

93, March 22

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The Minnesota
**State
Register**

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Rules edition
Published every Monday
(Tuesday if Monday is a holiday)

Monday 22 March 1993
Volume 17, Number 38
Pages 2237-2304

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 and revenue notices, professional, technical and consulting contracts, non-state bids and public contracts, contract awards, grants, and a monthly calendar of cases to be heard by the state supreme court.

A *Contracts Supplement* is published Tuesday, Wednesday and Friday and contains bids and proposals, including printing bids.

Printing Schedule and Submission Deadlines

Vol. 17 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
38	Monday 8 March	Monday 15 March	Monday 22 March
39	Monday 15 March	Monday 22 March	Monday 29 March
40	Monday 22 March	Monday 29 March	Monday 5 April
41	Monday 29 March	Monday 5 April	Monday 12 April

*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, 117 University Ave., St. Paul, Minnesota 55155, (612) 297-7963, TDD (Minnesota Relay Service), Metro Area (612) 297-5353, Greater MN 1-800-627-3529.

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 Tuesday, Wednesday and Friday. 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 court; a monthly calendar of scheduled cases before the supreme court; and other announcements. The *State Register Contracts Supplement* contains additional state contracts and advertised bids.

In accordance with expressed legislative intent that the *State Register* be self-supporting, the following subscription rates have been established: the Monday edition costs \$150.00 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 four editions cost \$195.00 (subscriptions are not available for just the *Contracts Supplement*); trial subscriptions are available for \$60.00, includes four editions, 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.

Both editions are delivered postpaid to points in the United States, second class postage paid for the *State Register* at St. Paul, MN, first class for the *Contracts Supplement*. Publication Number 326630 (ISSN 0146-7751).

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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Dana B. Badgerow, Commissioner
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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.

Session Review—Summarizes actions of the Minnesota Senate.

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

HOUSE

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

This Week—weekly interim bulletin of the House.

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

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

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

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

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

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-657-3757.

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Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

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 Agriculture

Proposed Permanent Rules Relating to Bottled Water and Water Vending Machines

Notice of Intent to Adopt a Rule Without a Public Hearing

The Minnesota Department of Agriculture intends to adopt a permanent rule without a public hearing following the procedures set forth in the Administrative Procedures Act sections 14.22-14.28. You have 30 days to submit written comment on the proposed rule and may also submit a written request that a hearing be held on the rule.

Department Contact Person. Comments or question on the rule and written requests for a public hearing on the rule must be submitted to:

Carol Milligan
Minnesota Department of Agriculture
90 West Plato Boulevard
St. Paul, MN 55107
(612) 296-6906, Fax (612) 297-7678

Subject of Rule and Statutory Authority. The proposed rule is about bottled water and water vending machines. The statutory authority to adopt this rule is *Minnesota Statutes*, section 31.11. A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m., April 21, 1993, to submit written comment in support of or in opposition to the proposed rule or any subpart of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on April 21, 1993. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their request in writing. If a public hearing is required, the department will proceed according to *Minnesota Statutes*, sections 14.131-14.20.

Modifications. The proposed rule may be modified as a result of a public comment. The modifications must be supported by the data and views submitted to the department and may not result in a substantial change in the proposed rule as attached and printed in the *State Register*. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A Statement of Need and Reasonableness is now available from the department contact person. This statement describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule.

Small Business Considerations. The department has determined that the effects on small businesses will be minimal because of provisions in the rule which allow existing facilities which do not meet design and fabrication requirements to continue in operation as long as the equipment is in good repair and can be maintained in a sanitary condition. Alternative testing and labeling requirements would be contrary to statute which requires the department to publish uniform rules which protect the public health.

Adoption and Review of the Rule. If no hearing is required, after the end of the comment period the department may adopt the

rule. The rule and supporting documents will then be submitted to Attorney General for review as to legality and form to the extent that form relates to legality. You may request to be notified of the date the rule is submitted to the Attorney General or be notified of the Attorney General's decision on the rule. If you wish to be so notified or wish to receive a copy of the adopted rule, submit your request to the department contact person listed above.

Dated: 24 February 1993

Elton Redalen, Commissioner
Department of Agriculture

Rules as Proposed (all new material)

1550.3200 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to parts 1550.3200 to 1550.3320.

Subp. 2. **Analytical unit.** "Analytical unit" means that portion of water taken from a sample for the purpose of analysis.

Subp. 3. **Approved source.** "Approved source" means a source of water that has been inspected and approved by the department, the plumbing found satisfactory under the plumbing code of the department of health, and the water has been sampled, analyzed, and found to be of a safe and sanitary quality.

Subp. 4. **Artesian water.** "Artesian water" means water from a well tapping a confined aquifer in which the water level stands above the top of the aquifer.

Subp. 5. **Bottled water.** "Bottled water" means water that is intended for human consumption and that is sealed in bottles or other containers with no added ingredients, except that it may contain safe and suitable antimicrobial agents. Bottled water may be used as an ingredient in beverages such as diluted juices and flavored bottled waters. It may not include food ingredients that are declared in ingredient labeling as "water," "carbonated water," "disinfected water," "filtered water," "seltzer water," "soda water," and "tonic water." The processing and bottling of bottled water must comply with *Code of Federal Regulations*, title 21, part 129, and other rules adopted by the department.

Subp. 6. **Bottled water plant.** "Bottled water plant" means a place in which bottled water is prepared for sale.

Subp. 7. **Carbonated water or sparkling water.** "Carbonated water" or "sparkling water" means bottled water containing carbon dioxide.

Subp. 8. **Corrosion-resistant materials.** "Corrosion-resistant materials" means materials that maintain acceptable sanitary surface characteristics under prolonged influence of the water to be contacted, the normal use of cleaning compounds and sanitizing solutions, and other conditions of the use environment.

Subp. 9. **Department.** "Department" means the Department of Agriculture.

Subp. 10. **Distilled water.** "Distilled water" means water produced by a process of distillation that meets the definition of purified water.

Subp. 11. **Drinking water.** "Drinking water" means water from an approved source.

Subp. 12. **EPA.** "EPA" means the United States Environmental Protection Agency.

Subp. 13. **Fluoridated water.** "Fluoridated water" means water containing fluoride. Water that meets this definition must comply with the United States Food and Drug Administration quality standards in *Code of Federal Regulations*, title 21, section 103.35(d)(2).

Subp. 14. **Law.** "Law" means applicable federal, state, and local statutes, ordinances, rules, and regulations.

Subp. 15. **Lot.** "Lot" means:

A. a collection of primary containers or units of the same size, type, and style produced under conditions as nearly uniform as possible and usually designated by a common container code or marking, or in the absence of any common container code or marking, a day's production during manufacture, process, or packing; or

B. a collection of primary containers or units transported, stored, or held under conditions as nearly uniform as possible.

Subp. 16. **Mineral water.** "Mineral water" means water that contains not less than 250 parts per million total dissolved solids coming from a source tapped at one or more boreholes or springs, originating from a geologically and physically protected underground

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

Proposed Rules

water source, distinguished from other types of water by its constant level of minerals and trace elements at the point of emergence from the source.

Subp. 17. **Operator.** "Operator" means a person who owns or operates a water vending machine.

Subp. 18. **Ozonation.** "Ozonation" means disinfection of bottled or vended water with sufficient ozone residue of 0.1 to 0.4 parts per million in the bottled or vended water immediately after filling the container.

Subp. 19. **Plant operator.** "Plant operator" means a person who owns or operates a bottled water plant.

Subp. 20. **Purified water.** "Purified water" means water produced by distillation, deionization, ion-exchange treatment reverse osmosis, or other suitable process. Purified water must not contain more than ten parts per million total dissolved solids. Water that meets this definition and is vaporized and then condensed may be labeled distilled water.

Subp. 21. **Regulatory authority.** "Regulatory authority" means the department or the authorized home rule charter or statutory city or county responsible for licensing and inspection of vending machines.

Subp. 22. **Safe materials.** "Safe materials" means materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of food. Food additives or color additives as defined in Section 201(s) or (t) of the federal Food, Drug, and Cosmetic Act are safe materials only if they are used in conformity with regulations established under Section 409 or 706 of that act. Other materials are safe materials only if, as used, they are not food additives or color additives as defined in Section 201(s) or (t) of the federal Food, Drug, and Cosmetic Act and are used in conformity with applicable regulations of the United States Food and Drug Administration.

Subp. 23. **Sample.** "Sample" means a representative container or consumer unit from a batch or lot of a continuous, production of each type of bottled drinking water consisting of primary containers or unit packages of product.

Subp. 24. **Sanitize.** "Sanitize" means effective bactericidal treatment of clean food contact surfaces of utensils and equipment by an approved process that is effective in destroying microorganisms, including pathogens, without adversely affecting the product or the safety of the consumer.

Subp. 25. **Spring water.** "Spring water" means water derived from an underground formation from which water flows naturally to the surface of the earth.

Subp. 26. **Steam.** "Steam" used in contact with water or water contact surfaces must be free from materials or additives other than those in *Code of Federal Regulations*, title 21, section 173.310.

Subp. 27. **Trihalomethane or THM.** "Trihalomethane" or "THM" means one of the family of organic compounds, named as derivatives of methane, in which three of the four hydrogen atoms in methane are each substituted by a halogen atom in the molecular structure.

Subp. 28. **Total trihalomethanes or TTHM.** "Total trihalomethanes" or "TTHM" means the sum of the concentration in milligrams per liter of the trihalomethane compounds (trichloromethane (chloroform), dibromochloromethane, bromodichloromethane, and tribromomethane (bromoform)), rounded to two significant figures.

Subp. 29. **Ultraviolet light treatment of water.** "Ultraviolet light treatment of water" means radiation at a wavelength of 240 to 280 nanometers (nm) applied at a minimum dosage of 16,000 microwatt seconds per square centimeter throughout the water disinfecting chamber. The disinfecting unit must have a maximum water depth in the chamber of three inches from the ultraviolet tube surface to the chamber wall, have a time delay mechanism to permit a two-minute warm-up unless left on at all times, and be installed with an intensity meter and an automatic shut-down valve when the dosage is below required minimum. Ultraviolet lamps must be replaced when the intensity meter indicates less than 50 percent of the rated lamp intensity.

As an alternative to the intensity meter and automatic shut-down valve, an operator may use a portable meter to test the ultraviolet lamp intensity. Operators using a portable meter must post in each machine near the ultraviolet assembly a permanent instruction label specifying a safe test procedure, a minimum intensity level of 254 nanometers, a required six-month test interval, and replacement of the lamp when at less than 50 percent of rated lamp intensity. A record of lamp testing and replacement must be signed, dated, and posted near the lamp assembly of each vending machine.

Subp. 30. **Vended water.** "Vended water" means water dispensed by a water vending machine.

Subp. 31. **Water dealer.** "Water dealer" means a person who imports bottled water or causes bulk water to be transported for bottling or as vended water for human consumption or other consumer uses.

Subp. 32. **Water vending machine.** "Water vending machine" means a device that, upon insertion of one or more coins or tokens or receipt of payment by other means, dispenses treated water into a container without the necessity of refilling the machine between each operation, including bulk water dispensing machines with water prepared in the machine or from a remote refillable tank and dispensed on a self-serve basis by a consumer, an operator, or an operator's employee.

Subp. 33. **Well water.** "Well water" means water taken from below the ground through a pipe or similarly installed device and using external force or vacuum.

1550.3210 PRODUCT QUALITY.

Subpart 1. **Standards.** Bottled water must be from an approved source and must not contain anything in a quantity that may be injurious to health. Bottled water must meet the standards in *Code of Federal Regulations*, title 21, part 103, and other rules adopted by the department.

Subp. 2. **Microbiological quality.** Bottled water must meet the standard of microbiological quality in item A or B if a sample of analytical units of equal volume is examined by the methods described in applicable sections of "Standard Methods for the Examination of Water and Wastewater," 18th edition (1991), published by the American Public Health Association. The commissioner may accept other official methods of analysis when published in "Standard Methods for the Examination of Water and Wastewater." That publication is incorporated by reference, is not subject to frequent change, and is available at the state law library or from the American Public Health Association, 1015 Fifteenth Street NW, Washington, D.C. 20005.

A. Multiple-tube fermentation method. Not more than one of the analytical units in the sample may have a most probable number of 2.2 or more coliform organisms per 100 milliliters and no analytical unit may have a most probable number of 9.2 or more coliform organisms per 100 milliliters.

B. Membrane filter method. Not more than one of the analytical units in the sample may have 4.0 or more coliform organisms per 100 milliliters and the arithmetic mean of the coliform density of the sample may not exceed one coliform organism per 100 milliliters.

Subp. 3. **Physical quality.** Bottled water must meet the standards of physical quality in items A to C if a composite of analytical units of equal volume from a sample is examined by the method described in applicable sections of "Standard Methods for the Examination of Water and Wastewater," 18th edition (1991), which is incorporated by reference in subpart 2.

