

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

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

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**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  
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# Minnesota Rules: Amendments and Additions

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific *Minnesota Rule* chapter numbers. Every odd-numbered year the *Minnesota Rules* are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

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

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

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# Proposed Rules

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

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

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

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

## Department of Commerce

### Proposed Permanent Rules Relating to Reciprocal Interstate Branching by Savings and Loan Associations

#### 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*, Section 45.023 and 51A.58.

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:

James G. Miller, Deputy Commissioner  
Division of Financial Examinations  
Department of Commerce  
500 Metro Square Building  
St. Paul, MN 55101  
(612) 296-2135

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 rules has been prepared and is available upon request from James G. Miller.

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.

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

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## Proposed Rules

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 James G. Miller.

Michael A. Hatch  
Commissioner of Commerce

### Rules as Proposed (all new material)

#### 2660.0010 APPLICABILITY AND SCOPE.

Parts 2660.0010 to 2660.0060 govern application and approval procedures by a savings and loan association with its principal place of business located in another state applying to acquire or operate a branch office in this state, or by a savings and loan holding company with its principal place of business in another state to acquire the voting shares of a savings and loan holding company, a savings and loan association, or a savings bank in this state under *Minnesota Statutes*, section 51A.58.

#### 2660.0020 DEFINITIONS.

Subpart 1. **Scope.** As used in parts 2660.0010 to 2660.0060, the following terms have the meanings given them.

Subp. 2. **Acquiree.** "Acquiree" means the Minnesota savings and loan holding company, savings and loan association, savings bank, or branch office being acquired by the applicant.

Subp. 3. **Acquisition.** "Acquisition" means obtaining ownership by one association, either directly or indirectly, of one or more branch offices of another association. Acquisition shall include obtaining ownership of all offices of another association through a merger, consolidation, purchase, or assumption of some or all of the assets and liabilities.

Subp. 4. **Affiliate.** "Affiliate" means a person who directly or indirectly has beneficial ownership of ten percent or more of any class of voting securities.

Subp. 5. **Alternate energy loans and alternate conservation loans.** "Alternate energy loans" and "alternate conservation loans" means all loans for any purpose under *Minnesota Statutes*, section 116M.03, subdivision 26.

Subp. 6. **Applicant.** "Applicant" means a savings and loan association or a savings and loan holding company that has filed an application to directly or indirectly acquire a Minnesota savings and loan association or branch office under the Minnesota Reciprocal Interstate Banking Act.

Subp. 7. **Association.** "Association" means a mutual or capital stock savings association, a savings and loan association, or a savings bank organized under *Minnesota Statutes*, chapter 50 or 51A, or a similar statute of a reciprocating state.

Subp. 8. **Control.** "Control," with respect to a savings and loan holding company, association, or savings bank to be organized under *Minnesota Statutes*, chapter 50 or 51A, and parts 2660.0010 to 2660.0060 has the following meaning:

A. the ownership, directly or indirectly, or acting through one or more other persons, control of or the power to vote 25 percent or more of any class of voting securities;

B. control in any manner over the election of a majority of the directors; or

C. the power to exercise, directly or indirectly, a controlling influence over management and policies.

Subp. 9. **Commissioner.** "Commissioner" means the commissioner of the Department of Commerce.

Subp. 10. **Community.** "Community" means the area the savings and loan association has designated for purposes of compliance with the Community Reinvestment Act of 1977, United States Code, title 12, sections 2901 to 2905, as being the area that it serves.

Subp. 11. **Community development corporation.** "Community development corporation" is as defined in *Minnesota Statutes*, section 116M.04.

Subp. 12. **Developmental loans.** "Developmental loans" includes the following categories:

A. low and moderate income housing;

B. operating loans for family farmers;

C. loans made in distressed areas;

D. minority- and woman-owned businesses;

E. alternative energy and energy conservation practices;

F. community development corporations;

G. Indian reservations and student education loans; and

H. any other specifically defined class of people, businesses, or projects that meet the standards under *Minnesota Statutes*,

section 645.445, subdivision 5, for socially or economically disadvantaged persons, projects, or businesses.

Subp. 13. **Developmental investments.** "Developmental investments" includes investments for the following purposes:

- A. low and moderate income housing;
- B. operating loans for family farmers;
- C. loans made in distressed areas;
- D. minority- and woman-owned businesses;
- E. alternative energy and energy conservation practices;
- F. community development corporations;
- G. Indian reservations and student education loans; and

H. other specifically defined class of people, businesses, or projects that meet the standards under *Minnesota Statutes*, section 645.445, subdivision 5, for socially or economically disadvantaged persons, projects, or businesses.

Subp. 14. **Distressed area.** "Distressed area" is defined to include any area designated as a distressed area under Code of Federal Regulations, title 24, section 570.452, by the United States Department of Housing and Urban Development.

Subp. 15. **Equity capital.** "Equity capital" means the sum of common stock, preferred stock, surplus, and undivided profits.

Subp. 16. **Family farmers.** "Family farmers" means family farms and family farm corporations as defined in *Minnesota Statutes*, section 500.24.

Subp. 17. **Investments.** "Investments" means funds or capital extended, contributed, or otherwise invested, but not loaned.

Subp. 18. **Low and moderate income housing.** "Low and moderate income housing" means housing as defined by any of the following:

- A. regulations adopted by the Farmers' Home Administration; and
- B. section 8 of the United States Housing Act of 1937, and the regulations adopted under the act.

Subp. 19. **Minnesota association.** "Minnesota association" means a savings association, a savings and loan association, or a savings bank:

- A. organized under Minnesota law; or
- B. whose organizational certificate identifies an address in this state as the principal place of conducting its business.

Subp. 20. **Minnesota loan.** "Minnesota loan" means loans made to Minnesota residents to be used in Minnesota or loans where the association has been advised by the borrower that the loan proceeds will be used in Minnesota.

Subp. 21. **Minnesota residents.** "Minnesota residents" are:

- A. individuals located within a Minnesota zip code;
- B. private profit or nonprofit corporations, or their subsidiaries or divisions, located and doing business within Minnesota;
- C. profit or nonprofit partnerships, trusts, or any form of other business enterprise located and doing business within Minnesota;

and

- D. any municipality, agency, or other public authority established and operating under the laws of Minnesota.

Subp. 22. **Minority-owned business and woman-owned business.** "Minority-owned business" and "woman-owned business" means any socially or economically disadvantaged person under *Minnesota Statutes*, section 645.445, subdivision 5. A minority-owned business or woman-owned business must have at least 50 percent of the ownership interest controlled by that disadvantaged class of persons.

Subp. 23. **Net new funds.** "Net new funds" means a net increase in lending, investment, and credit involvement brought to Minnesota on behalf of the acquirer as described in the application filed with the commissioner.

Subp. 24. **Reciprocating state.** "Reciprocating state" is (1) a state that authorizes the establishment of branch offices in that state by a Minnesota association, and the acquisition of savings and loan associations and savings banks located in that state by a savings

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## Proposed Rules

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and loan holding company with its headquarters in this state, under conditions no more restrictive than those imposed by the laws of Minnesota as determined by the commissioner of commerce; and (2) comprised of the states provided for in *Minnesota Statutes*, section 48.92, subdivision 7.

Subp. 25. **Relevant market area.** "Relevant market area" includes the standards established by the Federal Reserve Board for evaluation of concentration of financial institution deposits.

Subp. 26. **Savings and loan holding company.** "Savings and loan holding company" means any person, corporation, partnership, trust, joint stock company, association, or other legal entity that owns, holds, or in any manner controls, directly or indirectly, the stock in an association.

### 2660.0030 ACQUISITION PROCEDURE.

Subpart 1. **Application.** After filing an application in writing with the commissioner on the forms provided by the Department of Commerce:

A. An association in any reciprocating state may establish or operate branch offices in this state by acquisition, merger, purchase, and assumption of some or all of the assets or liabilities or consolidation, and may acquire by direct or indirect ownership or control the voting shares of a savings and loan holding company, a savings and loan association, or a savings bank located in this state, and may acquire and merge with a savings and loan holding company with its headquarters in this state.

B. A savings and loan holding company with its headquarters in a reciprocating state may acquire by direct or indirect ownership or control the voting shares of a savings and loan holding company, a savings and loan association, or a savings bank located in this state, and may acquire and merge with a savings and loan holding company with its headquarters in this state.

C. The headquarters of a savings and loan holding company for purposes of this part is that state in which the operations of its deposit taking subsidiaries are the largest in terms of total deposits.

D. The commissioner, upon receipt of the application, shall act upon it within 30 days of the end of the public comment period provided by part 2660.0110 and, unless the proposed acquisition is disapproved within that period of time, it becomes effective without approval, except that the commissioner may extend the 30-day period an additional 30 days if in the commissioner's judgment any material submitted is substantially inaccurate or the acquiring party has not furnished all the information required by part 2660.0030, subparts 3 and 4, or the commissioner. No application for approval required by this part is complete unless accompanied by an application fee of \$5,000 payable to the state treasurer. Within three days after making the decision to disapprove any proposed acquisition, the commissioner shall notify the acquiring party in writing of the disapproval. The notice must provide a statement of the basis for the disapproval.

Subp. 2. **Hearings.** Within ten days of receipt of notice of disapproval under subpart 1, the applicant may request an agency hearing on the proposed acquisition. At the hearing, all issues must be determined on the record under *Minnesota Statutes*, chapter 14, and the rules issued by the department. At the conclusion of the hearing, the commissioner shall by order approve or disapprove the proposed acquisition on the basis of the record made at the hearing.

Subp. 3. **Application documentation.** An application filed under subpart 1 must contain the following attachments:

A. A certified copy of the applicant board's resolution authorizing submission of the application and designating the officers authorized to sign it.

B. A copy of the most recent Federal Home Loan Bank Examination Report for the applicant or the applicable state regulatory authority. If the applicant is prohibited from releasing this report, it shall file a copy of a written request to the appropriate federal or state authority requesting delivery of the report to the commissioner.

C. A copy of all invitations, tenders, or advertisements making a tender offer to stockholders for purchase of their stock to be used in connection with the proposed acquisition.

D. A copy of all acquisition agreements detailing the terms and conditions of any proposed acquisition.

E. An organizational chart of the applicant and its subsidiaries.

F. A copy of the most recent consolidated report of condition and statement of earnings of the applicant.

G. A pro forma balance sheet of the applicant on a consolidated basis both before and after the acquisition.

H. A statement of the assets and liabilities of the applicant, as of the end of the calendar year for each of the five years immediately preceding the date of the application, together with related statements of income, sources, and application of funds for each of the calendar years then concluded, prepared in accordance with generally accepted accounting principles, consistently applied.

I. An interim statement of assets and liabilities of the applicant, together with related statements of income, source, and application of funds as of a date not more than 90 days before the date of the filing of the application.



J. Any other exhibit that the commissioner considers relevant.

Subp. 4. **Information.** The application form shall include, but not be limited to, the following:

A. The name and address of the applicant.

B. The name and address of the acquiree.

C. The full name of each shareholder who owns or controls ten percent or more of the stock of the acquiree who is tendering its stock.

D. The total number of shares presently held by each shareholder who owns or controls ten percent or more of the stock of the acquiree who is tendering its stock.

E. The total number of shares to be sold or transferred by each shareholder who owns or controls ten percent or more of the stock of the acquiree.

F. The total number of shares to be held by each shareholder of the acquiree who will hold or control ten percent or more of the stock following completion of the proposed transaction.