A. The turbidity must not exceed five units.

B. The color must not exceed 15 units.*

C. The odor must not exceed threshold odor No. 3.*

* Mineral water is exempt from the standard.

Subp. 4. **Chemical quality.**

A. If a composite of analytical units of equal volume from a sample is examined by the methods described in item B, bottled water must meet standards of chemical quality and may not contain chemical substances in excess of the concentrations listed in subitems (1) to (18), expressed in milligrams per liter:

(1) arsenic, 0.05;

(2) barium, 1.0;

(3) cadmium, 0.01;

(4) chloride*, 250.0;

(5) chromium, 0.05;

(6) copper, 1.0;

(7) iron*, 0.3;

(8) lead, 0.05;

(9) manganese*, 0.05;

(10) mercury, 0.002;

(11) nitrate, 10.0;

(12) organics:

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- (a) Endrin (1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octa-hydro-1,4-endo, endo-5,8-dimethane naphthalene), 0.0002;
- (b) Lindane (1,2,3,4,5,6-hexachloro-cyclohexane, gamma isomer), 0.004;
- (c) Methoxychlor (1,1,1-trichloro-2,2-bis[p-methoxy-phenyl] ethane), 0.1;
- (d) total Trihalomethanes, 0.10;
- (e) Toxaphene (C₁₀H₁₀Cl₈-technical chlorinated camphene, 67 to 69 percent chlorine), 0.005;
- (f) 2,4-D (2,4-dichlorophenoxyacetic acid), 0.1;
- (g) 2,4,5-TP Silvex (2,4,5-trichlorophenoxypropionic acid), 0.01;
- (13) phenols, 0.001;
- (14) selenium, 0.01;
- (15) silver, 0.05;
- (16) sulfate*, 250.0;
- (17) total dissolved solids*, 500.0;
- (18) zinc*, 5.0.

* Mineral water is exempt from the standard.

B. Analyses conducted to determine compliance with this subpart must be made in accordance with the methods described in the applicable sections of "Standard Methods for the Examination of Water and Wastewater," 18th edition (1991), which is incorporated by reference in subpart 2, or "Methods for Chemical Analysis of Water and Wastes," Environmental Monitoring and Support Laboratory, EPA-600/4-82-055, March 1983, United States Environmental Protection Agency. Analyses for organic substances must be determined by appropriate methods described in "Methods for Organochlorine Pesticides in Industrial Effluents" and "Methods for Chlorinate Phenoxy Acid Herbicides in Industrial Effluents," November 28, 1973, and "Part I: The Analysis of Trihalomethanes in Finished Waters by the Purge and Trap Method," Method 501.1 and "Part II: The Analysis of Trihalomethanes in Drinking Water by Liquid/Liquid Extraction," Method 501.2 in *Code of Federal Regulations*, title 40, part 141, Appendix C.

Subp. 5. **Radiological quality.** If a composite of analytical units of equal volume from a sample is examined by the methods described in item D, bottled water must meet standards of radiological quality in items A to D.

A. The bottled water may not contain a combined radium-226 and radium-228 activity in excess of five picocuries per liter of water.

B. The bottled water may not contain a gross alpha particle activity (including radium-226, but excluding radon and uranium) in excess of 15 picocuries per liter of water.

C. The bottled water may not contain beta particle and photon radioactivity from manmade radionuclides in excess of that which would produce an annual dose equivalent to the total body or any internal organ of four millirems per year calculated on the basis of an intake of two liters of the water per day. If two or more beta- or photon-emitting radionuclides are present, the sum of their annual dose equivalent to the total body or to any internal organ may not exceed four millirems per year.

D. Analyses conducted to determine compliance with this subpart must be made in accordance with the methods described in the applicable sections of "Standard Methods for the Examination of Water and Wastewater," 18th edition (1991), which is incorporated by reference in subpart 2, and "Interim Radiochemical Methodology for Drinking Water," Environmental Monitoring and Support Laboratory, EPA-600/4-75-008 (Revised), March 1976, United States Environmental Protection Agency.

Subp. 6. Volatile organic compounds.

A. Volatile organic compounds may not exceed the levels listed in subitems (1) to (7), expressed in milligrams per liter:

- (1) benzene, 0.005;
- (2) carbon tetrachloride, 0.005;
- (3) 1,2-dichloroethane, 0.005;
- (4) 1,1-dichloroethylene, 0.007;
- (5) 1,1,1-trichloroethane, 0.20;
- (6) trichloroethylene, 0.005;
- (7) vinyl chloride, 0.002.

B. Analyses conducted to determine compliance with this subpart must be made in accordance with a relevant method contained in "Methods for the Determination of Organic Compounds in Drinking Water," ORD Publications, CERL, EPA/600/4-88/039, December 1988. Copies are available from the National Technical Information Service, United States Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161.

(1) Method 502.1 - "Volatile Halogenated Organic Compounds in Water by Purge and Trap Gas Chromatography" (applicable to volatile organic compounds).

(2) Method 502.2 - "Volatile Organic Compounds in Water by Purge and Trap Capillary Column Gas Chromatography with Photoionization and Electrolytic Conductivity Detectors in Series" (applicable to volatile organic compounds).

(3) Method 503.1 - "Volatile Aromatic and Unsaturated Organic Compounds in Water by Purge and Trap Column Gas Chromatography" (applicable to volatile organic compounds).

(4) Method 524.1 - "Volatile Organic Compounds in Water by Purge and Trap Gas Chromatography/Mass Spectrometry" (applicable to volatile organic compounds).

(5) Method 524.2 - "Volatile Organic Compounds in Water by Purge and Trap Capillary Column Gas Chromatography/Mass Spectrometry" (applicable to volatile organic compounds).

1550.3220 BOTTLED WATER PROCESS REQUIREMENTS.

Subpart 1. **Filtering; processing; packaging.** Bottled water, including mineral water, must be processed and packaged according to *Code of Federal Regulations*, title 21, parts 110 and 129, and other rules adopted by the department.

Subp. 2. **Microbiological controls.** Bottled water production, including transporting, processing, packaging, and storage, must be conducted under conditions and controls necessary to minimize the potential for microbiological contamination of the finished product.

Subp. 3. Bottled water must not be transported or stored in bulk tanks or processed or bottled through equipment or lines used for nonfood products.

Subp. 4. Bottled water plant operators and water dealers must develop and maintain procedures for product recall and must implement those procedures for a product for which the operator or dealer knows or has reason to believe circumstances exist that may adversely affect its safety for the consumer. Plant operators and water dealers must notify the department within 48 hours of all recalls.

Subp. 5. Artesian water may be collected with the assistance of external force to enhance the natural underground pressure so long as those measures do not alter the physical properties, composition, and quality of the water.

Subp. 6. Spring water must be collected only at the spring or through a bore hole that is adjacent to the point of emergence. Spring water collected with the assistance of external force to protect the water must be from the same underground stratum as the spring and must retain all the physical properties of and be of the same composition and quality as the water that flows naturally to the surface of the earth.

1550.3230 SOURCE WATER MONITORING.

Subpart 1. **Sampling and analysis.** A plant operator is responsible for sampling and analysis of source water for the contaminants in part 1550.3210. The monitoring must be at least annually for chemical contaminants and weekly for microbiological contamination if the source is other than a community public water system. Additionally, source water must be analyzed once every four years for radiological contaminants.

Subp. 2. Source water exemption.

A. Plant operators using a community public water system for source water may substitute municipal testing results for chemical and radiological contaminant requirements of this part.

B. Plant operators using a noncommunity public water system for source water may request a variance from the commissioner to reduce the frequency of testing if they provide documentation that the source water consistently meets the chemical and radiological contaminant requirements of this part. The variance may not be longer than three years between testing.

Subp. 3. **Other known contaminants.** If a bottled water plant operator, water dealer, or regulatory agency knows or has reason to believe that a contaminant not otherwise monitored is present in the source water because of a spill, release of a hazardous substance, or otherwise, and its presence would create a potential health hazard to consumers, the plant operator or water dealer must monitor the source water for that contaminant.

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Subp. 4. **Periodic monitoring of detected contaminants.** Detection of contaminants in source monitoring required by this part must be followed immediately by a program of periodic monitoring to confirm the presence in the source water of the contaminants. If a listed, unregulated contaminant is confirmed to be present in the source water at a concentration that exceeds a published level allowed by the EPA, United States Food and Drug Administration, or department, the plant operator or water dealer must use appropriate treatment techniques to remove or reduce the contaminant in the product water below the concentration and must use a program of periodic monitoring for the contaminant in the source water until the contaminant is not detectable in the source water.

Subp. 5. **Monitoring and analysis personnel; records.** Required source water sampling and required analysis must be performed by the plant or by a competent commercial laboratory using approved methods of analysis. Records of the required sampling and analyses must be maintained on file at the plant for at least two years and must be available for official review upon request by the commissioner or any of the commissioner's authorized agents.

1550.3240 FINISHED PRODUCT MONITORING.

Subpart 1. **Periodic monitoring.** To assure that bottled water complies with part 1550.3210, the following product monitoring using representative samples derived from the bottled product must be performed:

A. for microbiological contaminants in part 1550.3210, analyze weekly a representative sample from a given lot for each size of container produced by the plant; and

B. for chemical, physical, and radiological contaminants in part 1550.3210, analyze annually a representative sample from a given lot for each size of container produced by the plant.

Subp. 2. **Monitoring and analysis personnel.** The required product water sampling and required analysis must be performed by the plant or by a competent commercial laboratory using approved methods of analysis.

Subp. 3. **Records.** Records of required sampling and analysis must be maintained at the plant for at least two years and must be available for official review upon request by the commissioner or any of the commissioner's authorized agents.

1550.3250 LABELING REQUIREMENTS.

Bottled water must conform to applicable federal and state labeling requirements and be labeled in compliance with items A to L.

A. If bottled water comes from a municipal source and has not been treated to meet the definition of distilled water or purified water, the label must state "from a municipal source" immediately and conspicuously preceding or following the name of the water without intervening written, printed, or graphic matter other than item M in type size at least one-half the size of the statement of identity and not less than 1/16 of an inch.

B. Mineral water may be labeled "mineral water." Mineral water with total dissolved solids content below 500 parts per million must be labeled with the statement "low mineral content" and mineral water with total dissolved solids greater than 1,500 parts per million must be labeled with the statement "high mineral content." The statement must appear on the principal display panel following the statement of identity in type size not less than one-half the size of the statement of identity but in no case of less than 1/16 of an inch.

C. Spring water may be labeled "spring water."

D. Well water may be labeled "well water."

E. Artesian water may be labeled "artesian water."

F. Purified water must be labeled "purified water" and the method of preparation must be stated on the label, except that purified water produced by distillation may be labeled "distilled water."

G. Drinking water may be labeled "drinking water."

H. A bottler, distributor, or vendor of bottled water whose corporate name, brand name, or trademark contains the words "spring," "well," "artesian," "mineral," or any derivative of those words, must label each bottle with the type of bottled water as defined in part 1550.3200, in typeface at least equal to the size of the typeface of the corporate name, brand name, or trademark, if the type of the bottled water is different from the type stated or implied in the corporate name, brand name, or trademark. Product identity must be located near the corporate name, brand name, or trademark.

I. The use of the word "spring" or a derivative of that word, other than in a trademark, trade name, or company name, to describe water that is not spring water is prohibited.

J. A product meeting more than one definition in part 1550.3200 may be identified by any of the applicable product types defined in part 1550.3200, except when otherwise specifically prohibited.

K. Supplemental printed information and graphics concerning recognized uses of the water may appear on the label but may not be false or misleading.

L. Bottled water, the quality of which is below that prescribed by this part, may be labeled with a statement of substandard quality complying with subitems (1) to (3).

(1) If the microbiological quality of bottled water is below that prescribed by part 1550.3210, subpart 2, the label must bear the statement of substandard quality specified in *Code of Federal Regulations*, title 21, part 130.14(a).

(2) If the physical, chemical, or radiological quality of bottled water is below that prescribed by part 1550.3210, subparts 3, 4, and 5, the label must bear the statement of substandard quality specified in *Code of Federal Regulations*, title 21, part 130.14(a), except that, as appropriate, instead of or in addition to the words "contains excessive bacteria," the following statements may be used:

(a) "excessively turbid," "abnormal color," and/or "abnormal odor" if the bottled water fails to meet the requirements of part 1550.3210, subpart 3, item A, B, or C;

(b) "contains excessive," with the blank filled in with the name of the chemical for which a maximum contaminant level in part 1550.3210, subpart 4, is exceeded (e.g., "contains excessive arsenic," "contains excessive trihalomethanes");

(c) "contains excessive chemical substances" in lieu of the statement in unit (b) if the bottled water is not mineral water and the bottler prefers this statement;

(d) "excessively radioactive" if the bottled water fails to meet the requirements of part 1550.3210, subpart 5.

(3) Bottled water containing a substance at a level considered injurious to health is adulterated, whether or not the water bears a label statement of substandard quality.

1550.3260 SODA WATER AND SOFT DRINK EXEMPTION.

Bottled soft drinks, soda, seltzer, or other products commonly recognized as soft drinks and labeled with a common or usual name other than one of those in part 1550.3200 is exempt from parts 1550.3200 to 1550.3260. Water that is not in compliance with parts 1550.3200 to 1550.3260 may not be labeled as "artesian water," "bottled water," "distilled water," "drinking water," "fluoridated water," "mineral water," "purified water," "spring water," or "well water."

1550.3270 OPERATOR REQUIREMENTS.

Water vending machine operators must operate and maintain all water vending machines in a sanitary manner, maintain adequate water quality monitoring, and take investigative or corrective action necessary to assure that a safe and sanitary water is supplied to consumers.

1550.3280 VENDING MACHINE REQUIREMENTS.

Machines used to dispense vended water must comply with the construction and performance standards set by the National Automatic Merchandising Association and other rules adopted by the department and must:

A. be designed and constructed to permit easy cleaning and maintenance of all exterior and interior surfaces and component parts;

B. have all parts and surfaces in contact with the water constructed of approved, safe materials, corrosion-resistant, and nonabsorbent material capable of withstanding repeated cleaning and sanitizing treatments;

C. have a recessed or guarded corrosion-resistant dispensing spout so constructed that neither the spout or the guard contacts the bottle;

D. be designed so all treatment of the vended water by distillation, ion-exchange, filtration, ultraviolet light, reverse osmosis, mineral addition, or other acceptable process is done in an effective manner;

E. have an effective system of collection and handling of drip, spillage, and overflow of water through an approved sewage disposal system operated according to law;

F. have a backflow prevention device approved by law of all connections with the water supply;

G. disinfect vended water by ultraviolet light or other method approved by the department before delivery into the consumer's container;

H. be equipped with monitoring devices designed to shut down operation of the machine when the disinfection unit fails to function;

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I. be equipped with a self-closing, tight-fitting door on the vending compartment or other method of protecting the filler compartment acceptable to the commissioner;

J. be maintained in a clean and sanitary condition, free from dirt and vermin;

K. be located in an area that can be maintained in a clean condition and in a manner that avoids insect and rodent harborage;

L. have all plumbing to and within the vending machine, including the treatment equipment and piping, meet the plumbing code requirements of the Department of Health; and

M. display, in a position clearly visible to customers, the following information:

(1) the operator's name;

(2) the operator's address;

(3) a statement describing the source of the water and any treatment process including the chemical names of any preservatives or additives;

(4) a local or toll-free telephone number that may be called for information, service, or complaints; and

(5) the statement "from a municipal source" if the water is from a community public water system. Vended water treated to meet the definition of distilled or purified water is exempt if the machine is so labeled.

1550.3290 SERVICE; SAMPLING; RECORDS.

Subpart 1. **Cleaning; maintenance.** All parts and surfaces of water vending machines must be maintained in a clean and sanitary condition by the operator. The vending chamber and vending nozzle must be cleaned and sanitized each time the machine is serviced. Surfaces in contact with the vended water must be maintained as a deposit-free, visibly clean system. A record of cleaning and maintenance operations must be kept by the operator at company headquarters for each water vending machine and be available for inspection upon request.

Subp. 2. **Analysis of water.** Vended water must be from a community public water system or other approved source. The operator is responsible for monitoring the source and vended water from each vending machine. The sampling and analysis must be performed once every three months for total coliforms and the source water once each year for chemical, physical, and radiological contaminants in part 1550.3210. Purified water must be analyzed once every three months for total coliforms and total solids. The required sampling must be performed by qualified personnel and analyzed by a competent laboratory using approved methods of analysis in part 1550.3210. Records of sampling and analysis must be maintained on file at company headquarters for at least two years and must be available for official review upon request by the commissioner or any of the commissioner's authorized agents.

Subp. 3. **Silver.** Vended water from each water vending machine using silver-impregnated carbon filters in the treatment process must be analyzed once every six months for silver. The analysis must be performed by a competent laboratory using approved methods of analysis in part 1550.3210. Records of sampling and analysis must be maintained on file for at least two years and must be available at company headquarters for official review by the commissioner or any of the commissioner's authorized agents.

Subp. 4. **More frequent analysis.** A more frequent analysis of the parameters in this part may be required by the department if there is evidence of unfitness of the vended water because of the presence of undesirable elements, compounds, materials, or microorganisms caused by the passage of water through the machines.

Subp. 5. **Source water exemption.**

A. Plant operators using a community public water system for source water may substitute municipal testing results for chemical and radiological contaminant requirements of this part.

B. Plant operators using a noncommunity public water system for source water may request a variance from the commissioner to reduce the frequency of testing if they provide documentation that the source water consistently meets the chemical and radiological contaminant requirements of this part. The variance may not be longer than three years between testing.

1550.3300 REVIEW OF PLANS.

Before construction or major remodeling of a bottled water plant, or when an existing structure is converted to use as a bottled water plant, properly prepared plans and specifications for construction, major remodeling, or conversion must be submitted to the department for review and approval. The plans and specifications must show the proposed layout, arrangement, mechanical plans, construction materials of work areas, and the type and model of proposed fixed equipment and facilities. The department will treat the plans and specifications as confidential or trade secret information according to law and will approve the plans and specifications if they meet the requirements of parts 1550.3200 to 1550.3260. A bottled water plant may not be constructed, extensively remodeled, or converted except according to plans and specifications approved by the department.

1550.3310 PREOPERATIONAL INSPECTION.

If plans and specifications are required by part 1550.3300, the department must inspect the bottled water plant before the start of

operations to determine compliance with the approved plans and specifications and with the requirements of parts 1550.3200 to 1550.3260.

1550.3320 EXISTING BOTTLED WATER PLANTS AND VENDING MACHINES.

Building facilities, equipment, and vending machines in use before the effective date of parts 1550.3200 to 1550.3320 that do not fully meet the design and fabrication requirements of parts 1550.3200 to 1550.3320 are acceptable if they are in good repair, capable of being maintained in a sanitary condition, produce a safe and sanitary water meeting the requirements of parts 1550.3210 to 1550.3250 or 1550.3270 to 1550.3290 respectively, and the water contact surfaces comply with part 1550.3200, subpart 22.

New building facilities and new equipment for which contractual obligations are incurred before the effective date of parts 1550.3200 to 1550.3320 that do not fully meet the design and fabrication requirements of parts 1550.3200 to 1550.3320 are acceptable if they are capable of being maintained in a sanitary condition, produce a safe, potable water meeting the requirements of parts 1550.3210 to 1550.3250 or 1550.3270 to 1550.3290 respectively, and the water contact surfaces comply with part 1550.3200, subpart 22.

Department of Human Services

Proposed Permanent Rules Relating to Out-of-State Providers

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Department of Human Services intends to adopt a permanent rule without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You have 30 days to submit written comments on the proposed rule and may also submit a written request that a hearing be held on the rule.

Agency Contact Person. Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to:

Stephanie L. Schwartz
Minnesota Department of Human Services
444 Lafayette Rd.
St. Paul, MN 55155-3816
Telephone (612) 297-4302, Fax number (612) 296-6244

Subject of Rule and Statutory Authority. The proposed rule governs out-of-state medical assistance providers. The statutory authority to adopt this rule is *Minnesota Statutes*, section 256B.04, subdivisions 2, 4, and 12. A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on April 21, 1993 to submit written comment in support of or in opposition to the proposed rule and any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on April 21, 1993. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Modifications. The proposed rule may be modified as a result of public comment. The modifications must be supported by data and views submitted to the agency and may not result in a substantial change in the proposed rule as attached and printed in the *State Register*. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule.

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

Proposed Rules

Small Business Considerations. *Minnesota Statutes*, section 14.115, subdivision 2 requires the Department to consider specific methods for reducing the impact of the proposed amendments on small businesses. However, *Minnesota Statutes*, section 14.115, subdivision 7, clause (3) provides that this rulemaking procedure is excepted from this requirement because it covers providers of medical care regulated by government bodies for standards and costs.

Pursuant to *Minnesota Statutes*, section 14.115, subdivision 4, paragraph (b), by publication of this Notice in the *State Register*, small businesses are given the opportunity to participate in this rulemaking process.

Expenditure of Public Money by Local Public Bodies. Because the Department's Fiscal Note anticipates that the proposed amendments will not require local public bodies to expend public money in either of the two years immediately following adoption of the rule amendments, *Minnesota Statutes*, section 14.11, subdivision 1 is not applicable.

A copy of the Fiscal Note is available from Stephanie L. Schwartz at the address and telephone number listed above.

Impact on Agriculture Lands. Because the proposed rule language does not have a direct and substantial adverse impact on agricultural land in Minnesota, *Minnesota Statutes*, section 14.11, subdivision 2 is not applicable.

Adoption and Review of Rule. If no hearing is required, after the end of the comment period the agency may adopt the rule. The rule and supporting documents will then be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rule is submitted to the Attorney General or be notified of the Attorney General's decision on the rule. If you wish to be so notified, or wish to receive a copy of the adopted rule, submit your request to the agency contact person listed above.

Dated: 25 February 1993

Natalie Haas Steffen
Commissioner

Rules as Proposed

9505.0215 COVERED SERVICES; OUT-OF-STATE PROVIDERS.

A health service provided to a Minnesota recipient by a ~~an out-of-state provider located outside of Minnesota~~ is eligible for medical assistance payment if the service meets ~~one of the following requirements of items A, B, and C. For purposes of this part, "out-of-state provider" means a provider who is located outside of Minnesota and outside of the recipient's local trade area.~~

~~A. The health service is within the limitations of parts 9505.0170 to 9505.0475 must be a covered service as defined in part 9505.0175, subpart 6.~~

~~B. The provider must obtain prior authorization if prior authorization is required under Minnesota Statutes, section 256B.0625, subdivision 25, parts 9505.0170 to 9505.0475, or parts 9505.5000 to 9505.5030.~~

~~C. The service must meet one of the following conditions:~~

~~(1) the department determines, on the basis of medical advice from a consultant as defined in part 9505.5005, subpart 3, that the service is medically necessary and is not available in Minnesota or the recipient's local trade area - Provision of the service, other than an emergency service, outside of Minnesota or the recipient's local trade area requires prior authorization;~~

~~(2) the service is in response to an emergency; or~~

~~(3) the service is needed because the recipient's health would be endangered if the recipient was required to return to Minnesota.~~

~~C. The service is provided to a person who is considered a Minnesota medical assistance recipient while residing out-of-state as specified in part 9505.0055, subparts 4 and 5.~~

~~D. The service is in response to an emergency.~~

Pollution Control Agency

Proposed Permanent Rules Relating to Air Quality; Incorporation of Federal Rules

Notice of Intent to Adopt Rules Without a Public Hearing

The Minnesota Pollution Control Agency (MPCA) intends to adopt a permanent rule without a public hearing following the procedures set forth in the Administrative Procedures Act, *Minnesota Statutes* §§ 14.22 to 14.28 (1992). You have 30 days to submit written comments on the proposed rule and may also request that a hearing be held on the rule.

MPCA Contact Person. Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to:

Norma L. Florell
Minnesota Pollution Control Agency
Air Quality Division
520 Lafayette Road North
St. Paul, Minnesota 55155
Phone: 612/296-7712
Fax: 612/297-7709

Subject of Rule and Statutory Authority. The proposed rule amendments will incorporate by reference established federal requirements for the Prevention of Significant Deterioration (PSD), New Source Performance Standards (NSPS), and National Emission Standards for Hazardous Air Pollutants (NESHAPS) programs under the Clean Air Act. The statutory authority to adopt these rule amendments is set forth in *Minnesota Statutes* § 116.07, subd. 4 (1990). A copy of the proposed rule amendments are published below. One free copy of the rule is available upon request from Norma Florell at the address and telephone number stated above.

Comments. You have until 4:30 p.m. on April 21, 1993, to submit written comment in support of or in opposition to the proposed rule and any part or subpart of the rule. Your comment must be in writing and received by the MPCA contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the MPCA contact person by 4:30 p.m. on April 21, 1993.

Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the MPCA will follow the procedures in *Minnesota Statutes* §§ 14.131 to 14.20.

Modifications. The proposed rule may be modified as a result of public comment. The modifications must be supported by data and views submitted to the MPCA and may not result in a substantial change in the proposed rule as printed in the *State Register*. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the MPCA contact person. This statement describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule.