G. The total number of voting shares authorized by either the acquiree association or the acquiree savings and loan holding company.

H. The total number of outstanding voting shares of the acquiree.

I. The number of shares involved in this transaction.

J. The total number of shares of the acquiree currently held by the applicant.

K. The total consideration for the proposed transaction.

L. The identity, personal history, business background, and experience of the applicant. If known to the applicant, or any officer or director of the applicant, the identity, personal history, business background, and experience of its affiliates, including any material business activities and affiliations during the past five years.

M. A description of any material pending legal or administrative proceeding in which the applicant is a party, and any criminal indictment or conviction of that person by a state or federal court; and, if known by the applicant or an officer or director of the applicant, similar proceedings involving an affiliate of the applicant must be disclosed.

N. The names and addresses of the anticipated board of directors of the Minnesota association being acquired by the applicant. If a savings and loan holding company located in Minnesota is being acquired, the attachment must contain the names and addresses of the anticipated board of directors of the subsidiary located in Minnesota of the savings and loan holding company. If the anticipated board is not known, include an explanation of how the directors will be determined.

O. If a savings and loan holding company located in Minnesota is being acquired, the attachment must list the names and addresses of its subsidiaries.

P. The source and amount of funds or other consideration, except those funds borrowed, to be used in making the acquisition. The applicant should particularly describe any of its assets that are to be liquidated to finance the acquisition.

Q. If any part of the funds or other consideration are to be borrowed to make the acquisition, the applicant must describe the collateral to be pledged and the terms of the transaction, including the name of the lender, interest rates, requirements, guarantors, endorsers, and any other arrangements, agreements, and understandings between and among the parties. The application must include copies of any loan commitments obtained from lenders in connection with the proposed acquisition.

R. If borrowed funds are to be obtained, the applicant must indicate the sources of funds for debt service. Additionally, the applicant shall detail the extent to which the applicant intends to rely on dividends and fees or other funds from the association being acquired for debt servicing requirements.

S. The applicant must identify any person retained or compensated by the applicant, or by any person on the applicant's behalf, to make solicitations of recommendations to stockholders for the purpose of assisting in the acquisition, and a brief description of the terms of any retainer or arrangement for compensation.

T. The applicant must disclose any plans or proposals regarding any partial or full liquidation of the acquiree, of any plans or proposals to sell the acquiree's assets or merge it, or any other major change in the acquiree's business or corporate structure or management.

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## Proposed Rules

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U. The applicant must describe how the acquisition will bring net new funds, under part 2660.0050 to Minnesota.

V. The application must also disclose how the acquisition will not result in undue concentration of resources or a substantial lessening of competition in Minnesota. The application shall delineate the relevant market area of the association or associations to be acquired and located in Minnesota. This delineation is to be described by map or drawing showing the other associations and commercial banks accompanied by a schedule of correspondent, current total deposits of each.

W. The applicant shall describe its plan of compliance in providing the developmental loans and investments.

X. The applicant must describe developmental loans or developmental investments as set forth in part 2660.0040.

Y. The commissioner may additionally require other information as may be necessary to determine whether the application should be approved.

**Subp. 5. Disapproval.** The commissioner shall disapprove any proposed acquisition if:

A. the financial condition of any acquiring person is such as might jeopardize the financial stability of the Minnesota association or prejudice the interests of the depositors of the Minnesota association;

B. the competence, experience, and integrity of any acquiring person or of any of the proposed management personnel indicates that it would not be in the interest of the depositors of the Minnesota association or in the interest of the public to permit the person to control the Minnesota association;

C. the acquisition will result in undue concentration of resources or substantial lessening of competition in this state;

D. the application fails to adequately demonstrate that the acquisition proposal would bring net new funds into Minnesota; or

E. the application is incomplete or any acquiring party neglects, fails, or refuses to furnish all the information required by the commissioner.

**Subp. 6. Appeals.** The court of appeals of Minnesota will have exclusive original jurisdiction of any judicial review of an order issued under this part. The applicant that is the subject of the order may seek judicial review at any time within 90 days of the date of an order lawfully issued under this part.

### **2660.0040 NEW ASSOCIATION APPLICATION.**

Any application to organize an association under *Minnesota Statutes*, chapter 51A, may include control by a reciprocating state holding company if, in addition to the conditions in *Minnesota Statutes*, chapter 51A, the application does not present any facts that would be grounds for disapproval in part 2660.0030, subpart 5, and if the application would result in the acquisition and operation of no more than one association in this state by the same reciprocating state holding company.

### **2660.0050 VIOLATIONS.**

**Subpart 1. Divestiture; cease and desist.** In the event a reciprocating state holding company makes an acquisition other than in full compliance with the requirements and procedures of *Minnesota Statutes*, section 51A.58, and parts 2660.0050 to 2660.0110, the commissioner may by order require the reciprocating state holding company to:

A. divest itself of its direct or indirect ownership or control of any association or branch located in this state; or

B. cease and desist the violations by a date certain. The order would be subject to the procedures applicable to cease and desist proceedings under *Minnesota Statutes*, sections 46.23 to 46.33, and any applicable rules.

**Subp. 2. Net new funds; misrepresentation.** If the commissioner determines that at any time after the acquisition of an association located in this state by a reciprocating state holding company it has materially misrepresented or substantially failed to conform to the statement submitted in the application required by part 2660.0030, subpart 4, item U, the determination shall be considered prima facie evidence of a violation subject to the divestiture or cease and desist procedures in subpart 1. In any proceeding under this part, the burden of proving compliance with the requirements of *Minnesota Statutes*, section 51A.58, and parts 2660.0050 to 2660.0110, is upon the reciprocating state holding company.

### **2660.0060 SUPERVISION.**

The commissioner may enter into cooperative and reciprocal agreements with federal or state regulatory authorities of reciprocating states for exchange or acceptance of reports of examination and other records from the authorities in lieu of conducting its own examinations. The commissioner may enter into joint actions with federal or state regulatory authorities of reciprocating states to carry out its responsibilities under *Minnesota Statutes*, section 51A.58, and parts 2660.0010 to 2660.0110, and assure compliance with the laws and rules of this state.

### **2660.0070 REPORTS.**

Any reciprocating state holding company that directly or indirectly, through any subsidiary, acquires an association under *Minnesota Statutes*, section 51A.58, and parts 2660.0010 to 2660.0110, shall file with the commissioner copies of all regular and periodic reports

that the holding company is required to file under section 13 or 15(d) of the Securities and Exchange Act of 1934, as amended, excluding any portions not available to the public, and other reports the commissioner may require.

#### **2660.0080 PUBLIC PARTICIPATION.**

Subpart 1. **Public information.** Consistent with federal law, the commissioner shall make available to the public at reasonable cost copies of all applications, including supporting documents and any other information required to be submitted to the commissioner.

Subp. 2. **Notice.** Upon the filing of an application:

A. an applicant shall publish in a newspaper of general circulation notice of the proposed acquisition as prescribed by the commissioner by rule;

B. the commissioner shall accept public comment on an application for a period of not less than 30 days from the date of the final publication required by item A, or 30 days after the date of the availability of the first periodic bulletin required by item B, whichever is later; and

C. the commissioner shall prepare and update with each new application a bulletin listing all pending applications. The bulletin must be published and mailed without charge to any person upon request.

#### **2660.0090 DEVELOPMENTAL LOANS.**

Subpart 1. **Requirements.** An association located in this state owned by an interstate holding company shall provide a level of developmental loans as defined by the commissioner. A developmental loan includes, but is not limited to: (1) loans for low and moderate income housing, loans to community development corporations, loans to woman- and minority-owned businesses, student education loans, and alternative energy or energy conservation loans; and (2) loans within distressed areas and on any Indian reservation for any commercial nonreal estate purpose, home loans, home improvement loans, and operating loans to family farmers. The commissioner shall annually designate distressed areas. A distressed area may be made for a geographic region smaller than a county within the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington. The determination of a distressed area should be made on the area's unemployment rate, economic conditions, and credit needs.

Subp. 2. **Mandatory factors to consider.** The commissioner shall consider the following factors in determining an acceptable level of developmental loans in the community by an applicant through its acquiree:

A. the level of developmental loans, in terms of number and amount, held by the acquiree at the end of:

(1) its last calendar quarter immediately before the date of the application; and

(2) each of the last two calendar years immediately before the date of the application;

B. the projected level of developmental loans, in terms of number and amount, held at the end of each of the next three calendar years from the date of application;

C. any developmental investments for the classifications listed under developmental loans held at the time periods described in items A and B;

D. any developmental loans or developmental investments originated by the acquiree that have been or will be participated in or sold to other institutions during the time periods described in items A and B;

E. the acquiree's financial condition at the close of the time periods described in items A and B;

F. the association's asset quality at the close of the time periods described in items A and B;

G. the economic condition of the community during the time periods described in items A and B;

H. the asset mix of the association and the socio-economic makeup of the community in terms of socially and economically disadvantaged persons;

I. the extent of loans made by the acquiree in its Community Reinvestment Act territories during the time periods described in items A and B; and

J. the volume of developmental loans made in the community during the time periods described in items A and B.

Subp. 3. **Permissive factors.** The commissioner may also consider:

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## Proposed Rules

A. any peer group average for developmental loans and investments by similar financial institutions concerning geography, financial condition, asset quality, asset mix, and community reinvestment criteria; and

B. other material fact or information concerning the appropriate level of developmental loans to be made by the acquiree.

### 2660.0100 NET NEW FUNDS.

Subpart 1. **Requirements.** The description of net new funds must be filed with the application and annually thereafter stating the amount of capital funds, including the increase in equity capital that will result from the acquisition or establishment of an association. The level of total equity capital must exceed \$3,000,000 for a new chartered association and \$1,000,000 for an acquired association. The description must state the net increase in loanable funds expressed as an increase in the total loan-to-asset ratio of Minnesota loans and assets. The statement must also include a discussion of initial capital investments, loan policy, investment policy, dividend policy, and the general plan of business, including the full range of consumer and business services that will be offered.

Subp. 2. **Lending, investment, and capital involvement.** In determining whether additional lending, investment, and capital involvement by the acquiree will occur as a result of the application being approved, the commissioner shall consider the following data at the close of each of its last two calendar years, and the close of its most recent calendar quarter before the filing of the application, together with projections of the same data for the close of its next three calendar years:

- A. the total deposits of the acquiree;
- B. the total loans of the acquiree;
- C. the total equity capital of the acquiree;
- D. the total Minnesota loans;
- E. the total loan-to-asset ratio;
- F. the total loan-to-deposit ratio;
- G. the total loan-to-equity capital ratio;
- H. the total Minnesota loan-to-asset ratio;
- I. the total Minnesota loan-to-deposit ratio;
- J. the total Minnesota loan-to-equity capital ratio;
- K. the total Minnesota loan-to-total loan ratio;
- L. the total loan-to-deposit ratio considering only loans made in the acquiree's community; and
- M. the total loan-to-deposit ratio considering only loans made outside the acquiree's community.

Subp. 3. **Acquiree; community economic factors.** The commissioner shall also consider:

- A. the acquiree's financial condition on the dates described in subpart 1;
- B. the acquiree's asset quality on the dates described in subpart 1;

C. the economic characteristics of the community served by the acquiree including, but not limited to, population trends, area use for residential, commercial, industrial, and agricultural purposes, the level of socially and economically disadvantaged persons, families of low and moderate income and low and moderate income housing, and location in the community of enterprise zones and distressed areas;

D. the extent of loans and investments made by the acquiree in the community served by it on the dates described in subpart 1; and

E. the initial capital investment of the applicant, and with respect to the acquiree, its loan policy, investment policy, dividend policy, and general plan of business, including the full range of consumer and business services that will be offered.

Subp. 4. **Affiliated associations.** To determine whether the applicant will actively participate in the community and in Minnesota, the commissioner shall also consider the following data for each association affiliated with the applicant at the close of its last two calendar years and at the end of its most recent calendar quarter before the filing of the application:

- A. the total deposits of each association;
- B. the total loans of each association;
- C. the total equity capital of each association;
- D. the total loan-to-deposit ratio considering only loans made in the association's community; and
- E. the total loan-to-deposit ratio considering only loans made outside of the association's community.

Subp. 5. **Additional factors.** The commissioner shall also consider:

A. any peer group averages of other Minnesota associations for market share, loan-to-deposit ratio, net interest spread, return on average assets, return on average equity, net charge-offs, capital, and loans for real estate consumers, financial institutions, farmers, and commercial property;

B. any other material fact or information brought to the commissioner's attention concerning the appropriate level of net new funds; and

C. a business plan as to any lending, investment, bank service, or grant program administered by the applicant, or any affiliate of the applicant, that serves the needs and communities of people defined by the development loan categories of these regulations, accompanied by a statement of how the programs will be applied to the applicant's or applicant affiliate's programs and activities in Minnesota.

**2660.0110 NOTICE.**

Subpart 1. **Publication.** Within 30 days of the filing of an application, the applicant shall publish a notice of the filing of the application in a newspaper of general circulation within the county in which the association or branch office to be acquired or the proposed association or bank is located. In addition, the applicant shall mail by certified mail, return receipt requested, notice of the filing of the application to the commercial lending institutions within a three-mile radius of the association or branch office to be acquired or located.

Subp. 2. **Proof of publication.** The applicant shall submit to the commissioner a certified publisher's affidavit, including a tear sheet of the publication, setting forth the fact that the publication has been made.

Subp. 3. **Proof of mailing.** The applicant shall file with the commissioner the receipts certifying that the notices were sent by first class mail to the commercial lending institutions located within the three-mile radius of the association or branch office to be acquired or located.

Subp. 4. **Content of notice.** The application shall disclose the following:

A. the name and address of the applicant or the applicant's attorney;

B. the name and address of the association or branch office to be acquired or chartered;

C. the date that the application was filed with the department;

D. the notice that public comment addressed to the name and address of the commissioner will be accepted for a period of at least 30 days from the date of publication;

E. that the application to acquire or charter a savings and loan association or branch office by an interstate bank holding company must establish certain statutory criteria for approval under *Minnesota statutes*;

F. that the application, before being approved, must demonstrate that the acquisition of the savings and loan association or branch office:

(1) will not result in undue concentration of resources or substantial lessening of competition in the locality; and

(2) will bring net new funds into Minnesota;

G. that the application, subject to any limitations imposed by federal or state statutes, is available to members of the public by contacting the commissioner of the Department of Commerce at 500 Metro Square Building, Saint Paul, MN, 55101; and

H. any other information that the commissioner considers relevant to a proper disclosure surrounding the facts and circumstances of the acquisition.

Subp. 5. **Format.** The publication required in this part shall be typeset in a format acceptable for the publication of a savings and loan association charter application.

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## 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 Hearing Aid Seller Permits

The rules proposed and published at *State Register*, Volume 13, Number 46, pages 2743-2749, May 15, 1989 (13 S.R. 2743) are adopted with the following modifications:

#### Rules as Adopted

##### 4692.0010 PURPOSE.

Chapter 4692 establishes procedures for applying and obtaining a permit to sell hearing instruments. The purpose of this chapter is to establish a central ~~registry~~ listing of persons who sell hearing instruments and to establish procedures for issuing, suspending, and revoking permits.

##### 4692.0015 DEFINITIONS.

Subp. 5. **Hearing instrument selling.** "Hearing instrument selling" is as defined in ~~Minnesota Statutes, section 153A.13, subdivision 4~~ means fitting ear molds, assisting the consumer in instrument selection, or testing of human hearing when the person conducting these activities has a monetary interest in the sale of hearing instruments to the consumer at retail.

##### 4692.0025 PROCEDURE FOR APPLYING FOR A PERMIT.

Subp. 2. **Requirement to maintain current information.** A seller must notify the commissioner within 30 days of the occurrence of any one or more of the following:

B. the occurrence of conduct prohibited by *Minnesota Statutes*, section 153A.15; and

C. a settlement or award based on the negligence or intentional acts committed in the selling of hearing instruments by the seller; and

~~D. a physical or mental disability of the seller that may affect a seller's ability to sell hearing instruments.~~

##### 4692.0040 FEES.

~~Subp. 3. **Surcharge fee.** In addition to other applicable fees, each applicant must pay a surcharge fee of \$29. The surcharge fee applies to all persons applying for a permit or renewal of a permit under this chapter during the first five years following the effective date of this chapter.~~

## Department of Public Safety

### Adopted Permanent Rules Relating to Hazardous Substance Notification

The rule proposed and published at *State Register*, Volume 13, Number 44, pages 2673-2675, May 1, 1989 (13 S.R. 2673) is adopted with the following modifications:

#### Rules as Adopted

##### 7513.0300 ALTERNATIVE.

A facility may submit a Tier Two form, "Emergency and Hazardous Chemical Inventory," under the Superfund Amendments and Reauthorization Act of 1986, Public Law Number 99-499, title III, section 312, instead of the Tier One Form.

# Emergency Rules

## Proposed Emergency Rules

According to Minn. Stat. of 1984, §§14.29-14.30, state agencies may propose adoption of emergency rules if: 1) expressly required; 2) authorized by statute; or 3) if the manner permitted by a directive (given by statute, federal law or court order) does not allow for compliance with sections 14.14-14.28. The agency must, however, publish a notice of intent to adopt emergency rules, along with the rules themselves, in the *State Register*. The notice must advise the public:

- 1) that a free copy of the proposed emergency rule is available upon request from the agency;
- 2) that notice of the date that the rule is submitted to the attorney general will be mailed to persons requesting notification;
- 3) that the public has at least 25 days after publication of the proposed emergency rule to submit data and views in writing; and
- 4) that the emergency rule may be modified if the data and views submitted support such modification.

## Adopted Emergency Rules

Emergency rules take effect five working days after approval by the attorney general, and after compliance with Minn. Stat. §§14.29-14.365. As soon as possible, emergency rules are published in the *State Register* in the manner provided for in section 14.18.

Emergency rules are effective for the period stated in the notice of intent to adopt emergency rules. This may not exceed 180 days.

## Continued/Extended Emergency Rules

Adopted emergency rules may be continued in effect (extended) for an additional 180 days. To do this, the agency must give notice by: 1) publishing notice in the *State Register*; and 2) mailing the same notice to all persons who requested notification on rulemaking. No emergency rule may remain in effect 361 days after its original effective date. At that point, permanent rules adopted according to Minn. Stat. 14.14-14.28 supercede emergency rules.

## Department of Health

### Division of Environmental Health

## Proposed Emergency Rules Relating to Abatement Methods and Standards for Lead in Paint, Bare Soil, Dust, and Drinking Water From Public Fountains

### Notice of Intent to Adopt an Emergency Rule

**NOTICE IS HEREBY GIVEN** that the Department of Health (hereinafter "Department") intends to adopt the above-entitled emergency rule. The statutory authority to adopt the emergency rule is contained in *Minnesota Statutes* Sec. 144.856 (*Minnesota Supplement* 1989). The agency, in adopting the rule, is following the procedures set forth in the Administrative Procedure Act for adopting emergency rules in *Minnesota Statutes* Sections 14.29 to 14.36.

All persons have 25 days after publication to submit data and views on the proposed emergency rule or any part or subpart of the rule in writing. Any comments must be submitted to:

Douglas Benson  
Lead Program Coordinator  
Minnesota Department of Health  
P.O. Box 9441  
Minneapolis, Minnesota 55440  
(612) 623-5653

A copy of the proposed rule is attached to this notice and published in the *State Register*.

A free copy of the proposed emergency rule is available by contacting Douglas Benson at the address and telephone number stated above.

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

Upon adoption of the emergency rule by the Department, the emergency rule as adopted and its supporting documents will be delivered 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 adopted rule, must submit the written request to Douglas Benson at the address stated above.

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## Emergency Rules

The emergency rule will take effect five working days after approval by the Attorney General and be effective for 180 days. The emergency rule will be continued in effect for an additional 180 days if the Department gives notice of continuation in accordance with *Minnesota Statutes* Section 14.35.

Adoption of these rules will require an expenditure of public money by local public bodies. Under the requirements of *Minnesota Statutes* Section 14.11 (1988), the Department's estimate of total cost to all local public bodies to implement the rule for the two years immediately following adoption of the rule is \$307,000 in each year, provided the rule is made permanent.

Dated: 20 October 1989

Sister Mary Madonna Ashton  
Commissioner

### Rules as Proposed (all new material)

#### 4620.1900 [Emergency] APPLICABILITY.

Parts 4620.1900 to 4620.2500 [Emergency] apply to lead abatement contractors performing lead abatement work ordered by boards of health in cities of the first class.

#### 4620.2000 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** For purposes of parts 4620.1900 to 4620.2500 [Emergency], the following terms have the meanings given them.

Subp. 2. **Abatement.** "Abatement" means the use of the best available technology to remove or encapsulate deteriorating or intact paint or to reduce the availability of lead in soil and house dust, medicine, water, and any other sources considered a lead hazard by the commissioner.

Subp. 3. **Assessment.** "Assessment" means sampling and analysis, as described in part 4620.2200 [Emergency], for sources of lead exposure in a residence or day care facility.

Subp. 4. **Board of health.** "Board of health" means a local administrative authority established under *Minnesota Statutes*, section 145A.03 or 145A.07.

Subp. 5. **Commissioner.** "Commissioner" means the commissioner of health.

Subp. 6. **Day care facility.** "Day care facility" means the structure and indoor and outdoor space used by a provider licensed under chapter 9502 to provide day care in a residence.

Subp. 7. **Encapsulation.** "Encapsulation" means the covering or containment of a lead source in soil or paint to prevent harmful exposure to lead. Encapsulation includes, but is not limited to, covering of bare soil that contains more than acceptable levels of lead under part 4620.2100 [Emergency] with sod or soil that contains acceptable parts per million lead under part 4620.2100 [Emergency]. Encapsulation also includes, but is not limited to, seeding and treatment for walkways and parking areas.

Subp. 8. **High efficiency particle accumulator.** "High efficiency particle accumulator" means a vacuum cleaner with a filter capable of removing at least 99.8 percent of airborne particles that are at least three-tenths of a micron in diameter.

Subp. 9. **Intact paint.** "Intact paint" means paint that is not visibly deteriorating and that covers undamaged base material.

Subp. 10. **Lead abatement contractor.** "Lead abatement contractor" means an employer or other person or entity who, for financial gain, directly performs or causes to be performed, through subcontracting or similar delegation, work related to lead hazard abatement or immediate hazard removal.

Subp. 11. **Public fountain.** "Public fountain" means a drinking water fixture connected to a building's water supply system that supplies water to 25 or more people or has 15 or more service connections.

Subp. 12. **Residence.** "Residence" means:

A. every structure used or intended for use as single family habitation, including exterior surfaces and every other structure located within the same lot; or

B. a unit within a structure used or intended for use as multifamily habitation, including common areas located within the same lot but not including other units.