Small Business Considerations. The proposed amended rules may affect small businesses as defined in *Minnesota Statutes* § 14.115. The rules that are being incorporated by reference are already in force and apply to specific air pollution sources in the state of Minnesota as a matter of federal law. The MPCA cannot change the applicable federal requirements through this state rulemaking. Additionally, the MPCA must show its ability to administer and enforce the applicable federal standards in order to maintain its delegation to administer these programs from EPA.

To the extent that an NSPS or NESHAPS may apply to an entity that is a small business, that NSPS or NESHAPS applies to small businesses in every state in the nation including Minnesota. Since the incorporation of the federal standards by reference does not change the federal standards, this rulemaking does not impose any additional requirements on small businesses that are not already present as a matter of federal regulation. The incorporation of these federal rules into Minnesota Rules will make it easier for small businesses to find out what requirements apply to their emission facilities.

Expenditures of Public Money by Local Public Bodies. The MPCA is incorporating existing federal rules into state rules, for purposes of its state implementation plan under the Clean Air Act and its delegations from the U.S. Environmental Protection Agency. The state rule amendments proposed in this rulemaking do not impose any additional costs on local public bodies that are not already imposed as a matter of federal law upon local public bodies by the federal regulations that are being incorporated by reference. This rule, therefore, does not impose any costs on local public bodies on its own.

Impact on Agriculture Lands. The MPCA, in adopting federal PSD, NSPS and NESHAPS requirements by reference, is not proposing a rule which may have a direct and substantial adverse impact on agricultural lands in the state, because these rules apply to stationary sources of air pollution and do not directly impact agricultural lands in the state.

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

Proposed Rules

Adoption and Review of Rule. If no hearing is required, after the end of the comment period the MPCA may adopt the rule. The rule and supporting documents will then be submitted to the attorney general for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rule is submitted to the attorney general or be notified of the attorney general's decision on the rule. If you wish to be so notified, or wish to receive a copy of the adopted rule, submit your request to Norma Florell.

Charles W. Williams
Commissioner

Rules as Proposed

7005.0100 DEFINITIONS.

[For text of subs 1 to 25, see M.R.]

Subp. 25a. National Emission Standard for Hazardous Air Pollutants. "National Emission Standard for Hazardous Air Pollutants" means a standard promulgated by the administrator of the United States Environmental Protection Agency under the Clean Air Act, *United States Code*, title 42, section 7412, prior to November 15, 1990, that is still in effect pursuant to the savings clause that was enacted by the 1990 Clean Air Act amendments and codified at *United States Code*, title 42, section 7412(g).

Subp. 25a. 25b. New facility. "New facility" means an emission facility on which construction, modification, or reconstruction was commenced after the effective date of the applicable New Source Performance Standard or the applicable state air pollution control rule.

[For text of subs 26 to 45, see M.R.]

7007.3000 PREVENTION OF SIGNIFICANT DETERIORATION OF AIR QUALITY.

Any person who constructs, modifies, reconstructs, or operates an emissions unit, emission facility, or stationary source must meet the requirements of Code of Federal Regulations, title 40, part 52.21(b)-(f) and (h)-(w), as amended, entitled "Prevention of Significant Deterioration of Air Quality," which is adopted and incorporated by reference.

All applications and other information required pursuant to Code of Federal Regulations, title 40, part 52.21, from emissions units, emission facilities, and stationary sources located in Minnesota shall be submitted to the commissioner.

7011.0050 GENERAL PROVISIONS OF FEDERAL NEW SOURCE PERFORMANCE STANDARDS INCORPORATED BY REFERENCE.

For purposes of interpreting, applying, and enforcing New Source Performance Standards that are incorporated by reference into this chapter, Code of Federal Regulations, title 40, parts 60.1, 60.2, 60.3, 60.5, 60.6, 60.12, 60.14, 60.15, 60.17, and 60.18, as amended, are adopted and incorporated by reference.

All requests, reports, applications, submittals, and other communications to the administrator pursuant to New Source Performance Standards that are incorporated by reference into this chapter must be submitted to the commissioner.

FOSSIL-FUEL FIRED STEAM GENERATORS

7011.0555 INCORPORATION OF NEW SOURCE PERFORMANCE STANDARD BY REFERENCE.

Code of Federal Regulations, title 40, part 60, subpart D, as amended, entitled "Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971," is adopted and incorporated by reference.

ELECTRIC UTILITY STEAM GENERATING UNITS

7011.0560 INCORPORATION OF NEW SOURCE PERFORMANCE STANDARD BY REFERENCE.

Code of Federal Regulations, title 40, part 60, subpart Da, as amended, entitled "Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978," is adopted and incorporated by reference, except that decisions made by the administrator under Code of Federal Regulations, title 40, part 60.45a, are not delegated to the commissioner and must be made by the administrator.

INDUSTRIAL-COMMERCIAL-INSTITUTIONAL

STEAM GENERATING UNITS

7011.0565 INCORPORATION OF NEW SOURCE PERFORMANCE STANDARD BY REFERENCE.

Code of Federal Regulations, title 40, part 60, subpart Db, as amended, entitled "Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units," is adopted and incorporated by reference, except that decisions made by the administrator under Code of Federal Regulations, title 40, parts 60.44b(f), 60.44b(g), and 60.49b(a)(4), are not delegated to the commissioner and must be made by the administrator.

SMALL INDUSTRIAL-COMMERCIAL-INSTITUTIONAL
STEAM GENERATING UNITS

7011.0570 INCORPORATION OF NEW SOURCE PERFORMANCE STANDARD BY REFERENCE.

Code of Federal Regulations, title 40, part 60, subpart Dc, as amended, entitled "Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units," is adopted and incorporated by reference, except that decisions made by the administrator under Code of Federal Regulations, title 40, part 60.48c(a)(4), are not delegated to the commissioner and must be made by the administrator.

PORTLAND CEMENT PLANTS

7011.0830 INCORPORATION OF NEW SOURCE PERFORMANCE STANDARD BY REFERENCE.

Code of Federal Regulations, title 40, part 60, subpart F, as amended, entitled "Standards of Performance for Portland Cement Plants," is adopted and incorporated by reference.

ASPHALT CONCRETE PLANTS

7011.0925 INCORPORATION OF NEW SOURCE PERFORMANCE STANDARD BY REFERENCE.

Code of Federal Regulations, title 40, part 60, subpart I, as amended, entitled "Standards of Performance for Hot Mix Asphalt Facilities," is adopted and incorporated by reference.

ASPHALT PROCESSING AND ASPHALT
ROOFING MANUFACTURE

7011.0950 STANDARDS OF PERFORMANCE FOR NEW ASPHALT PROCESSING AND ASPHALT ROOFING MANUFACTURE.

Code of Federal Regulations, title 40, part 60, subpart UU, as amended, entitled "Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture," is adopted and incorporated by reference.

BULK AGRICULTURAL COMMODITY FACILITIES

7005.2524 7011.1005 STANDARDS OF PERFORMANCE FOR DRY BULK AGRICULTURAL COMMODITY FACILITIES.

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

Subp. 2. **Federal requirements.** The owner, operator, or other person who conducts activities at a grain terminal elevator or grain storage elevator, of which construction, modification, or reconstruction commenced after August 3, 1978, shall meet the requirements of Code of Federal Regulations, title 40, part 60.300 60, subpart DD, (August 3, 1978) as amended, entitled "Standards of Performance for Grain Elevators," which is adopted and incorporated by reference, except that decisions made by the administrator under Code of Federal Regulations, title 40, part 60.302(d)(3), are not delegated to the commissioner and must be made by the administrator.

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

COAL PREPARATION PLANTS

7011.1150 STANDARDS OF PERFORMANCE FOR NEW COAL PREPARATION PLANTS.

Code of Federal Regulations, title 40, part 60, subpart Y, as amended, entitled "Standards of Performance for Coal Preparation Plants," is adopted and incorporated by reference.

SEWAGE SLUDGE INCINERATORS

7011.1350 INCORPORATION OF NEW SOURCE PERFORMANCE STANDARD BY REFERENCE.

Code of Federal Regulations, title 40, part 60, subpart O, as amended, entitled "Standards of Performance for Sewage Treatment Plants," is adopted and incorporated by reference, except that decisions made by the administrator under Code of Federal Regulations, title 40, part 60.153(e), are not delegated to the commissioner and must be made by the administrator.

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Proposed Rules

PETROLEUM REFINERIES

7011.1435 INCORPORATION OF NEW SOURCE PERFORMANCE STANDARDS BY REFERENCE.

The following New Source Performance Standards are adopted and incorporated by reference:

A. Code of Federal Regulations, title 40, part 60, subpart J, as amended, entitled "Standards of Performance for Petroleum Refineries," except that decisions made by the administrator under Code of Federal Regulations, title 40, parts 60.105(a)(13)(iii) and 60.106(i)(12), are not delegated to the commissioner and must be made by the administrator.

B. Code of Federal Regulations, title 40, part 60, subpart GGG, as amended, entitled "Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries," except that decisions made by the administrator under Code of Federal Regulations, title 40, part 60.592(c), are not delegated to the commissioner and must be made by the administrator.

C. Code of Federal Regulations, title 40, part 60, subpart QQQ, as amended, entitled "Standards of Performance for VOC Emissions from Petroleum Refinery Wastewater Systems," except that decisions made by the administrator under Code of Federal Regulations, title 40, part 60.694, are not delegated to the commissioner and must be made by the administrator.

LIQUID PETROLEUM AND VOLATILE ORGANIC

LIQUID STORAGE VESSELS

7011.1520 INCORPORATION OF NEW SOURCE PERFORMANCE STANDARDS BY REFERENCE.

The following New Source Performance Standards are adopted and incorporated by reference:

A. Code of Federal Regulations, title 40, part 60, subpart K, as amended, entitled "Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978."

B. Code of Federal Regulations, title 40, part 60, subpart Ka, as amended, entitled "Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984," except that decisions made by the administrator under Code of Federal Regulations, title 40, part 60.114a, are not delegated to the commissioner and must be made by the administrator.

C. Code of Federal Regulations, title 40, part 60, subpart Kb, as amended, entitled "Standards of Performance for Volatile Organic Liquid Storage Vessels (including petroleum liquid storage vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984," except that decisions made by the administrator under Code of Federal Regulations, title 40, parts 60.111b(f)(4), 60.114b, 60.116b(e)(3)(iii), 60.116b(e)(3)(iv), and 60.116b(f)(2)(iii), are not delegated to the commissioner and must be made by the administrator.

BULK GASOLINE TERMINALS

7011.1550 STANDARDS OF PERFORMANCE FOR NEW BULK GASOLINE TERMINALS.

Code of Federal Regulations, title 40, part 60, subpart XX, as amended, entitled "Standards of Performance for Bulk Gasoline Terminals," is adopted and incorporated by reference.

SULFURIC ACID PLANTS

7011.1635 INCORPORATION OF NEW SOURCE PERFORMANCE STANDARD BY REFERENCE.

Code of Federal Regulations, title 40, part 60, subpart H, as amended, entitled "Standards of Performance for Sulfuric Acid Plants," is adopted and incorporated by reference.

NITRIC ACID PLANTS

7011.1730 INCORPORATION OF NEW SOURCE PERFORMANCE STANDARDS BY REFERENCE.

Code of Federal Regulations, title 40, part 60, subpart G, as amended, entitled "Standards of Performance for Nitric Acid Plants," is adopted and incorporated by reference.

LEAD SMELTERS

7011.1820 INCORPORATION OF NEW SOURCE PERFORMANCE STANDARDS BY REFERENCE.

The following New Source Performance Standards are adopted and incorporated by reference:

A. Code of Federal Regulations, title 40, part 60, subpart L, as amended, entitled "Standards of Performance for Secondary Lead Smelters."

B. Code of Federal Regulations, title 40, part 60, subpart R, as amended, entitled "Standards of Performance for Primary Lead Smelters."

COPPER SMELTERS

7011.1840 STANDARDS OF PERFORMANCE FOR NEW PRIMARY COPPER SMELTERS.

Code of Federal Regulations, title 40, part 60, subpart P, as amended, entitled "Standards of Performance for Primary Copper Smelters," is adopted and incorporated by reference.

ZINC SMELTERS

7011.1880 STANDARDS OF PERFORMANCE FOR NEW PRIMARY ZINC SMELTERS.

Code of Federal Regulations, title 40, part 60, subpart Q, as amended, entitled "Standards of Performance for Primary Zinc Smelters," is adopted and incorporated by reference.

SECONDARY BRASS AND BRONZE PRODUCTION PLANTS

7011.1920 INCORPORATION OF NEW SOURCE PERFORMANCE STANDARDS BY REFERENCE.

Code of Federal Regulations, title 40, part 60, subpart M, as amended, entitled "Standards of Performance for Secondary Brass and Bronze Production Plants," is adopted and incorporated by reference.

IRON AND STEEL PLANTS

7011.2020 INCORPORATION OF NEW SOURCE PERFORMANCE STANDARDS BY REFERENCE.

The following New Source Performance Standards are adopted and incorporated by reference:

A. Code of Federal Regulations, title 40, part 60, subpart N, as amended, entitled "Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973."

B. Code of Federal Regulations, title 40, part 60, subpart Na, as amended, entitled "Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983."

C. Code of Federal Regulations, title 40, part 60, subpart AA, as amended, entitled "Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974 and on or Before August 17, 1983."

D. Code of Federal Regulations, title 40, part 60, subpart AAa, as amended, entitled "Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 7, 1983."

PRIMARY ALUMINUM REDUCTION PLANTS

7011.2050 STANDARDS OF PERFORMANCE FOR NEW PRIMARY ALUMINUM REDUCTION PLANTS.

Code of Federal Regulations, title 40, part 60, subpart S, as amended, entitled "Standards of Performance for Primary Aluminum Reduction Plants," is adopted and incorporated by reference.

FERROALLOY PRODUCTION FACILITIES

7011.2080 STANDARDS OF PERFORMANCE FOR NEW FERROALLOY PRODUCTION FACILITIES.

Code of Federal Regulations, title 40, part 60, subpart Z, as amended, entitled "Standards of Performance for Ferroalloy Production Facilities," is adopted and incorporated by reference.

STATIONARY GAS TURBINES

7011.2350 STANDARDS OF PERFORMANCE FOR NEW STATIONARY GAS TURBINES.

Code of Federal Regulations, title 40, part 60, subpart GG, as amended, entitled "Standards of Performance for Stationary Gas Turbines," is adopted and incorporated by reference, except that decisions made by the administrator under Code of Federal Regulations, title 40, parts 60.332(a)(3) and 60.335(a), are not delegated to the commissioner and must be made by the administrator.

PHOSPHATE FERTILIZER INDUSTRY

7011.2400 STANDARDS OF PERFORMANCE FOR PHOSPHATE FERTILIZER INDUSTRY.

The following New Source Performance Standards are adopted and incorporated by reference:

A. Code of Federal Regulations, title 40, part 60, subpart T, as amended, entitled "Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants."

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

Proposed Rules

B. Code of Federal Regulations, title 40, part 60, subpart U, as amended, entitled "Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants."

C. Code of Federal Regulations, title 40, part 60, subpart V, as amended, entitled "Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants."

D. Code of Federal Regulations, title 40, part 60, subpart W, as amended, entitled "Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants."

E. Code of Federal Regulations, title 40, part 60, subpart X, as amended, entitled "Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities."

KRAFT PULP MILLS

7011.2450 STANDARDS OF PERFORMANCE FOR NEW KRAFT PULP MILLS.

Code of Federal Regulations, title 40, part 60, subpart BB, as amended, entitled "Standards of Performance for Kraft Pulp Mills," is adopted and incorporated by reference.

GLASS MANUFACTURING PLANTS

7011.2500 STANDARDS OF PERFORMANCE FOR NEW GLASS MANUFACTURING PLANTS.

Code of Federal Regulations, title 40, part 60, subpart CC, as amended, entitled "Standards of Performance for Glass Manufacturing Plants," is adopted and incorporated by reference.

SURFACE COATING

7011.2550 STANDARDS OF PERFORMANCE FOR SURFACE COATING OF METAL FURNITURE.

Code of Federal Regulations, title 40, part 60, subpart EE, as amended, entitled "Standards of Performance for Surface Coating of Metal Furniture," is adopted and incorporated by reference.

7011.2555 STANDARDS OF PERFORMANCE FOR AUTOMOBILE AND LIGHT-DUTY TRUCK SURFACE COATING OPERATIONS.

Code of Federal Regulations, title 40, part 60, subpart MM, as amended, entitled "Standards of Performance for Automobile and Light-Duty Truck Surface Coating Operations," is adopted and incorporated by reference.

7011.2560 STANDARDS OF PERFORMANCE FOR PRESSURE SENSITIVE TAPE AND LABEL SURFACE COATING OPERATIONS.

Code of Federal Regulations, title 40, part 60, subpart RR, as amended, entitled "Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations," is adopted and incorporated by reference.

7011.2565 STANDARDS OF PERFORMANCE FOR INDUSTRIAL SURFACE COATING: LARGE APPLIANCES.

Code of Federal Regulations, title 40, part 60, subpart SS, as amended, entitled "Standards of Performance for Industrial Surface Coating: Large Appliances," is adopted and incorporated by reference.

7011.2570 STANDARDS OF PERFORMANCE FOR METAL COIL SURFACE COATING.

Code of Federal Regulations, title 40, part 60, subpart TT, as amended, entitled "Standards of Performance for Metal Coil Surface Coating," is adopted and incorporated by reference.

7011.2575 STANDARDS OF PERFORMANCE FOR THE BEVERAGE CAN SURFACE COATING INDUSTRY.

Code of Federal Regulations, title 40, part 60, subpart WW, as amended, entitled "Standards of Performance for the Beverage Can Surface Coating Industry," is adopted and incorporated by reference, except that decisions made by the administrator under Code of Federal Regulations, title 40, part 60.496(a)(1), and the last sentence of Code of Federal Regulations, title 40, part 60.493(b)(2)(i)(A), are not delegated to the commissioner and must be made by the administrator.

7011.2580 STANDARDS OF PERFORMANCE FOR INDUSTRIAL SURFACE COATING: SURFACE COATING OF PLASTIC PARTS FOR BUSINESS MACHINES.

Code of Federal Regulations, title 40, part 60, subpart TTT, as amended, entitled "Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines," is adopted and incorporated by reference, except that decisions made by the administrator under Code of Federal Regulations, title 40, parts 60.723(b)(1), 60.723(b)(2)(i)(C), 60.723(b)(2)(iv), 60.724(e), and 60.725(b), are not delegated to the commissioner and must be made by the administrator.

LIME MANUFACTURING PLANTS

7011.2600 STANDARDS OF PERFORMANCE FOR NEW LIME MANUFACTURING PLANTS.

Code of Federal Regulations, title 40, part 60, subpart HH, as amended, entitled "Standards of Performance for Lime Manufacturing

Plants, is adopted and incorporated by reference.

LEAD-ACID BATTERY MANUFACTURING PLANTS

7011.2650 STANDARDS OF PERFORMANCE FOR NEW LEAD-ACID BATTERY MANUFACTURING PLANTS.

Code of Federal Regulations, title 40, part 60, subpart KK, as amended, entitled "Standards of Performance for Lead-Acid Battery Manufacturing Plants," is adopted and incorporated by reference.

METALLIC MINERAL PROCESSING PLANTS

7011.2700 STANDARDS OF PERFORMANCE FOR NEW METALLIC MINERAL PROCESSING PLANTS.

Code of Federal Regulations, title 40, part 60, subpart LL, as amended, entitled "Standards of Performance for Metallic Mineral Processing Plants," is adopted and incorporated by reference.

PHOSPHATE ROCK PLANTS

7011.2750 STANDARDS OF PERFORMANCE FOR NEW PHOSPHATE ROCK PLANTS.

Code of Federal Regulations, title 40, part 60, subpart NN, as amended, entitled "Standards of Performance for Phosphate Rock Plants," is adopted and incorporated by reference.

AMMONIUM SULFATE MANUFACTURE

7011.2800 STANDARDS OF PERFORMANCE FOR AMMONIUM SULFATE MANUFACTURE.

Code of Federal Regulations, title 40, part 60, subpart PP, as amended, entitled "Standards of Performance for Ammonium Sulfate Manufacture," is adopted and incorporated by reference.

GRAPHIC ARTS INDUSTRY

7011.2850 STANDARDS OF PERFORMANCE FOR PUBLICATION ROTOGRAVURE PRINTING.

Code of Federal Regulations, title 40, part 60, subpart QQ, as amended, entitled "Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing," is adopted and incorporated by reference.

SYNTHETIC ORGANIC CHEMICALS MANUFACTURING INDUSTRY

7011.2900 INCORPORATION OF NEW SOURCE PERFORMANCE STANDARDS BY REFERENCE.

The following New Source Performance Standards are adopted and incorporated by reference:

A. Code of Federal Regulations, title 40, part 60, subpart VV, as amended, entitled "Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry," except that decisions made by the administrator under Code of Federal Regulations, title 40, part 60.482-1(c)(2), are not delegated to the commissioner and must be made by the administrator.

B. Code of Federal Regulations, title 40, part 60, subpart III, as amended, entitled "Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes," except that decisions made by the administrator under Code of Federal Regulations, title 40, part 60.613(e), are not delegated to the commissioner and must be made by the administrator.

C. Code of Federal Regulations, title 40, part 60, subpart NNN, as amended, entitled "Standards of Performance for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations," except that decisions made by the administrator under Code of Federal Regulations, title 40, part 60.663(e), are not delegated to the commissioner and must be made by the administrator.

NEW RESIDENTIAL WOOD HEATERS

7011.2950 STANDARDS OF PERFORMANCE FOR NEW RESIDENTIAL WOOD HEATERS.

Code of Federal Regulations, title 40, part 60, subpart AAA, as amended, entitled "Standards of Performance for New Residential Wood Heaters," is adopted and incorporated by reference, except that decisions made by the administrator under Code of Federal Regulations, title 40, parts 60.530(c), 60.531, 60.533, 60.534, 60.535, 60.536(i)(2), 60.537, 60.538(e), and 60.539, are not delegated to the commissioner and must be made by the administrator.

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Proposed Rules

RUBBER TIRE MANUFACTURING INDUSTRY

7011.3000 STANDARDS OF PERFORMANCE FOR THE RUBBER TIRE MANUFACTURING INDUSTRY.

Code of Federal Regulations, title 40, part 60, subpart BBB, as amended, entitled "Standards of Performance for the Rubber Tire Manufacturing Industry," is adopted and incorporated by reference, except that decisions made by the administrator under Code of Federal Regulations, title 40, part 60.543(c)(2)(ii)(B), are not delegated to the commissioner and must be made by the administrator.

POLYMER MANUFACTURING INDUSTRY

7011.3050 STANDARDS OF PERFORMANCE FOR POLYMER MANUFACTURING INDUSTRY.

Code of Federal Regulations, title 40, part 60, subpart DDD, as amended, entitled "Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry," is adopted and incorporated by reference, except that decisions made by the administrator under Code of Federal Regulations, title 40, part 60.562-2(c), are not delegated to the commissioner and must be made by the administrator.

POLYMERIC COATING OF SUPPORTING SUBSTRATES FACILITIES

7011.3100 STANDARDS OF PERFORMANCE FOR NEW POLYMERIC COATING OF SUPPORTING SUBSTRATES FACILITIES.

Code of Federal Regulations, title 40, part 60, subpart VVV, as amended, entitled "Standards of Performance for Polymeric Coating of Supporting Substrates Facilities," is adopted and incorporated by reference, except that decisions made by the administrator under Code of Federal Regulations, title 40, parts 60.743(a)(3)(v)(A) and (B), 60.743(e), 60.745(a), and 60.746, are not delegated to the commissioner and must be made by the administrator.

FLEXIBLE VINYL AND URETHANE COATING AND PRINTING

7011.3150 STANDARDS OF PERFORMANCE FOR FLEXIBLE VINYL AND URETHANE COATING AND PRINTING.

Code of Federal Regulations, title 40, part 60, subpart FFF, as amended, entitled "Standards of Performance for Flexible Vinyl and Urethane Coating and Printing," is adopted and incorporated by reference.

SYNTHETIC FIBER PRODUCTION FACILITIES

7011.3200 STANDARDS OF PERFORMANCE FOR NEW SYNTHETIC FIBER PRODUCTION FACILITIES.

Code of Federal Regulations, title 40, part 60, subpart HHH, as amended, entitled "Standards of Performance for Synthetic Fiber Production Facilities," is adopted and incorporated by reference.

PETROLEUM DRY CLEANERS

7011.3250 STANDARDS OF PERFORMANCE FOR NEW PETROLEUM DRY CLEANERS.

Code of Federal Regulations, title 40, part 60, subpart JJJ, as amended, entitled "Standards of Performance for Petroleum Dry Cleaners," is adopted and incorporated by reference, except that decisions made by the administrator under Code of Federal Regulations, title 40, part 60.623, are not delegated to the commissioner and must be made by the administrator.

ONSHORE NATURAL GAS PROCESSING PLANTS

7011.3300 INCORPORATION OF NEW SOURCE PERFORMANCE STANDARDS BY REFERENCE.

The following New Source Performance Standards are adopted and incorporated by reference:

A. Code of Federal Regulations, title 40, part 60, subpart KKK, as amended, entitled "Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants," except that decisions made by the administrator under Code of Federal Regulations, title 40, part 60.634, are not delegated to the commissioner and must be made by the administrator.