Subp. 13. **Sandblasting.** "Sandblasting" means the use of pressurized airborne abrasive to remove surface coatings.

Subp. 14. **Standard tube auger.** "Standard tube auger" means a hollow 13/16 inch interior diameter soil sampling tool.

Subp. 15. **Vacuum blasting.** "Vacuum blasting" means the use of a vacuum device with sandblasting to collect spent abrasive.

Subp. 16. **Waterblasting.** "Waterblasting" means the use of pressurized water to remove surface coatings.

Subp. 17. **Wet sandblasting.** "Wet sandblasting" means the use of water with sandblasting to remove surface coatings.



Subp. 18. **X-ray fluorometer.** "X-ray fluorometer" means a portable or laboratory instrument that measures lead by gamma ray induced fluorescence of lead atoms.

#### **4620.2100 [Emergency] STANDARDS.**

Subpart 1. **Existing paint.** Paint that has been applied to residences or day care facilities before January 1, 1990, must not contain one-half of one percent (5,000 parts per million) lead or more by dry weight or register one milligram per square centimeter or more as measured by X-ray fluorometer unless laboratory analysis shows that the lead content is less than one-half of one percent.

Subp. 2. **New paint.** Paint that is to be applied to residences or day care facilities on or after January 1, 1990, must not contain six one-hundredths of one percent (600 parts per million) of lead or more by dry weight.

Subp. 3. **Bare soil.** Bare soil within the boundaries of a residential lot must not contain five one-hundredths of one percent (500 parts per million) of lead or more by dry weight.

Subp. 4. **Dust.** Interior or exterior residential dust must not contain five one-hundredths of one percent (500 parts per million) of lead or more by dry weight.

Subp. 5. **Drinking water.** Drinking water from public fountains must not contain 50 micrograms per liter or more of lead.

#### **4620.2200 [Emergency] SAMPLING AND ANALYSIS.**

Subpart 1. **Paint.** In conducting an assessment, paint on each wall, floor, window, ceiling, and fixture must be tested by either:

A. X-ray fluorometer measurement of in-place paint; or

B. "Test Methods for Evaluating Solid Waste, 1A: Laboratory Manual for Physical/Chemical Methods," Chapter 3, Acid Digestion of Sludges and Soils, U.S. Environmental Protection Agency, September 1986. This publication is incorporated by reference and is available through the Minitex interlibrary loan system. It is not subject to frequent change.

Subp. 2. **Soil.** In conducting an assessment, bare soil and exterior dust must be collected and analyzed by the methods in items A to D.

A. Bare soil areas must be divided into two-foot by two-foot grids from which a square must be randomly selected for sampling.

B. A standard tube auger must be used to collect samples from the top two centimeters of soil and dust in each corner and in the center of the randomly selected square.

C. The sample must be passed through a two millimeter standard steel sieve with crushable particles forced through the sieve. Noncrushable objects larger than two millimeters must be discarded from the sample.

D. Soil samples must be analyzed by a method approved by either:

(1) the U.S. Environmental Protection Agency as described in subpart 1, item B; or

(2) the University of Minnesota Soil Testing and Research Analytical Laboratory in "Description of Methods Used in the Preparation and Analysis of Lead and Fourteen Other Elements in the PCA Soil Lead Study" (St. Paul, October 17, 1986). This publication is incorporated by reference and is available through the Minitex interlibrary loan system. This publication is not subject to frequent change.

Subp. 3. **Dust.** In conducting an assessment, interior dust must be collected by the surface wipe method described in Industrial Hygiene Technical Manual, Chapter VIII and Appendix A, U.S. Department of Labor, Occupational Safety and Health Administration, May 24, 1984. This publication is incorporated by reference and is available through the Minitex interlibrary loan system. This publication is not subject to frequent change. Interior dust must be analyzed by a method approved by the U.S. Environmental Protection Agency as described in subpart 1, item B.

Subp. 4. **Drinking water.** Drinking water from public fountains must be collected by the method described for drinking fountains in "Lead in School's Drinking Water," prepared by the Office of Drinking Water, U.S. Environmental Protection Agency Document EPA 570/9-89-001, January 1989. This publication is incorporated by reference and is available through the Minitex interlibrary loan system. This publication is not subject to frequent change. Drinking water must be analyzed by a method approved by the U.S. Environmental Protection Agency in Code of Federal Regulations, chapter 40, part 136, Table 1B "List of Approved Inorganic Test Procedures for Atomic Absorption or Inductively Coupled Plasma" (Washington, D.C., Government Printing Office).

#### **4620.2300 [Emergency] LEAD ABATEMENT METHODS.**

Subpart 1. **Paint abatement preparations.** Abatement of lead-based paint must not begin until the requirements in items A to F have been met.

A. An assessment of lead sources within the residence or day care facility must be completed by the board of health or by the property owner.

## Emergency Rules

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B. Preparations must be taken to minimize dust generation and dispersal during abatement and to contain any semisolid or liquid wastes generated during abatement. Double six mil or equivalent thickness plastic bags or leak-proof containers must be on-site to collect all debris, dust, and other waste generated by abatement. Waste must be disposed of according to chapter 7045.

C. The occupants of the residence or operators of the day care facility must be notified by the lead abatement contractor of the presence of lead and of the schedule for abatement.

D. For interior paint abatement:

- (1) leaking roofs or plumbing must be repaired;
- (2) residents must be relocated and all personal possessions, carpeting, and furniture must be cleaned of lead as needed and relocated;
- (3) the rooms to be abated must be sealed from the rest of the residence or day care facility and from the exterior by securely taping six mil or equivalent thickness plastic over windows or doors that are not to be used during abatement;
- (4) any fixtures, furnishings, or carpeting that cannot be removed but that are not to be abated must be covered with two layers of six mil or equivalent thickness tarpaulins;
- (5) for removal and replacement of exterior doors and windows, tarpaulins must be placed to contain dust and debris on both the interior and exterior sides; and
- (6) other preparations due to unusual circumstances such as unique structural components affecting the work area must be taken as needed to prevent dispersal of lead from abatement procedures.

E. For exterior paint abatement:

- (1) occupants must be advised to remove all personal property from the lot before abatement and to close all doors, windows, and storm windows during abatement;
- (2) tarpaulins in good condition must be:
  - (a) secured to the building foundation;
  - (b) overlapped at least 18 inches where the tarpaulins meet and secured to each other; and
  - (c) laid over the ground at least 15 feet in all horizontal directions from the surface to be abated. An additional five feet of tarpaulin is required for each floor above the first floor to be abated to a maximum requirement of 25 feet.

F. For use of sandblasting, waterblasting, and wet sandblasting:

- (1) all windows, doors, and vents must be sealed with tape on the exterior side. The tape must be sufficiently adhesive and durable to prevent any material from being forced into the residence or day care facility;
- (2) the lead abatement contractor must notify occupants of any residence or operator of any day care facility within 30 feet of the surface to be abated of the schedule for sandblasting, of the need to remove personal property from the lot nearest the surface to be sandblasted, and of the need to keep windows and doors sealed with tape during sandblasting;
- (3) tarpaulins must either be:
  - (a) laid over the ground at least 25 feet in all horizontal directions, with an additional five feet for each floor above the first floor to a maximum requirement of 40 feet; or
  - (b) vertically extended at least four feet above the surface to be sandblasted with horizontal tarpaulins covering the ground from the foundation to the vertical tarpaulins; and
- (4) for wet sandblasting or waterblasting, the edges of horizontal tarpaulins must be raised to contain all liquid wastes.

Subp. 2. **Paint abatement.** Except as prohibited in subpart 4, paint that is in violation of part 4620.2100 [Emergency], subpart 1 or 2, must be abated by the methods in items A and B.

A. Deteriorating paint in violation of part 4620.2100 [Emergency] must either be:

- (1) removed with the base material and replaced with new base material that complies with part 4620.2100 [Emergency]; or
- (2) removed from the base material by wet or dry scraping or wire brushing; stripped with nontoxic and nonflammable chemical paint strippers either on-site or off-site with removal of chemical strippers from surfaces by scraping and direct placement into waterproof containers; heated with a heat gun that does not exceed 800 degrees Fahrenheit; sandblasted, vacuum blasted, waterblasted, or wet sandblasted. All damaged base material must be patched, sealed, and repainted or covered with material that complies with part 4620.2100 [Emergency].

B. Intact paint in violation of part 4620.2100 [Emergency] must either be:

(1) removed by a method described in item A; or

(2) encapsulated with an impervious material that is securely attached to the base material. All seams must be caulked.

Examples of impervious material include but are not limited to plywood, sheetrock, tile, fiberglass, linoleum, and vinyl, metal, or wood exterior siding.

Subp. 3. **Prohibited paint abatement methods.** Use of the following methods on paint in violation of part 4620.2100 [Emergency] is prohibited:

A. open flame torching;

B. heating with a heat gun above 800 degrees Fahrenheit;

C. dry sanding manually;

D. dry sanding with a power sander unless a high efficiency particle accumulator is attached;

E. stripping with methylene chloride based stripper;

F. removing any chemical paint stripper with sprayed water;

G. covering with contact paper, ordinary wallpaper, or new paint;

H. using silica sand for sandblasting;

I. sandblasting, waterblasting, and wet sandblasting for interior work; and

J. sandblasting, wet sandblasting, and waterblasting for exterior work when average wind speed exceeds 15 miles per hour unless vertical tarpaulins extend from the ground to four feet above the surface to be abated.

Subp. 4. **Soil abatement.** Bare soil and exterior dust that is in violation of part 4620.2100 [Emergency] must be abated either by removal or by covering with sod, asphalt, concrete, or other durable material intended for exterior use. Soil and dust must be disposed of according to chapter 7045. Abatement of soil and exterior dust in violation of part 4620.2100 [Emergency] must be done after any paint abatement but before interior dust abatement or final cleanup.

Subp. 5. **Dust abatement.** Interior dust that is in violation of part 4620.2100 [Emergency] must be abated by use of either a high efficiency particle accumulator vacuum or washing with trisodium phosphate solution. In either case, waste material must be disposed of according to chapter 7045. Use of a household vacuum cleaner instead of a high efficiency particle accumulator is prohibited.

Subp. 6. **Waste removal.** Waste must be removed daily from the worksite so that no visible deposits remain. Waste must be disposed of according to chapter 7045.

Subp. 7. **Final cleanup.** Cleanup must proceed downward from the highest point abated or exposed to dust or debris from abatement. For interior abatement work, a final cleanup must be conducted at an abatement site no sooner than 24 hours after and no later than seven days after completion of active abatement. This final cleanup must, at a minimum, include a high efficiency particle accumulator vacuuming of all surfaces abated or exposed to lead from abatement, followed by wet mopping of these surfaces with trisodium phosphate solution. If a high efficiency particle accumulator vacuum is unavailable, then final cleanup must include two wet moppings with trisodium phosphate solution. The surfaces must be allowed to dry between moppings. Use of a household vacuum cleaner instead of a high efficiency particle accumulator is prohibited. For exterior abatement work, final cleanup must be conducted no later than seven days after completion of abatement. If present, rain gutters must be cleaned of any waste.

Subp. 8. **Water abatement.** The owner of a public drinking water fountain that violates part 4620.2100 [Emergency] must disconnect or flush the public fountain daily according to the directions in "Lead in School's Drinking Water" as described in part 4620.2200 [Emergency], subpart 4, until compliance can be demonstrated by retesting.

#### **4620.2400 [Emergency] COMPLETION OF ABATEMENT.**

Subpart 1. **Retesting required.** Abatement is considered successfully completed when retesting demonstrates compliance with part 4620.2100 [Emergency]. Retesting of each surface abated and testing of each surface exposed to abatement must be performed after final cleanup.

Subp. 2. **Paint.** Paint must be tested by collection of one interior dust sample from each of the walls and windows and from the floor in a room in which at least one of these surfaces was abated. Dust must be analyzed by an approved method as described in part 4620.2200 [Emergency], subpart 1, item B.

Subp. 3. **Soil testing.** Two samples of bare soil, if any is present, must be collected within two feet of the foundation adjacent to each exterior wall that was abated. The soil must be analyzed with methods approved by either the U.S. Environmental Protection Agency or the University of Minnesota Soil Testing and Research Analytical Laboratory as described in part 4620.2200 [Emergency], subpart 2, item D.

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## Emergency Rules

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Subp. 4. **Dust testing.** One interior dust sample must be collected from each of the walls and windows and from the floor in a room in which at least one of these surfaces was abated and must be analyzed by an approved method as described in part 4620.2200 [Emergency], subpart 1, item B.

### 4620.2500 [Emergency] LEAD ABATEMENT CONTRACTORS' DUTIES.

Subpart 1. **Safety measures.** Lead abatement contractors must comply with chapter 5207, and Code of Federal Regulations, title 29, section 1926, as amended through December 31, 1988, regarding safety measures appropriate for construction projects. Contractors must inform employees of the potential slip hazard of walking on plastic, especially wet plastic.

Subp. 2. **Equipment required.** Lead abatement contractors must provide their employees with hooded coveralls, shoe coverings, gloves, and toxic dust respirators on the Certified Equipment List of the National Institute of Occupational Health, U.S. Department of Health and Human Services (Washington, D.C., Government Printing Office, January 1989). This publication is incorporated by reference and is available through the Minitex interlibrary loan system. This publication is not subject to frequent change. Lead abatement contractors must ensure that the workers properly use these items during work described in part 4620.2300 [Emergency], subparts 2 and 5, and that workers do not wear these items away from the worksite.

Subp. 3. **Prohibited actions.** Lead abatement contractors and their employees must not eat, drink, or smoke during work described in part 4620.2300 [Emergency], subparts 2 and 5, in lead abatement work areas. Visitors must be told by the contractor or employees not to eat, drink, or smoke in the worksite or must be told to leave the worksite.

Subp. 4. **Right-to-know.** Lead abatement contractors must comply with Employee Right-to-Know requirements in parts 5206.0100 to 5206.0900 and *Minnesota Statutes*, section 182.655.

## Higher Education Coordinating Board

### Adopted Emergency Rules Relating to Child Care Grants Program

The rules proposed and published at *State Register*, Volume 14, Number 7, pages 333-336, August 14, 1989 (14 S.R. 336) are adopted as proposed.

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## Official Notices

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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.

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## Ethical Practices Board

### Advisory Opinion #103 re: Campaign Finance Disclosure

Issued 10-26-89 to Bruce D. Willis, Esq.—SUMMARY—103. The Board is concerned that the provisions of *Minnesota Statutes* § 10A.15, subd. 3b, are overly broad, confusing, and conflict internally with other provisions of the Ethics in Government Act, *Minnesota Statutes* Chapter 10A. Nevertheless, until amended by the Legislature, the cited statute requires that contributions received by a candidate from individuals who participate in any way with a political committee or political fund that is organized primarily to solicit or direct the contributions of its members and to influence the nomination or election of a candidate are attributable to that committee or fund and must count toward the contribution limits of that committee or fund specified in *Minnesota Statutes* § 10A.27.

The full text of the opinion is available upon request from the Ethical Practices Board, 625 North Robert Street, St. Paul, MN 55101-2520; (612) 296-5148.

## **Pollution Control Agency**

### **Division of Air Quality**

#### **Notice of Intent to Solicit Outside Information Regarding Proposed Rule Governing Open Burning Restrictions and Permitting Requirements**

**NOTICE IS HEREBY GIVEN** that the Minnesota Pollution Control Agency (Agency) is seeking information or opinions from outside sources in preparing to propose the amendment of rules governing Open Burning Restrictions and Permitting Requirements, *Minnesota Rules* 7005.0700-7005.0820. The amendment of the rule is authorized by *Minnesota Statutes* § 116.07 (1988), which authorizes the Agency to adopt and amend rules for the prevention, abatement, or control of air pollution.

The Agency requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views in writing or orally. Written or oral statements or comments should be directed to:

Jacqueline M. Deneen  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155  
Telephone: (612) 296-6707

Oral statements will be received during regular business hours, 8:00 a.m. to 4:30 p.m., Monday through Friday.

All statements of information and opinion will be accepted until December 1, 1989. Any written materials received by the Agency shall become part of the rulemaking record in the event that the rule is amended.

Gerald L. Willet  
Commissioner

## **Public Employment Relations Board**

#### **Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Administration of the Labor Arbitrator Roster**

**NOTICE IS HEREBY GIVEN** that the Public Employment Relations Board is seeking information or opinions from sources outside the agency in preparing to propose the adoption of the rule governing the administration of the Board's Labor Arbitrator roster. The adoption of the rule is authorized by *Minnesota Statutes*, Section 179A.05, subd. 6, which requires the Board to adopt reasonable and proper rules relative to the administration of its arbitrator roster.

The Public Employment Relations Board requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Jermaine Foslien, Executive Director  
Public Employment Relations Board  
1380 Energy Lane, Suite #3  
St. Paul, Minnesota 55108

Oral statements will be received during regular business hours over the telephone at 612-649-5450 and in person at the above address.

All statements of information and opinions shall be accepted until November 20, 1989. Any written material received by the Public Employment Relations Board shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 27 October 1989

Herbert T. Custer, Chair  
Public Employment Relations Board

## Official Notices

### Minnesota State Agricultural Society Minnesota State Fair

#### Meeting Notice

The board of managers of the Minnesota State Agricultural Society, governing body of the State Fair, will conduct a business meeting at 10 a.m. Thursday, Nov. 9 at the Administration Building on the fairgrounds. Preceding the general meeting will be a meeting of the board's space rental committee at 9 a.m.

## State Contracts and Advertised Bids

Pursuant to the provisions of Minn. Stat. §14.10, an agency must make reasonable effort to publicize the availability of any services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

Commodities contracts with an estimated value of \$15,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

**Awards of contracts and advertised bids for commodities and printing, as well as awards of professional, technical and consulting contracts, appear in the midweek STATE REGISTER Contracts Supplement, published every Thursday. Call (612) 296-0931 for subscription information. Thank you.**

## Department of Administration: Materials Management Division

### Contracts and Requisitions Open for Bid

**Call 296-2600 for information on a specific bid, or to request a specific bid.**

**Commodity:** Tartan mini computer system  
**Contact:** Bernadette Vogel 296-3778  
**Bid due date at 2pm:** November 7  
**Agency:** Revenue  
**Deliver to:** St. Paul  
**Requisition #:** 67420 23258

**Commodity:** Fire/security graphic central—State Capitol  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** November 9  
**Agency:** Plant Management—Administration Department  
**Deliver to:** St. Paul  
**Requisition #:** 02307 01207

**Commodity:** Compaq 386/25  
**Contact:** Bernadette Vogel 296-3778  
**Bid due date at 2pm:** November 9  
**Agency:** Vo-Tech Education Board  
**Deliver to:** St. Paul  
**Requisition #:** 36000 00415

**Commodity:** Unisys tape drive  
**Contact:** Bernadette Vogel 296-3778  
**Bid due date at 2pm:** November 9  
**Agency:** Labor and Industry Department  
**Deliver to:** St. Paul  
**Requisition #:** 42600 14448

**Commodity:** Concrete manholes  
**Contact:** Pam Anderson 296-1053  
**Bid due date at 2pm:** November 13  
**Agency:** Military Affairs—Camp Ripley  
**Deliver to:** Little Falls  
**Requisition #:** 01000 06024

**Commodity:** Hydraulic press  
**Contact:** Joseph Gibbs 296-3750  
**Bid due date at 2pm:** November 14  
**Agency:** State University  
**Deliver to:** Winona  
**Requisition #:** 26074 13177

**Commodity:** Hydraulic hose and fittings—Hansen fittings—Rebid  
**Contact:** Pat Anderson 296-1053  
**Bid due date at 2pm:** November 17  
**Agency:** Transportation Department  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Traffic signal equipment—Rebid  
**Contact:** Pat Anderson 296-1053  
**Bid due date at 2pm:** November 27  
**Agency:** Transportation  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Diplomas/diploma covers  
**Contact:** Norma Cameron 296-2546  
**Bid due date at 2pm:** November 21  
**Agency:** Community College System  
**Deliver to:** Various  
**Requisition #:** Price Contract

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## State Contracts and Advertised Bids

**Commodity:** Zenith Minisport  
**Contact:** Bernadette Vogel 296-3778  
**Bid due date at 2pm:** November 9  
**Agency:** Community College  
**Deliver to:** Austin  
**Requisition #:** 27139 90026

**Commodity:** IBM PS/25  
**Contact:** Bernadette Vogel 296-3778  
**Bid due date at 2pm:** November 15  
**Agency:** State University  
**Deliver to:** Bemidji  
**Requisition #:** 26070 13911

**Commodity:** Sun computer  
**Contact:** Bernadette Vogel 296-3778  
**Bid due date at 2pm:** November 15  
**Agency:** Health Department  
**Deliver to:** Minneapolis  
**Requisition #:** 12500 42555

### Department of Administration: Print Communications Division

Printing vendors for the following printing contracts must review contract specifications in printing buyers office at 117 University Avenue, Room 134-B, St. Paul, MN.

**Printing vendors NOTE:** Other printing contracts can be found in the Materials Management Division listing above, and in the Professional, Technical & Consulting Contracts section immediately following this section.