B. Code of Federal Regulations, title 40, part 60, subpart LLL, as amended, entitled "Standards of Performance for Onshore Natural Gas Processing: SO₂ Emissions."

NONMETALLIC MINERAL PROCESSING PLANTS

7011.3350 STANDARDS OF PERFORMANCE FOR NEW NONMETALLIC MINERAL PROCESSING PLANTS.

Code of Federal Regulations, title 40, part 60, subpart OOO, as amended, entitled "Standards of Performance for Nonmetallic Mineral Processing Plants," is adopted and incorporated by reference.

WOOL FIBERGLASS INSULATION MANUFACTURING PLANTS

7011.3400 STANDARDS OF PERFORMANCE FOR NEW WOOL FIBERGLASS INSULATION MANUFACTURING PLANTS.

Code of Federal Regulations, title 40, part 60, subpart PPP, as amended, entitled "Standard of Performance for Wool Fiberglass

Insulation Manufacturing Plants,” is adopted and incorporated by reference.

MAGNETIC TAPE COATING FACILITIES

7011.3450 STANDARDS OF PERFORMANCE FOR NEW MAGNETIC TAPE COATING FACILITIES.

Code of Federal Regulations, title 40, part 60, subpart SSS, as amended, entitled “Standards of Performance for Magnetic Tape Coating Facilities,” is adopted and incorporated by reference, except that decisions made by the administrator under Code of Federal Regulations, title 40, parts 60.711(a)(16), 60.713(b)(1)(i), 60.713(b)(1)(ii), 60.713(b)(5)(i), 60.713(d), 60.715(a), and 60.716, are not delegated to the commissioner and must be made by the administrator.

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

7011.9900 GENERAL PROVISIONS OF FEDERAL NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS INCORPORATED BY REFERENCE.

For purposes of interpreting, applying, and enforcing National Emission Standards for Hazardous Air Pollutants that are incorporated by reference into this chapter, Code of Federal Regulations, title 40, parts 61.02, 61.03, 61.05, 61.06, 61.07, 61.08, 61.12, 61.15, 61.18, and 61.19, as amended, are incorporated by reference, except that decisions made by the administrator under Code of Federal Regulations, title 40, part 60.12(d)(1), are not delegated to the commissioner and must be made by the administrator.

All requests, reports, applications, submittals, and other communications to the administrator pursuant to National Emission Standards for Hazardous Air Pollutants that are incorporated by reference into this chapter must be submitted to the commissioner.

7011.9910 ARSENIC.

The following National Emission Standards for Hazardous Air Pollutants are adopted and incorporated by reference:

A. Code of Federal Regulations, title 40, part 61, subpart N, as amended, entitled “National Emission Standard for Inorganic Arsenic Emissions from Glass Manufacturing Plants,” except that decisions made by the administrator under Code of Federal Regulations, title 40, parts 61.164(a)(2) and 61.164(a)(3), are not delegated to the commissioner and must be made by the administrator.

B. Code of Federal Regulations, title 40, part 61, subpart O, as amended, entitled “National Emission Standard for Inorganic Arsenic Emissions from Primary Copper Smelters,” except that decisions made by the administrator under Code of Federal Regulations, title 40, parts 61.172(b)(2)(ii)(B), 61.172(b)(2)(ii)(C), 61.174(a)(2), and 61.174(a)(3), are not delegated to the commissioner and must be made by the administrator.

C. Code of Federal Regulations, title 40, part 61, subpart P, as amended, entitled “National Emission Standard for Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities.”

7011.9920 ASBESTOS.

Code of Federal Regulations, title 40, part 61, subpart M, as amended, entitled “National Emission Standard for Asbestos,” is adopted and incorporated by reference, except that decisions made by the administrator under Code of Federal Regulations, title 40, parts 61.149(c)(2), 61.150(a)(4), 61.151(c), 61.152(b)(3), 61.154(d), and 61.155(a), are not delegated to the commissioner and must be made by the administrator.

7011.9930 BENZENE.

The following National Emission Standards for Hazardous Air Pollutants are adopted and incorporated by reference:

A. Code of Federal Regulations, title 40, part 61, subpart J, as amended, entitled “National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene,” except that decisions made by the administrator under Code of Federal Regulations, title 40, part 61.112(c), are not delegated to the commissioner and must be made by the administrator.

B. Code of Federal Regulations, title 40, part 61, subpart L, as amended, entitled “National Emission Standard for Benzene Emissions from Coke-By-Product Recovery Plants,” except that decisions made by the administrator under Code of Federal Regulations, title 40, part 61.136(d), are not delegated to the commissioner and must be made by the administrator.

C. Code of Federal Regulations, title 40, part 61, subpart Y, as amended, entitled “National Emission Standard for Benzene Emissions from Benzene Storage Vessels,” except that decisions made by the administrator under Code of Federal Regulations, title 40, part 61.273, are not delegated to the commissioner and must be made by the administrator.

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Proposed Rules

D. Code of Federal Regulations, title 40, part 61, subpart BB, as amended, entitled "National Emission Standard for Benzene Emissions from Benzene Transfer Operations."

E. Code of Federal Regulations, title 40, part 61, subpart FF, as amended, entitled "National Emission Standard for Benzene Waste Operations," except that decisions made by the administrator under Code of Federal Regulations, title 40, part 61.353, are not delegated to the commissioner and must be made by the administrator.

7011.9940 BERYLLIUM.

The following National Emission Standards for Hazardous Air Pollutants are adopted and incorporated by reference:

A. Code of Federal Regulations, title 40, part 61, subpart C, as amended, entitled "National Emission Standard for Beryllium."

B. Code of Federal Regulations, title 40, part 61, subpart D, as amended, entitled "National Emission Standard for Beryllium Rocket Motor Firing."

7011.9950 MERCURY.

Code of Federal Regulations, title 40, part 61, subpart E, as amended, entitled "National Emission Standard for Mercury," is adopted and incorporated by reference, except that decisions made by the administrator under Code of Federal Regulations, title 40, parts 61.53(c)(4) and 61.55(d), are not delegated to the commissioner and must be made by the administrator.

7011.9960 RADON.

The following National Emission Standards for Hazardous Air Pollutants are adopted and incorporated by reference:

A. Code of Federal Regulations, title 40, part 61, subpart B, as amended, entitled "National Emission Standards for Radon Emissions from Underground Uranium Mines."

B. Code of Federal Regulations, title 40, part 61, subpart Q, as amended, entitled "National Emission Standard for Radon Emissions from Department of Energy Facilities."

C. Code of Federal Regulations, title 40, part 61, subpart R, as amended, entitled "National Emission Standards for Radon Emissions from Phosphogypsum Stacks."

D. Code of Federal Regulations, title 40, part 61, subpart T, as amended, entitled "National Emission Standards for Radon Emissions from the Disposal of Uranium Mill Tailings."

E. Code of Federal Regulations, title 40, part 61, subpart W, as amended, entitled "National Emission Standards for Radon Emissions from Operating Mill Tailings."

7011.9970 RADIONUCLIDES.

The following National Emissions Standards for Hazardous Air Pollutants are adopted and incorporated by reference:

A. Code of Federal Regulations, title 40, part 61, subpart H, as amended, entitled "National Emission Standards for Emissions of Radionuclides Other than Radon from Department of Energy Facilities."

B. Code of Federal Regulations, title 40, part 61, subpart I, as amended, entitled "National Emission Standards for Radionuclide Emissions From Facilities Licensed by the Nuclear Regulatory Commission and Federal Facilities Not Covered by Subpart H."

C. Code of Federal Regulations, title 40, part 61, subpart K, as amended, entitled "National Emission Standards for Radionuclide Emissions from Elemental Phosphorus Plants."

7011.9980 VINYL CHLORIDE.

Code of Federal Regulations, title 40, part 61, subpart F, as amended, entitled "National Emission Standard for Vinyl Chloride," is adopted and incorporated by reference, except that decisions made by the administrator under Code of Federal Regulations, title 40, part 61.66, are not delegated to the commissioner and must be made by the administrator.

7011.9990 VOLATILE HAZARDOUS AIR POLLUTANTS.

Code of Federal Regulations, title 40, part 61, subpart V, as amended, entitled "National Emission Standard for Equipment Leaks (Fugitive Emission Sources)," is adopted and incorporated by reference, except that decisions made by the administrator under Code of Federal Regulations, title 40, parts 61.242-1(c)(2) and 61.244, are not delegated to the commissioner and must be made by the administrator.

7017.1010 INCORPORATION OF MONITORING REQUIREMENTS BY REFERENCE.

Subpart 1. New Source Performance Standards. Code of Federal Regulations, title 40, part 60.13, as amended, entitled "Monitoring Requirements," is adopted and incorporated by reference.

Subp. 2. National Emissions Standards for Hazardous Air Pollutants. Code of Federal Regulations, title 40, part 61.14, as amended, entitled "Monitoring Requirements," is adopted and incorporated by reference.

Subp. 3. Submission to commissioner. All requests, reports, applications, and other communications to the administrator pursuant to subparts 1 and 2 must be submitted to the commissioner.

7019.0100 INCORPORATION OF NOTIFICATION AND RECORD KEEPING REQUIREMENTS BY REFERENCE.

Subpart 1. New Source Performance Standards. Code of Federal Regulations, title 40, part 60.7, as amended, entitled "Notification and Record Keeping," is adopted and incorporated by reference.

Subp. 2. National Emission Standards for Hazardous Air Pollutants. The following are adopted and incorporated by reference:

A. Code of Federal Regulations, title 40, part 61.09, as amended, entitled "Notification of Startup."

B. Code of Federal Regulations, title 40, part 61.10, as amended, entitled "Source Reporting and Waiver Request."

Subp. 3. Submission to commissioner. All requests, reports, applications, submittals, and other communications to the administrator pursuant to subparts 1 and 2 must be submitted to the commissioner.

INTERNAL REFERENCE CORRECTION. The revisor shall omit the cross reference to part 7005.1470 in part 7005:1480.

REPEALER. Minnesota Rules, parts 7011.0810; 7011.0910; 7011.1610; 7011.1710; 7011.1800; 7011.1805; 7011.1810; 7011.1815; 7011.9924; 7011.9941; 7011.9942; 7011.9943; 7011.9944; 7011.9945; 7011.9951; 7011.9952; 7011.9953; 7011.9954; and 7011.9955, are repealed.

Secretary of State

Proposed Permanent Rules Relating to Central Notification System for Farm Products

Notice of Intent to Adopt a Rule Without a Public Hearing

The Office of the Secretary of State intends to adopt permanent rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You have 30 days to submit written comment on the proposed rule and may also request that a hearing be held on the rule.

Agency Contact Person. Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to:

Cheri Smith
Director, Uniform Commercial Code Division
Office of the Secretary of State
180 State Office Building
100 Constitution Avenue
St. Paul, Minnesota 55155-1299
Phone: 612/296-9232
Fax: 612/297-5844

Subject of Rule and Statutory Authority. The proposed rules are about the central notification system for farm product liens. The statutory authority to adopt this rule is *Minnesota Statute* sections 336A.02, 336A.04, subdivisions 4(b) and 6, 336A.12 and 14.06. A copy of the proposed rule is published in the *State Register* and describes the farm products covered by the system, the information required and distributed by the system, and specifies the forms to be used. A free copy of the rule is available on request from the agency contact person listed above.

Comments. You have until 4:30 p.m., April 23, 1993, to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the agency contact person no later than 4:30 p.m. on April 23, 1993.

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Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rules which caused your request, the reason for the request, and any changes you want made to the proposed rules. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless sufficient number withdraw their requests in writing. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Modifications. The proposed rule may be modified as a result of public comment. The modifications must be supported by data and views submitted to the agency and may not result in a substantial change in the proposed rule as printed in the *State Register*. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule.

Small Business Considerations. Small businesses who will use the Central Notification System for farm product liens may be impacted by these rules. The Central Notification System for farm product liens provides a method for substantially reducing double jeopardy. This is a risk buyers of farm products face and results in the buyer paying twice for the same product when there are competing financial interests in the product. Altering the rules to reduce filing requirements for small businesses cannot be done without adversely affecting others who use the Central Notification System for Farm Product Liens. This will increase the risk that all buyers, including small businesses, will face double jeopardy. The Office of the Secretary of State has considered all of the issues stated in *Minnesota Statutes* section 14.115, subdivision 2 and can find no way to change the rules to address these issues that does not adversely affect the rights of all those competing for the same collateral.

Some of the impact of these rules will be positive, particularly as it relates to the proposed forms. The proposed forms will: (1) permit small businesses to clearly state the names and other required information about debtors and secure parties; (2) provide adequate space for small businesses to describe the farm products which are covered; and (3) permit those small businesses with word processing equipment to create their own forms rather than purchase them from a printing house. These changes give small businesses more flexibility in complying with Central Notification System requirements. Small businesses, as well as all members of the public, are encouraged to participate in this rulemaking proceeding.

Expenditure of Public Money by Local Public Bodies. The adoption of this rule will not require the expenditure of public monies by local bodies. The existing computer equipment located in the counties and communications network among the counties and the State used for the Uniform Commercial Code system will be used for the Central Notification System for Farm Product Liens. We do not anticipate that the volume of filings in this system will be sufficient to warrant any county filing office hiring additional staff. Therefore, *Minnesota Statute* section 14.11, subdivision 1 is not applicable.

Impact on Agricultural Lands. The adoption of this rule will not have any impact on agricultural land and so *Minnesota Statute* section 14.11, subdivision 2 is not applicable.

Adoption and Review of Rule. If no hearing is required, after the end of the comment period the agency may adopt the rule. The rule and supporting documents will then be submitted to the attorney general for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rule is submitted to the attorney general or be notified of the attorney general's decision on the rule. If you wish to be so notified, or wish to receive a copy of the adopted rule, submit your request to agency contact person listed above.

Dated: 8 March 1993

Joan Anderson Growe
Secretary of State

Rules as Proposed (all new material)

8265.0100 DEFINITIONS.

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

Subp. 2. **Business day.** "Business day" means a week day on which government offices are open for business. "Business day" does not include state or federal holidays, Saturdays, or Sundays.

Subp. 3. **Buyer or buyer in the ordinary course of business.** "Buyer" or "buyer in the ordinary course of business" means a person who, in the ordinary course of business, buys farm products from a person engaged in farming operations who is in the business of selling farm products.

Subp. 4. **Central notification system.** "Central notification system" means the statewide computerized filing system created by *Minnesota Statutes*, chapter 336A. This system accepts information about security interests in farm products and produces the information in formats that can be used by buyers of farm products.

Subp. 5. **Debtor.** "Debtor" means an individual or other legal entity that has borrowed money from or is otherwise indebted to a secured party and has pledged farm products to secure payment of the obligation.

Subp. 6. **Effective financing statement.** "Effective financing statement" means an original document or a reproduction of an original document that meets the requirements of *Minnesota Statutes*, section 336A.03.

Subp. 7. **Lienholder.** "Lienholder" means an individual or other legal entity who has the right to collect money from a debtor and who has a lien by operation of law on farm products to secure repayment of the obligation.

Subp. 8. **Lien notice.** "Lien notice" means an original document or a reproduction of an original document that meets the requirements of *Minnesota Statutes*, section 336A.03, and describes a relationship between the parties that is created by a statutory lien.

Subp. 9. **Monthly list.** "Monthly list" means information about debtors, secured parties, lienholders, and farm products that is produced by the secretary of state and distributed once a month in the form of master or partial master lists.

Subp. 10. **Secured party.** "Secured party" means an individual or other legal entity that has received a pledge of farm products to secure repayment of the obligation owed to it.

8265.0200 PRODUCTS COVERED.

Subpart 1. **List of products.** The central notification system must provide information about the following farm products:

- A. wheat/durum;
- B. alfalfa;
- C. barley;
- D. oats;
- E. rye;
- F. sorghum;
- G. hay;
- H. flax;
- I. sunflowers;
- J. field corn;
- K. silage;
- L. canola;
- M. soybeans;
- N. dry edible beans;
- O. green beans;
- P. snap beans;
- Q. green lima beans;
- R. sweet corn;
- S. green peas;
- T. potatoes;
- U. carrots;
- V. onions;
- W. cucumbers;
- X. sugar beets;
- Y. greenhouse/nursery stock;
- Z. wool;

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Proposed Rules

- AA. milk;
- BB. eggs;
- CC. cheese;
- DD. apples;
- EE. honey/bees wax;
- FF. cattle/calves;
- GG. hogs/pigs;
- HH. sheep/lambs;
- II. horses;
- JJ. goats;
- KK. chickens;
- LL. broilers;
- MM. turkeys;
- NN. mink; and
- OO. fish.

Subp. 2. **Crops grown for seed.** Information about the crops listed in subpart 1 includes information on crops grown for seed.

Subp. 3. **All crops or all livestock defined.** A registered buyer who requests a monthly list may ask for a list of all crops, all livestock, or both. The list given to the buyer must then include information about all the crops or all the livestock listed in subpart 1, or both.

8265.0300 CONTENTS OF AN EFFECTIVE FINANCING STATEMENT OR LIEN NOTICE.

Subpart 1. **Effective financing statement.** An effective financing statement must contain the following information:

A. a description of the farm products:

(1) by using a product code provided by the secretary of state; and

(2) if applicable, by including the amount of the farm product. The amount may be described by the number of acres, the number of bushels, the number of head, or any other accepted method of counting the specific farm product. A dollar amount may not be used as this description;

B. a description of the location of the property on which the farm products are located:

(1) by listing the county using the two-digit county code provided by the secretary of state; and

(2) if applicable, by listing the township, range, and section information for the property on which the farm products are located.

If the debtor is a Minnesota resident, the "location of the property where the farm products are located" means the county of the debtor's residence. If the debtor is not a Minnesota resident, the "location of the property where the farm products are located" means the Minnesota county where the majority of the product is located;

C. the name and address of the secured party. The name of the secured party must be the full legal name of that person or other legal entity. No abbreviations of words in the name are permitted. The single address must be a mailing address and include a city, state, and zip code;

D. the name and address of the debtor. The name of the debtor must be the full legal name of the individual or other legal entity. No abbreviations of words in the name are permitted. The single address must be a mailing address and include a city, state, and zip code;

E. the social security number of the debtor, or if the debtor is doing business other than as an individual, the federal taxpayer identification number of the debtor;

F. the following statement with the appropriate blank checked:

THIS EFFECTIVE FINANCING STATEMENT WILL WILL NOT BE TERMINATED WITHIN 30 DAYS OF THE DATE ON WHICH THE OBLIGATION(S) IT SECURES NO LONGER EXIST;

G. the following statement in capital letters:

THE INFORMATION CONTAINED IN THIS EFFECTIVE FINANCING STATEMENT WILL BE SENT TO FARM PRODUCT BUYERS REGISTERED IN MINNESOTA. SALE OF FARM PRODUCTS TO THOSE BUYERS MAY RESULT IN A CHECK BEING ISSUED PAYABLE JOINTLY TO BOTH THE SELLER AND THE SECURED PARTY;

H. the signature of the secured party or a statement that the signature is on file with the secured party; and

I. the signature of the debtor or a statement that the signature is on file with the secured party.

Subp. 2. **Lien notice.** A lien notice must contain the following information:

A. a description of the farm products:

(1) by using a product code provided by the secretary of state; and

(2) if applicable, by including the amount of the farm product. The amount may be described by the number of acres, the number of bushels, the number of head, or any other accepted method of counting the specific farm product. A dollar amount may not be used as this description;

B. a description of the location of the property on which the farm products are located:

(1) by listing the county using the two-digit county code provided by the secretary of state; and

(2) if applicable, by listing the township, range, and section information for the property on which the farm products are located.

If the debtor is a Minnesota resident, the "location of the property where the farm products are located" means the county of the debtor's residence. If the debtor is not a Minnesota resident, the "location of the property where the farm products are located" means the Minnesota county where the majority of the product is located;

C. the name and address of the person entitled to the farm products statutory lien. The name of the person must be the full legal name of that individual or other legal entity. No abbreviations of the words in the name are permitted. The single address must be a mailing address and include a city, state, and zip code;

D. the name and address of the debtor. The name of the debtor must be the full legal name of the individual or other legal entity. No abbreviations of the words in the name are permitted. The single address must be a mailing address and include a city, state, and zip code;

E. a statement of any payment obligations imposed on the buyer of farm products as a condition for waiver or release of the farm products statutory lien; and

F. the signature of the lienholder.

Subp. 3. **Distinct form or format.** An effective financing statement or lien notice must be filed on a Minnesota standard form or in a Minnesota standard format that is distinct from a Uniform Commercial Code financing statement. A filing in the central notification system cannot be made by altering an existing Uniform Commercial Code form, using a central notification system form from another state, or any similar document.

Subp. 4. **Farm product and county codes.** The party completing the effective financing statement or lien notice is responsible for choosing and listing the farm product and county codes on the document from the lists provided by the secretary of state. The filing officer shall reject those documents that do not have farm product and county codes.

Subp. 5. **Means of filing.** Effective financing statements and lien notices may be filed in person, by mail, by facsimile, or by any other means available from a filing officer.

Subp. 6. **Amendment.** To amend information contained on an effective financing statement or lien notice, the existing effective financing statement or lien notice must be terminated and a new effective financing statement or lien notice filed.

8265.0400 FILING PROCEDURES.

Subpart 1. **Choice of format.** Each filing officer may choose the format in which an originally filed document is made available for public inspection. Format options include the original paper filing, microfilm or microfiche copies, copies stored in optical scanning equipment, and any other formalized storage technology.

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Subp. 2. **Public inspection.** Public inspection may occur at any time during the regular business hours of the filing office.

Subp. 3. **Restrictions on access.** The filing officer may set reasonable restrictions on public access to the records. For example, a filing officer may allow a member of the public to search the files or may require that a member of the filing officer's staff retrieve the requested information for a member of the public. A reasonable restriction may also be that copies of the requested documents are made without charge and then presented to the requesting party for use in the filing office.

Subp. 4. **Data entry.** Entry of data from the filed documents must occur in the filing office where the document was accepted.

Subp. 5. **Continuation or termination.** A filing office may only continue or terminate those filings originally filed with that filing office.

Subp. 6. **Data entry standards.** Data entry must occur according to data entry standards established by the secretary of state. All data must be entered so that complete lists can be generated by the secretary of state.

Subp. 7. **Verification of accuracy.** To verify the accuracy of the information entered into the computerized filing system, the party making the filing may request the following information from the filing officer: name of the debtor including the spelling of the debtor's name, the products covered, the file number, and the date of filing. This request may be made in person or by telephone, facsimile, or mail. The filing officer may respond to the person making the request in the office or by telephone, facsimile, electronic messaging system, or mail. There can be no charge for responding to this type of inquiry.

Subp. 8. **Termination statement.** If a termination statement is filed, the filing officer shall delete information from the computerized filing system. Data entry must occur according to data entry standards established by the secretary of state. This action will transfer the information from the active files to the inactive files in the computerized filing system. As a result, the information from the terminated filing will no longer appear on the monthly list.

Subp. 9. **Retrieval from inactive files.** Filing officers may retrieve information about terminated filings from the inactive files according to file number. There is no access to inactive files by debtor name.

8265.0500 LIST DISTRIBUTION.

Subpart 1. **Monthly lists.** Monthly lists must be distributed by the tenth business day of each month.

Subp. 2. **Appearance on monthly list.** Effective financing statements, lien notices, continuation of an effective financing statement and termination of either effective financing statements or lien notices will not appear on the next monthly list if filed after the last business day of the previous month. For example, a document filed on or before February 26, 1993, would appear on the March 1993 monthly list. Filing officers must data enter all information received on all effective financing statements, lien notices, and continuation and termination statements by the close of business on the last business day of the month.

Subp. 3. **Receipt of monthly list.** A buyer shall register by the last business day of the month to receive the monthly lists requested by the buyer for that month. For example, a buyer who registers on or before February 26, 1993, will receive the March 1993 monthly list.

Subp. 4. **Cost.** The cost to receive monthly lists on paper will be set by the secretary of state and reviewed each year. The cost to receive monthly lists on paper must be on file with the secretary of state and must be listed on the buyer registration form.

Subp. 5. **Return of computer diskette or magnetic tape.** Registered buyers who receive master and partial master lists on computer diskette or computer magnetic tape may return those diskettes or tapes to the secretary of state for reuse.

Subp. 6. **Illegible or incomplete lists.** If a registered buyer receives a monthly list that cannot be read or is incomplete, the buyer must immediately inform the secretary of state by telephone of the problem. The registered buyer shall confirm the existence of the problem by writing to the secretary of state. The secretary of state shall provide the registered buyer with new monthly lists in the medium chosen by the registered buyer no later than five business days after receipt of the oral notice from the registered buyer. A registered buyer is not considered to have received notice of the information on the monthly lists until the duplicate list is received from the secretary of state or until five days have passed since the duplicate lists were deposited in the mail by the secretary of state, whichever comes first.

Subp. 7. **Duplicate lists.** On receipt of a written notice pursuant to *Minnesota Statutes*, section 336A.13, the secretary of state shall duplicate the monthly lists requested by the registered buyer. The duplicate monthly lists must be sent to the registered buyer no later than five business days after receipt of the written notice from the registered buyer.

Subp. 8. **One medium per registration.** A registered buyer may request monthly lists in one medium per registration. For example, the registered buyer may request six different monthly lists but they all must be produced in microfiche.