**Commodity:** Film box label, 6M  
4½"x3½", type to set, 1-sided, self-adhesive  
**Contact:** Printing Buyer's Office  
**Bids are due:** November 8  
**Agency:** Administration Department—Micrographics Division  
**Deliver to:** 2774

**Commodity:** Employee biweekly time report, 7M books of 28 3-part sets per book, negs available, 1-sided, 9½"x5½" overall  
**Contact:** Printing Buyer's Office  
**Bids are due:** November 8  
**Agency:** Administration Department—Central Stores  
**Deliver to:** St. Paul  
**Requisition #:** 2787

**Commodity:** Reports to determine liability and succession, 20M 4-part sets, 9"x11" overall, 2-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** November 8  
**Agency:** Jobs & Training Department  
**Deliver to:** St. Paul  
**Requisition #:** 2773

**Commodity:** Hibbing College Catalogs 1990-92, 5M 130-page books, 6"x9", perfect bind, type to set, 11 photos  
**Contact:** Printing Buyer's Office  
**Bids are due:** November 8  
**Agency:** Community College  
**Deliver to:** Hibbing  
**Requisition #:** 2647

**Commodity:** Brochures—Allied Health Continued Education (12M winter/12M spring—17"x17" folded to 3¾"x8½"), Nursing Management (3M winter/3M spring—8½"x14" folded to 3½"x8½"), Nursing Home Administrators (3M winter/3M spring 8½"x11" folded to 8½"x3¾"), Nursing Continuing Education (19.5M winter/19.5 spring 8¼"x20" folded to 8¼"x7¾") camera ready, 2-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** November 8  
**Agency:** North Hennepin Community College  
**Deliver to:** Brooklyn Park  
**Requisition #:** 2390 1 3 4

## State Contracts and Advertised Bids

**Commodity:** Tabloid, winter and spring 1990, 140M each, 12-pages, 11½"x8", camera ready, 1 photo per issue, fold for mailing

**Contact:** Printing Buyer's Office

**Bids are due:** November 8

**Agency:** North Hennepin Community College

**Deliver to:** Brooklyn Park

**Requisition #:** 2395

**Commodity:** Violation warning, 150M tickets, 4¼"x8¾", preprinted numbering, negs available, 3-part sets 50 sets per book, 2-sided

**Contact:** Printing Buyer's Office

**Bids are due:** November 8

**Agency:** State Patrol

**Deliver to:** St. Paul

**Requisition #:** 2743

**Commodity:** Letterhead, 5M 4-part continuous sets, 9½"x11" incl. perfs, negs available, 1-sided

**Contact:** Printing Buyer's Office

**Bids are due:** November 8

**Agency:** Education Department

**Deliver to:** Bemidji

**Requisition #:** 2756

**Commodity:** 1990-92 college catalog, 13M 192-page books 8¾"x5¼", type to set, 2-sided

**Contact:** Printing Buyer's Office

**Bids are due:** November 8

**Agency:** Community College

**Deliver to:** Rochester

**Requisition #:** 2662

**Commodity:** Miscellaneous receipt, 1M 2-part sets, 6¼"x8½" overall, negs furnished, preprinted numbering, 3-hole punch

**Contact:** Printing Buyer's Office

**Bids are due:** November 8

**Agency:** Public Safety Department

**Deliver to:** St. Paul

**Requisition #:** 2749

## Professional, Technical & Consulting Contracts

### Arrowhead Regional Development Commission

#### North Shore Management Board

#### Request for Proposals for Technical Consulting Services to the North Shore Management Board in the Conduct of the North Shore Harbors Study

The North Shore Management Board is issuing a Request For Proposals to identify prospective consultants who are willing, able and qualified to provide technical assistance in three service areas:

**Area #1:** Demand for Harbors

**Area #2:** Economic Development Opportunities

**Area #3:** Public/Private Partnership Opportunities for the Financing, Development the Operation of Recreational Boating Harbors and Related Facilities.

**Scope of Proposals:** Individuals or organizations may submit proposals on one or all service areas.

**Approximate Time Period for the Contract:** December 1989 through January 30, 1990

**Eligibility:** Individuals or firms with demonstrated ability to perform the required technical work element(s) and can satisfactorily complete the project in the required time.

**Funding:** Not to exceed \$30,000 for combined categories (total for all the work element categories).

**Proposed Submission Date:** Proposals must be received no later than 4:30 p.m. November 22, 1989. The anticipated date for project awards is December 1, 1989.

**Contact:** Copies of the Request For Proposals are available on request by writing or calling:

Michael Hambrock or Cheryl Erickson  
North Shore Management Board  
330 Canal Drive  
Duluth, Minnesota 55802  
(218) 722-5545



## **Gaming Department**

### **Minnesota State Lottery**

#### **Notice of Request for Proposal for Advertising Services**

The Minnesota State Lottery is requesting proposals from individuals and firms to provide advertising services for the Lottery.

The contract will commence around December 15, 1989. Proposals must be received no later than 4:30 p.m. on November 22, 1989.

Copies of the RFP are available upon request. Requests should be directed to:

Dale L. McDonnell  
Legal Counsel  
Minnesota State Lottery  
658 Cedar Street  
Centennial Bldg - 2nd Floor  
St. Paul, MN 55155  
(612) 297-7104

## **Department of Health**

### **Division of Disease Prevention and Control**

#### **Request for Proposals for Pilot Case Management Project for HIV Infected Individuals**

**NOTICE IS HEREBY GIVEN** that the Division of Disease Prevention and Control, Minnesota Department of Health is seeking proposals from qualified proposers to develop and provide case management services in a pilot program for persons with HIV (Human Immunodeficiency Virus) infection and those diagnosed with Acquired Immunodeficiency Deficiency Syndrome (AIDS).

##### **Background**

The Minnesota Department of Health (MDH) has \$750,000 of state funds to develop, deliver, and evaluate a pilot case management project for persons with HIV infection. The project will provide services, and gather information about needs for enhancing existing programs or determining the need for new services.

##### **Goals**

The goals of the pilot are

- to assist infected individuals in identifying their needs and obtaining appropriate services;
- to identify issues and supports that encourage and sustain positive behavior change; and
- to describe problems of the health and supportive care system in delivering quality, cost effective services to this population group.

Case management as used in this context means the provision of the following services and activities:

1. Outreach to providers and potential clients;
2. Comprehensive assessments of physical, mental, socioeconomic, and supportive care systems;
3. Identification of needs;
4. Planning for coordination of services;
5. Referral to community resources;
6. Coordination of community resources and services;
7. Advocacy with service providers, workplaces and the community; and
8. Evaluation of service quality, and identification of barriers to services.

## **Professional, Technical & Consulting Contracts**

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### **Proposal Information**

Proposals are due to the Department of Health by 4:30 p.m. on December 15, 1989. Late proposals will not be accepted. Notice of awards will be made on or after January 12, 1990. The complete Request for Proposals is available from:

Judy Beniak, Chief  
AIDS/STD Prevention Services Section  
Minnesota Department of Health  
717 S.E. Delaware Street P.O. Box 9441  
Minneapolis, Minnesota 55440  
612/623-5698

## **Department of Human Services**

### **Faribault Regional Center**

#### **Notice of Request for Proposal for Services to be Performed on a Contractual Basis**

**NOTICE IS HEREBY GIVEN** that Faribault Regional Center, Department of Human Services, is seeking a professional referral service to recruit a physical therapy department head. All applicants shall be certified as meeting the state requirements for registration within the State of Minnesota and shall have no history of provisional registration issues. The agency shall be willing to unconditionally guarantee the applicant for a period of 30 calendar days past hire or full refund shall be made, an additional 60 day guarantee shall be made, prorated upon days worked, if fee has been received. The estimated amount of this contract is \$13,000.

These services are requested by the Faribault Regional Center Director of Health Services.

Responses must be received by November 27, 1989.

Direct inquiries to:

Mary Zabel, Director of Health Services  
Faribault Regional Center  
802 Circle Drive  
Faribault, MN 55021  
(507) 332-3248

## **Department of Labor & Industry**

### **Request for Proposal for Computer Operator Training**

The Minnesota Department of Labor and Industry is requesting proposals for a training seminar on Unisys DCP/30 Telcon operations on a Unisys 1100 model 72 mainframe. Up to 10 students will be in the class. The participants are mostly part-time operators with various levels of previous operator training.

The course must cover the following items at a minimum:

- Booting the 1100 system
- Handling error messages on the main console and the DCP/30 console
- Disk and tape error recovery
- Understanding DCP/30 hardware
- DCP/30 Hardware overview
- DCP/Operating system Telcon overview
- Network configuration
- Procedures on DCP/OS and Telcon
- DCP/30 smart console
- Hands-on exercises and training covering both common problems and critical problems
- Operations handbook customized for our site
- Included should be the availability of a help line to all attenders after the course has been completed.

The computer system is a Unisys 1100/72 mainframe running mostly MAPPER. We have recently purchased the DCP/30 front end processor, TCP/IP software, CMS/1100, Telcon 1100, and MCB. We are currently running a GCS and will continue to run it for an indefinite period of time.

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## Professional, Technical & Consulting Contracts

The training will take place at the Minnesota Department of Labor and Industry, 443 Lafayette Road, St. Paul, Minnesota. The course should be in the neighborhood of 3 full days of instruction (including hands-on exercises), or enough time to provide thorough, basic DCP/30 operations training. The hands-on training will take place in the evening or on the week-end.

The Department has estimated the total cost of this seminar to be no more than \$5,000. Completion shall be no later than January 26, 1990. Training sessions should be scheduled during the work weeks beginning: December 11, 1989; December 18, 1989; January 8, 1990; January 15, 1990.

All proposals must be submitted to Jeanne Bortz and must be received no later than 4:30 p.m., November 18, 1989. Proposals must include 2 corporate or institutional references (e.g. clients) and 2 individual references (e.g. students) relating to DCP training in the past two years.

The proposal must describe each of a) the instructor's and b) the organization's experience with Unisys 1100 and DCP/30 training. The proposal should include a summary of the instructor's work history for the past five years.

The proposal must provide a restatement of the purpose of the seminar. The proposal must include an outline of the proposed seminar with estimated time frames for each of the major headings. The proposal must state clearly what equipment will be necessary for the Department to provide.

The proposal must include three class size options with corresponding costs. The class size options are three (3) students, seven (7) students, and ten (10) students.

Related information may be obtained from:

Jeanne Bortz  
Computer Support Group Supervisor  
Department of Labor and Industry

443 Lafayette Road  
St. Paul, Minnesota 55155  
Telephone (612) 297-4592

## Pollution Control Agency

### Notice of Request for Proposals for Consultant Services

This is a renote of the Request for Proposal that was noticed on October 23, 1989.

The Minnesota Pollution Control Agency (MPCA) wishes to retain one or more consultant(s) in the preparation of an environmental impact statement (EIS) for the proposed expansion of the Potlatch Corporation's new pulp production and support facilities within its existing pulp and paper mill complex in Cloquet, Minnesota. The consultant contractor(s) will be reviewing the Technical Work Papers (TWP) submitted to the MPCA by the project proposer, preparing TWPs for submission to the MPCA, and then utilize the TWPs in the preparation of the draft and final EIS documents.

It is estimated that the consultant services for the review, and preparation of the TWPs and the preparation of the draft and final EIS documents on the Potlatch expansion may cost up to \$186,500.

Copies of the Request for Proposals for the project are available from:

Craig Affeldt, EIS Project Manager  
Office of Environmental Analysis  
Minnesota Pollution Control Agency  
520 Lafayette Road  
St. Paul, Minnesota 55155  
(612) 296-7796

Proposals must be submitted to the MPCA by November 30, 1989, or three weeks from the date of the publication of this notice, whichever is later.

## State Board of Public Defense

### Request for Administrative Fiscal Director

Full-time administrative position under general supervision of the Chief Administrator of the State Board of Public Defense, performing work of considerable difficulty in the planning, preparation and development of budget and related policies. Requires related College degree and considerable administrative experience related to State of Minnesota accounting, budgetary, auditing, and fiscal policies, as well as interaction with Minnesota Legislature, State and Local officials. Employee description and application requirements are available at 875 Summit Avenue, LEC 303, St. Paul, MN 55105 (612/290-6418). Applications accepted until 4:30 p.m., November 17, 1989.

### State Board of Public Defense

#### Request for State Public Defender

Full time position under the supervision and direction of the State Board of Public Defense. The State Public Defender shall be a full time qualified attorney, licensed to practice law in the State of Minnesota, serve in the unclassified service of the State, and shall not engage in the general practice of law. Requires extensive experience and must exhibit a demonstrated commitment as an advocate to the protection of the rights of indigents, and a comprehensive knowledge of due process as well as criminal law and procedure. Salary and benefits commensurate with experience and set by Board of Public Defense. Revised applications must be completed and can be obtained from the State Board of Public Defense, 875 Summit Avenue, LEC 303, St. Paul, Minnesota, 55105 (612/290-6418). Application process deadline has been extended until 4:30 p.m., November 17, 1989.

### Department of Transportation

#### Request for Proposal to Conduct Comprehensive Market Research Study

The State of Minnesota, Department of Transportation, is seeking proposals from qualified, experienced consultants to conduct a market research study to obtain information on the attitudes and opinions of licensed drivers about toll financing for highway construction and maintenance activities.

The scope of the project requires developing and conducting a comprehensive market research study, analyzing research results and preparing a report documenting research methodologies, assumptions, data results and conclusions. Market research results should be designed to:

- identify relative satisfaction with existing levels of highway service
- determine the acceptance of those who might benefit from or would use specific toll highways
- determine the acceptance of toll highway project to those drivers who are unlikely to use the project
- ascertain driver sensitivity to the price of tolls

A minimum of \$50,000 is available for conducting this market research study. The actual negotiated price of the study will depend on the scope of work, the methodologies selected to obtain and analyze data and the timeliness of results recommended by the consultant selected to perform the study.

All firms with more than 20 full time employees in Minnesota at any time within the previous 12 months must have an affirmative action plan Certificate of Compliance issued by the Minnesota Department of Human Rights.

Proposals must be received no later than 5:00 p.m., on November 27, 1989. It is expected that a consultant will be selected in December, 1989.

All aspects of the study, including all documentation, must be completed by February 1, 1990.

For a complete **Request for Proposal** or other information contact:

Jon Bloom, Director  
Highway and Area Planning Section  
Room 807  
Transportation Building  
John Ireland Boulevard  
St. Paul, Minnesota 55155  
(612) 296-1635

This request does not obligate the State to contract with a respondent. The State reserves the right to cancel this solicitation.

All expenses incurred in responding to this request shall be borne by the responder.

# Non-State Public Contracts

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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.

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## Anoka County

### Advertisement for Bids on Unix Based Workstation for Use With ARC/INFO Software

The County of Anoka, State of Minnesota, is requesting sealed bids from qualified vendors for Unix based workstation computers to be used with ARC/INFO software. Bids will be received for the following item as set out in the specifications:

One (1) Unix based workstation used to run ARC/INFO software from ESRI. This workstation includes RISC CPU, High Resolution Monitor, Tape backup, 16MB RAM, 600MB hard disc, keyboard, and 3 button mouse.

Specifications and bid forms are available to vendors from Richard Portnoy, Assistant to the County Administrator, 325 E. Main St., Anoka, MN 55303, (612) 421-4760. Bids must be submitted on the furnished bid forms.

Three (3) copies of the bid should be delivered to the Anoka County Administrator, Courthouse Building, 325 E. Main Street, Anoka, MN 55303, by 2 p.m. on November 15, 1989.

Proposals must be accompanied by a bid bond or a certified or cashier's check payable to the County of Anoka in the sum of at least 5 percent of the total amount of the bid.

The Anoka County Board of Commissioners reserves the right to reject any or all bids and to waive any irregularities or information in the interest of Anoka County.

John "Jay" McLinden  
Anoka County Administrator

# Supreme Court Decisions

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## Decisions Filed 3 November 1989

**C5-89-460 State of Minnesota v. Thomas Robert Schwartz, Appellant. Hennepin County.**

1. The admissibility of emerging scientific evidence is governed by the *Frye* standard, which is interpreted to require that such evidence be generally accepted as reliable in its particular scientific field.

2. Because forensic DNA typing has gained general acceptance in the scientific community, DNA test results are admissible if performed in accordance with appropriate laboratory standards and controls. In order to ensure a fair trial, the test data and methodology must be available for independent review by the opposing part.

3. The admissibility of statistical probability evidence is limited by the standard set forth in *State v. Joon Kyu Kim*, 398 N.W. 2d 544, 548 (Minn. 1987).

Certified questions answered. Popovich, C.J.

Concurring specially, Kelley, J.

Took no part, Wahl, J.

**C6-88-1378 National City Bank of Minneapolis v. St. Paul Fire & Marine Insurance Company, petitioner, Appellant. Court of Appeals.**

1. A bank did not qualify as a correspondent bank or an authorized representative of respondent for purposes of complying with the Bankers Blanket Bond actual physical possession condition precedent. A violation of the condition precedent requiring actual physical possession of securities by an insured bank before remitting loan proceeds precludes recovery by respondent.

2. Fake stock certificates are not "counterfeited" under the Bankers Blanket Bond definition if the certificates do not imitate genuine original stock certificates that are in existence.

Reversed. Popovich, C.J.

Took no part, Coyne, J.

## Supreme Court Decisions

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### **CX-88-1044 Daniel W. Karst v. F. C. Hayer Co., Inc., petitioner, Appellant. Court of Appeals.**

The exclusive remedy provision of the Minnesota Workers' Compensation Act precludes a separate action by an injured employee against his former employer for disability discrimination under the Minnesota Human Rights Act where the employer refused to rehire employee following a work-related injury.

Reversed and remanded. Yetka, J.

### **C6-89-290 Calvin Gene Daniels, petitioner, Appellant v. State of Minnesota. Hennepin County.**

District court properly denied petition for post-conviction relief seeking new trial based on claim of recanted trial testimony.

Affirmed. Yetka, J.

### **CX-88-1352 Trail Leasing, Inc., v. Drovers First American Bank, petitioner, Appellant. Court of Appeals.**

In paying cash for a check drawn by the drawer payable to the bank with which it has a commercial account, the bank gave value for the check and was a holder in due course.

Reversed. Simonett, J.

Took no part. Coyne, J.

### **C3-89-344 In the Matter of: Marvin Darrold Jasmer Court of Appeals.**

The state met its burden of proving both mental illness and dangerousness in commitment proceeding under *Minnesota Statutes* § 253B.02, subs. 13 & 17 (1988).

Reversed in part and judgment of district court reinstated. Coyne, J.

### **C4-89-1096 C3-89-1106 William A. Tolzmann v. McCombs-Knutson Associates and American Manufacturing Mutual Insurance Company, Relators and Schoborg Land Surveying, Inc. and Employers of Insurance of Wausau, Minnesota Dept. of Human Services, intervenor. Workers' Compensation Court of Appeals.**

The Workers' Compensation Court of Appeals exceeded its reviewing authority by substituting its own view on what was essentially an issue of witness credibility where the record otherwise supported the determination of the compensation judge that the employee failed to establish his claim of a work-related injury.

Reversed and decision of compensation judge reinstated. Coyne, J.

### **C5-87-1393 C3-89-1101 State of Minnesota v. Michael W. Fenney, Defendant. Waseca County.**

1. Electrophoretic typing of aged, dried blood stains performed by competent analysts using sufficient controls is admissible evidence under the *Mack/Frye* standard, because the relevant scientific community widely shares the view that results from such testing are reliable and accurate.

2. Evidence submitted at trial was sufficient to support the jury verdict.

3. The trial court did not err in admitting identification evidence based on a one-person photograph.

4. Testimony as to defendant's reaction upon being accused of murder, coupled with testimony as to the witness's experience administering polygraph tests, was improperly admitted, but under the circumstances of the case did not constitute reversible error.

5. Where there is a lack of foundation evidence having an inherent tendency to connect a third party with the actual commission of the crime of which the defendant is accused, the refusal of the trial court to allow cross examination regarding collateral matters in an attempt to show that the third party committed the crime does not constitute error.

6. The trial court did not abuse its discretion when it denied defendant a new trial based on newly discovered evidence.

Affirmed. Keith, J.

### **C8-89-1151 Wayne D. Guyette v. Waste Systems Corporation and Transit Casualty Co./Minnesota Guaranty Association, Relators. Workers' Compensation Court of Appeals.**

Under the 1983 amendments to the Workers' Compensation Act, the payment of impairment compensation or economic recovery compensation is contingent on the existence of a work offer within the time designated by statute, not on whether the employer or the employee procures the offer.

Reversed and decision of the compensation judge reinstated. Keith, J.

## Announcements

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**State Band Salutes Vets:** The Minnesota State Band will salute Minnesota veterans and the music of great American composers on Nov. 8 at a free concert at the Landmark Center in St. Paul at 7:30 p.m.

**Revenue News:** The interest rate on unpaid state taxes and on refunds on taxes will be 11%, up two percentage points from 1989, effective Jan. 1, 1990. "The department uses the adjusted prime rate charged by banks as determined by the Federal Reserve Board," said Revenue Commissioner John James. A person or business delinquent in taxes must pay interest on the amount of the penalty owed as well as on the amount of tax owed. Interest is calculated from the date the tax is due. For individual income tax, the due date is Apr. 15. On income tax refunds, the department pays interest to taxpayers on refunds of original returns 90 days after the due date. If a return is filed late, interest is paid 90 days after the return is filed. The interest rate charge applies to individual and corporate income taxes as well as sales and withholding taxes. • Duane Gudknecht has been designated problem resolution officer at the Dept. of Revenue, a position established two years ago as an ombudsman within the Department to cut through the red tape to solve taxpayer problems when they can't be resolved through normal channels. Although the office is not another level for reconsideration of department decisions, the problem resolution officer can help clear up misunderstandings and ensure that taxpayers know their appeal rights.

**Recreational Opportunities for Disabled:** A new Department of Natural Resources (DNR) booklet, "Open the Outdoors," has just been released. It features recreational opportunities for the disabled on lands managed by that agency. "I've long thought our wonderful recreational facilities have been a missed opportunity by the disabled," said DNR Commissioner Joe Alexander. "Many state parks, state forest campgrounds, state trails, public fishing piers and canoe routes are accessible. This brochure will help us get that information out." The DNR has been working to bring its facilities up to state and federal accessibility standards. This booklet promotes a variety of outdoor experiences and programs available to help people with disabilities or limited mobility enjoy Minnesota's extensive natural resources. To get a free copy of "Open the Outdoors" or for further information, contact: Department of Natural Resources, Information Center, 500 Lafayette Road, St. Paul, MN 55155-4040. Phone (toll free) 800-652-9747 (ask for the DNR). In the Twin Cities area call 612-296-6157. Access to the Telecommunications Device for the Deaf (TDD) terminal is 612-296-5484.

**Board of Equalization Releases 1989 Orders:** 1989 property tax orders to assessors and auditors in Minnesota's 87 counties have been released by the Board of Equalization. These orders change assessors' estimates of market value for use in property taxes payable in 1990. Equalization order changes range from minus 20 percent to plus 20 percent. The purpose of the State Board of Equalization is to ensure that, for each class of property, the average of the assessor's market value estimate is as close as possible to what the board determines is the actual average selling price of property in the class. Through its orders, the board can increase and decrease county assessor's market value estimates for any class of property in a county, city, or township if it determines that they are not reasonably accurate. The standard set by the board for the 1989 assessment year was that, for each class of property, an assessor's average market value estimate could not be more than 10 percent less than the board's estimate of the actual average selling price of property in the class, nor could the estimate be higher than the actual selling price of the property. Overall, in all classes of property, there were increases in market value estimates for one county, for 42 cities, and 104 townships, a total of 147 increases. There were decreases for one county, 53 cities, and 28 townships, for a total of 82 decreases. "Equalization doesn't mean equal taxes, it means equal treatment in the determination of property taxes," according to Mike Wandmacher, director of the Revenue department local government services division. "The Board of Equalization's chief responsibility is to make sure that the market value of any one class of property is estimated correctly and fairly. Since the majority of property taxes are returned to local governments to fund school districts, one can easily see the need for equalization. Many school districts have overlapping tax jurisdictions and may service from three to five counties. A hypothetical example might be if counties A, B, and C were all served by the same tax district. If an assessor in county A estimated property values at 70 percent of actual market value, an assessor in county B at 80 percent, and an assessor in county C at 90 percent, it becomes clear that counties A and B are not paying their fair share to support the school system." The orders of the board take effect immediately.

**Governor Names Task Force:** Governor Rudy Perpich appointed members to a task force that will make recommendations concerning human resource policy guidelines for elementary and secondary education. The task force will focus on issues relating to educational restructuring such as early retirement, severance compensation, health benefits, pensions, and other issues for school district employees who may be dislocated as a result of state population shifts. Appointed to the task force are: Robert Skinner, Fergus Falls; Dale Jensen, Lino Lakes; Richard Anderson, St. Peter; Phillip Tenney, Minneapolis; Robert F. Arnold, Bloomington; John Giorgi, Mountain Iron; Howard Fortier, Columbia Heights; Robert Welby, Minneapolis; Sandra Peterson, Robbinsdale; Robert Astrup, Columbia Heights; John Davis, North Oaks; Peter Shea, Plymouth; John Taylor, St. Paul; Margaret A. Lulic, Minneapolis; Steve Rothschild, Minneapolis; Neal Nickerson, Shoreview; Van Mueller, Minneapolis; Lawrence Schwanke, Minneapolis; Elizabeth Malkerson, Minneapolis; Ken Kelsey, St. Cloud.

**Forum on Housing Markets in Year 2000:** The Metropolitan Council will hold a forum on Thursday, Nov. 16, to present the results of its report, Housing Markets in 2000: Prototypes of the Region's Communities. The forum is intended for local government officials, city planners, developers and others involved in housing. The report describes possible changes in the region's different geographic housing markets—central cities, inner-ring suburbs, developing suburbs and freestanding growth centers—by the year 2000. The report states that these changes will be magnified by demographic shifts and an aging housing stock. The report presents possible scenarios in 2000 for a hypothetical, prototype city in each geographic area. The forum has been approved for three credits by the Commissioner of Commerce for Real Estate Continuing Education. Registration is \$25 and includes

## Announcements

lunch. The forum will be held at the Hilton Hotel-Airport in Bloomington. To register, mail a check for \$25, along with your name, work address and phone, to Sheila Fletcher, Metropolitan Council, Mears Park Centre, 230 E. Fifth St., St. Paul, MN 55101. For further information, call Audrey Dougherty of the Council at 291-6380. The forum is cosponsored by the Assn. of Metropolitan Municipalities, the Builders Assn. of Minn., the professional Builders Assn.-Metro East, the Mpls. Builders Assn., the Minn. Multi-Housing Assn. and the Minn. Assn. of Realtors.

### Looking at Market Expansion?

**A Basic Guide to Exporting.** Step-by-step look at developing a profitable international trade, this book reveals export strategy and advice, market research, channels of distribution, making contacts, selling overseas, pricing and terms, financing the sale, export regulations, customs benefits, tax incentives, shipping and documentation, after sales service, and getting paid. Includes 10 appendices and an index. 148pp. Stock #16-69. \$8.50 + tax.

**Minnesota: State Statistical and Economic Abstract.** This helpful fact book by the U.S. Dept. of Commerce catalogs statistical data on population and households, labor market and human resources, economic overview, construction, manufacturing, international trade, personal income, government, high technology, state rankings in the U.S., telecommunication, information resources, travel and tourism, climate overview and geodetic service. 119pp. Stock #16-8. \$12.00 + tax.

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.



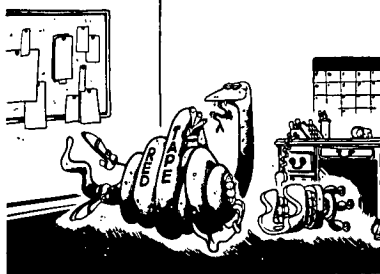
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### "Red Tape" Choking You?

Relax. Unwind. Cut your frustrations with the *Minnesota Guidebook to State Agency Services 1987-1990*.

Packed with information that cuts red tape and gets results fast, the *Guidebook* tells you how to put your tax dollars TO WORK FOR YOU! It tells how to obtain grants, scholarships, assistance, information services, tax help and forms, maps, reports, guides, newsletters and publications.

You'll gain access to state agencies like never before and have AT YOUR FINGERTIPS emergency phone numbers, crisis and hot lines. This *Guidebook* will save you valuable time and money by



speedily getting you through the fears of license requirements, forms, fees, application and complaint filing, and even tells the length of waiting time for obtaining services.

Need to know about license requirements for your profession and for

recreation? IT'S A BREEZE with the *Guidebook* on your desk. It's a treasure of information on state parks, campgrounds, state forests and wildlife management areas, historic sites, museums, art galleries, festivals, libraries, education resources, agency descriptions with names and phone numbers of real people, statistical data and historical profiles.

It's "MINNESOTA'S OWNER'S MANUAL"—the handiest, fact-filled resource that answers thousands of your questions about Minnesota and how it works. Order today before they're gone. Stop struggling with bureaucratic red tape! Stock #1-4, 640 pages. \$15.00 + 90¢ tax.

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**It's  
Never  
O.K.**

## Social workers', counselors' and therapists' guides and directories

**It's Never OK.** A handbook for professionals on sexual exploitation by counselors and therapists. It covers the therapeutic and prevention issues and employer responsibilities, plus recommended curriculum for training institutions for counselors and therapists. Stock No. 14-16. \$19.95 + tax.

**Chemical Dependency Programs Directory 1989.** Features comprehensive listings for programs ranging from prevention/intervention services to a wide range of treatment services. Each type of program includes a listing of facilities and description of programs. Stock No. 1-12, \$15.00 + tax.

**Process parenting—Breaking the Addictive Cycle.** This training manual provides parent education and treatment techniques for professionals working with recovering chemically dependent parents or dysfunctional families. Stock No. 5-4, \$15.00 + tax.

**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 Minnesota's Bookstore. Please include 6% sales tax and \$1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over the phone. Prices are subject to change.

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## Minnesota: national leader in education

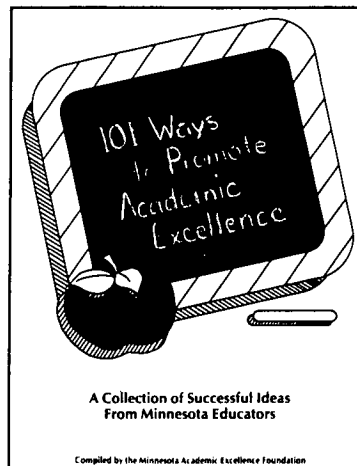
### 101 Ways to Promote Academic Excellence

A collection of nuts-and-bolts methods educators have successfully used to foster academic achievement. These are techniques that directly help students, can be replicated easily, are cost-effective, and that work in meeting public education's great challenge: helping every single child learn. Code #5-1, \$4.50.

### Education Directory, 1988-89

This popular comprehensive directory contains Minnesota school districts, superintendents, principals, addresses, phone numbers, and enrollment. 128 pages, paperbound. Code #1-93, \$7.00.

**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. Prices are subject to change.



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### Successful business means successful sales

The Print Communications Division has a variety of mailing lists of licensed professionals and permit holders that will enable you to focus your marketing efforts on a targeted audience.

Types of lists available are: registered nurses, real estate agents, physicians, insurance agents, boatowners, hunters, cosmetologists, teachers, and many more! And you can get them on printouts, cheshire/pressure sensitive labels, 9-track magnetic tapes, and now diskettes for minimum orders.

What's more, you can choose from several selection capabilities. You will find our selections most helpful and beneficial to your business when you learn that you can acquire names and addresses of individuals in the areas you need to target most.

Find out more about our mailing lists by writing for our free mailing list service packet. In a hurry? Call (612) 297-2552 for more information. Requests can be sent to: Print Communications Division, Mailing List Service, 117 University Avenue, St. Paul, MN 55155.

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# Minnesota Manufacturer's Directory 1988-89

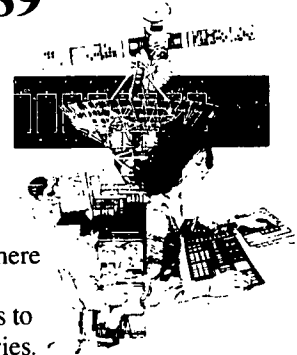
NEW: In the directory this year are two titles (where applicable) Chief Engineer and Data Processing Manager.



UPDATED: 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, \$76.50.



REVISED: There are more than 7,000 changes to the 7,068 entries.



**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. **Prices are subject to change.**

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## Voices of the Loon

Its voice severs the bonds to the world of cities, traffic, crowds, lights and noise. The lyrical magic of the loon, sometimes hauntingly eerie, makes the skin tingle, and the hair on the back of the neck stand on edge, awakening a primitive response. Its solitary wail turns the shadowy wilderness into a mysterious path into eternity.

**Voices of the Loon**, cassette tape, includes introduction and loon call identification, chorus from a distant lake, tremolo duet, wail duet, border confrontation, wails with morning songbird chorus, tremolos while running, wails during a thunderstorm, and coyotes calling with loons. Code #19-73, \$12.00.

**The Loon: Voice of the Wilderness**, hardbound with color plates and illustrations, 143 pages. Code #19-54, \$17.95.

**Love of Loons**. A Voyageur Wilderness Book, with color photos and lore of this delightful state bird make this a beautiful gift. Stock #9-22, \$12.95 + tax.

**Loon Lapel Pin**. Code #15-30, \$2.49.

**Loon Windsock**, 56 inches long in full color. Code #15-29, \$19.95.

**Loon Nature Print**, full-color poster 16" x 22", Code #15-18, \$3.00.

**Loon with Baby**—poster, 16" x 20". Code #15-48, \$3.00.

**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. **Prices are subject to change.**



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## Minnesota's future environment

The issue of environmental protection is of continuing interest to both Minnesota business and the general public. Stay abreast of changes in state government regulations with these publications.

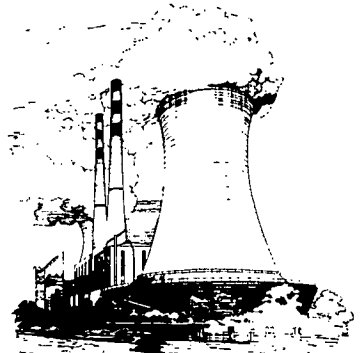
### 1988 Pollution Control Laws

Laws dealing with water pollution, disposal facilities, solid waste management, the MN Environmental Rights Act, recycling, and more. Code No. 2-21. \$16.00.

### 1989 Hazardous Waste Rules

Governs the production, storage, transportation and disposal of hazardous waste. MN Rules Chapter 7045 and 7046. Code No. 3-71. \$16.95.

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# Minnesota's Bookstore

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**Minnesota Rules 1989.** An 11-volume set of rules from the approximately 75 agencies empowered to promulgate rules by the Administrative Procedure Act. Stock #18-200, \$160.00 + tax, or \$15 for individual volumes. **NOTE:** This is a subscription service for the set, entitling subscriber to updates as they are produced.

**Chemical Dependency Programs Directory 1989.** Features comprehensive listings for programs ranging from Prevention/Intervention Services to a wide range of Treatment Services. Each type of program includes an alphabetical listing of facilities and brief narrative description of programming provided. Stock No. 1-12, \$15.00 plus tax.

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