Subp. 9. **Renewal of registration.** Registered buyers must have renewed their registration prior to the first day of July each year. Failure to send in the registration prior to that date will result in the buyer not receiving the requested monthly lists.

Subp. 10. **Receipt of only additions or deletions.** Registered buyers choosing to obtain monthly lists on computer diskette or computer magnetic tape may choose to receive all of the information for the monthly lists requested the first month and then only

additions and deletions to the data base for the remaining 11 months of the year. Following the first year of registration, the registered buyer may choose to continue to receive one copy of the full monthly list at the beginning of each year or may choose to receive only additions and deletions.

Subp. 11. **Types of computer diskettes.** Computer diskettes must be furnished in both the 3-1/2 inch, 1.44 megabyte and 5-1/4 inch, 1.2 megabyte sizes. Computer diskettes must be at least of the high density variety.

Subp. 12. **Type of computer magnetic tape.** Computer magnetic tape must be furnished in the 6250 bpi format.

Subp. 13. **Taking free of security interest.** Except as provided in subpart 14, and notwithstanding other law or rule to the contrary, a buyer in the ordinary course of business who buys farm products from a seller engaged in farming operations takes free of a security interest created by the seller, even though the security interest is perfected and the buyer knows the security interest exists.

Subp. 14. **Taking subject to security interest.** A buyer in the ordinary course of business who buys farm products takes subject to a security interest created by the seller if the secured party has perfected the security interest and:

A. the buyer has failed to register with the secretary of state as provided in *Minnesota Statutes*, section 336A.11; or

B. the buyer has registered with the secretary of state as provided in *Minnesota Statutes*, section 336A.11, the buyer receives a notice from the secretary of state in the form of a monthly list specifying that the seller and the farm products being sold are subject to a security interest, and the buyer fails to secure a waiver or release of the security interest specified in the effective financing statement by making payment, satisfying an obligation, or otherwise.

Subp. 15. **Alternate spelling of names on monthly lists.** If a registered buyer receives monthly lists organized according to the name of the debtor, the registered buyer is only obligated to review the monthly lists for the correct spelling of the buyer's name. If a secured party has filed an effective financing statement or lien notice against the debtor which misspells the debtor's name, any loss is on the secured party. The registered buyer takes free of the interest of the secured party that has misspelled the debtor's name.

Example: The correct spelling of the debtor's name is Andrew Johnsen. The secured party files an effective financing statement and spells the debtor's last name "Johnson." Andrew Johnsen goes to a registered buyer and sells his cattle. The registered buyer reviews the list for "Johnsen" and does not find a listing. The registered buyer issues the check to Andrew Johnsen. The registered buyer takes free of the interest of the secured party because of the misspelling of the name.

8265.0600 FORMS.

Subpart 1. **Standard forms.** All of the forms described in this part are standard forms.

Subp. 2. **Experimental forms.** The secretary of state may provide for the experimental use of alternate forms on a trial basis. The experimental forms must be considered standard.

Subp. 3. **Effective financing statement; standard multipart form.**

A. A standard Minnesota central notification system effective financing statement/statutory lien notice multipart form:

- (1) must be 8-1/2 inches by 11 inches, excluding the top perforated tab;
- (2) must be two carbon or carbonless snap-out; and
- (3) have a size of type that is legible.

B. A standard effective financing statement must be in substantially the following form:

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

**STATE OF MINNESOTA
EFFECTIVE FINANCING STATEMENT (EFS)/
STATUTORY LIEN NOTICE
CNS-1 FORM**



For Filing Officer

Statutory Lien

This form is an EFS unless the Statutory Lien box is marked. This statement is presented for filing pursuant to *Minnesota Statutes Chapter 336A*. (Type in Black Ink)

1. Individual Debtor Last Name		First Name	Middle I.
Social Security #	Mailing Address		
City	State	Zip Code	
2. Individual Debtor Last Name		First Name	Middle I.
Social Security #	Mailing Address		
City	State	Zip Code	
3. Business Debtor Name			
Fed. ID#	Street Address		
City	State	Zip Code	

4. Secured Party/Lienholder Name		
Street Address		
City	State	Zip Code

5. "THE INFORMATION CONTAINED IN THIS EFFECTIVE FINANCING STATEMENT WILL BE SENT TO FARM PRODUCT BUYERS REGISTERED IN MINNESOTA. SALE OF FARM PRODUCTS TO THOSE BUYERS MAY RESULT IN A CHECK BEING ISSUED PAYABLE JOINTLY TO BOTH THE SELLER AND THE SECURED PARTY."

6. Farm Product Description

	Product Code	Quantity	Crop Year	County Code	Property Description		
					Section(s)	Township	Range
1.	_____	_____	_____	_____	_____	_____	_____
2.	_____	_____	_____	_____	_____	_____	_____
3.	_____	_____	_____	_____	_____	_____	_____
4.	_____	_____	_____	_____	_____	_____	_____

7. "THIS EFFECTIVE FINANCING STATEMENT (CHOOSE ONE): WILL WILL NOT BE TERMINATED WITHIN 30 DAYS OF THE DATE ON WHICH THE OBLIGATION(S) IT SECURES NO LONGER EXIST."

RETURN ACKNOWLEDGEMENT COPY TO: (name and address)

Debtor's Signature

Debtor's Signature

Lienholder/Secured Party Signature

Please do not type outside the bracketed area.

C. The second page must be identical to the first, except that the language "(2) Acknowledgment Copy" must appear at the bottom left.

D. On the back page, instructions must appear in the form and text described by the secretary of state.

Subp. 4. Effective financing statement; word processor generated form.

A. A standard Minnesota central notification system effective financing statement/statutory lien notice word processor generated form:

- (1) must be 8-1/2 inches by 11 inches;
- (2) may not exceed one page;
- (3) must consist of two identical copies of the page which are presented to the filing officer; and
- (4) have a type size that is legible.

B. A standard effective financing statement/statutory lien notice must be in substantially the following format:

(1) headed with the words "STATE OF MINNESOTA EFFECTIVE FINANCING STATEMENT (EFS)/STATUTORY LIEN NOTICE; CNS-1 FORM" at the top of the page;

(2) showing the words "for filing officer" and a box in the upper left corner of the page with dimensions of 2 inches wide and 3-3/4 inches long placed one-fourth inch from the top of the form and one-fourth inch from the left side of the page;

(3) a statement indicating that the filing is a statutory lien notice, if applicable;

(4) showing the following statements under the heading and to the left of the box: "This statement is presented for filing pursuant to *Minnesota Statutes*, section 336A.03";

(5) showing information about the first debtor organized in the following manner: debtor name, social security or taxpayer identification number, and mailing address including city, state, and zip code. If the debtor is an individual, the last name must appear first, followed by the first name and middle initial. If the debtor is a business, the complete name of the business must appear as it is registered;

(6) showing information about each additional debtor, if any, in the format described in item D;

(7) showing the secured party's name and mailing address including city, state, and zip code;

(8) showing a description of the farm products covered by the effective financing statement. For each farm product listed, the farm product code; the quantity, if any; the crop year, if applicable; the county code; and the property description by township, range, and section numbers, if applicable;

(9) showing the following statement all in capital letters:

"THE INFORMATION CONTAINED IN THIS EFFECTIVE FINANCING STATEMENT WILL BE SENT TO FARM PRODUCT BUYERS REGISTERED IN MINNESOTA. SALE OF FARM PRODUCTS TO THOSE BUYERS MAY RESULT IN A CHECK BEING ISSUED PAYABLE JOINTLY TO BOTH THE SELLER AND THE SECURED PARTY";

(10) showing the following statement:

"THIS EFFECTIVE FINANCING STATEMENT (CHOOSE ONE) WILL WILL NOT BE TERMINATED WITHIN 30 DAYS OF THE DATE ON WHICH THE OBLIGATION(S) IT SECURES NO LONGER EXIST";

(11) showing a box in the bottom left of the page 3-1/2 inches wide and one inch long so that a name and address can be inserted in this area and used to return the acknowledgment copy of the financing statement. The box is placed three-fourths inch from the bottom of the page and five-eighths inch from the left side of the page; and

(12) showing lines for signatures by the debtors and secured party on the bottom right side of the page across from the address box described in subitem (11) or a statement that the signatures of the parties are on file with the secured party.

Subp. 5. Continuation and termination statement; multipart form.


A. A standard Minnesota central notification system effective financing statement/statutory lien notice statement of continuation and termination multipart form:

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- (1) must be 8-1/2 inches by 11 inches, excluding the top perforated tab;
- (2) must be two carbon or carbonless snap-out; and
- (3) have a size of the type that is legible.

B. A standard effective financing statement/statutory lien notice statement of continuation and termination must be in substantially the following form:

For Filing Officer	STATE OF MINNESOTA EFFECTIVE FINANCING STATEMENT/STATUTORY LIEN STATEMENT OF CONTINUATION AND TERMINATION CNS-3 FORM	
This statement is presented for filing pursuant to <i>Minnesota Statutes Chapter 336A.</i> (Type in Black Ink)		
	1. Original Effective Financing Statement No.	Original File Date
	2. Original Statutory Lien No.	Original File Date

3. Debtor Name and Address	4. Secured Party/Lienholder and Address
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5. EFFECTIVE FINANCING STATEMENT CONTINUATION
 The original effective financing statement bearing the file number shown in Box 1 is continued for an additional 5 years. The continuation statement must be signed by the debtor and the secured party.

6. EFFECTIVE FINANCING STATEMENT TERMINATION
 The secured party no longer claims a security interest under the effective financing statement bearing the file number shown in Box 1. The date on which the security interest was satisfied is _____.

7. STATUTORY LIEN TERMINATION
 The lien holder no longer claims a lien under the lien notice bearing the file number shown in Box 2.

RETURN ACKNOWLEDGMENT COPY TO: (name and address)

	Debtor Signature Date
	Secured Party/Lien holder Signature Date

Please do not type outside the bracketed area.

(1) Filing Officer Copy-Alphabetical 12922052 Rev. 12/92 Approved by Secretary of State of Minnesota

C. The second page must be identical to the first, except that the language "(2) Acknowledgment Copy" must appear at the bottom left.

Subp. 6. Continuation and termination statement; word processor generated form.

A. A standard Minnesota central notification system/statutory lien notice statement of continuation and termination word processor generated form:

- (1) must be 8-1/2 inches by 11 inches;
- (2) must not exceed one page;
- (3) must consist of two identical copies of the page which are presented to the filing officer; and
- (4) have a type size that is legible.

B. A standard effective financing statement/statutory lien notice statement of continuation and termination must be in substantially the following format:

(1) headed with the words "STATE OF MINNESOTA EFFECTIVE FINANCING STATEMENT/STATUTORY LIEN NOTICE STATEMENT OF CONTINUATION AND TERMINATION; CNS-3 FORM" at the top of the form;

(2) showing a box in the upper left corner of the page with dimensions of two inches wide and 3-3/4 inches long placed one-fourth inch from the top of the form and one-fourth inch from the left side of the page. In the upper left hand corner, the words "For Filing Officer" shall appear;

(3) showing the following statements under the heading and to the left of the box: "This statement is presented for filing pursuant to *Minnesota Statutes*, chapter 336A";

(4) showing the original effective financing statement number and original filing date or the original statutory lien notice number and original filing date;

(5) showing information about the debtors organized in the following manner: debtor names and mailing address including city, state, and zip code. If the debtor is an individual, the last name must appear first, followed by the first name and middle initial. If the debtor is a business, the complete name of the business must appear as it is registered;

(6) showing information about the secured party organized in the following manner: secured party name and mailing address including city, state, and zip code;

(7) showing the single transaction to be accomplished by filing the form by choosing from the following:

- (a) effective financing statement continuation;
- (b) effective financing statement termination, including the date on which the security interest was satisfied; or
- (c) statutory lien notice termination;

(8) showing a box in the bottom left of the page 3-1/2 inches wide and one inch long so that a name and address can be inserted in this area and used to return the acknowledgment copy of the financing statement statement. The box is placed three-fourths inch from the bottom of the page and five-eighths inch from the left side of the page; and

(9) showing lines for signatures by the debtors and secured party on the bottom right side of the page across from the address box described in subitem (8), or a statement that the signatures of the parties are on file with the secured party.

Subp. 7. Request for information. A standard Minnesota request for information:

- A. must be 8-1/2 inches by 11 inches;
- B. have a type size that is legible;
- C. must consist of two copies of the page; and
- D. the following information must be included:

- (1) the name of the party about whom the search for information is to be conducted;
- (2) the address of the party about whom the search is being conducted, if the requesting party wishes to limit the search results based on the address;

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Proposed Rules

- (3) the identification number of the party about whom the search is being conducted, if the requesting party wishes to limit the search results based on the identification number;
- (4) whether the requesting party wishes information, copies of financing statements, or both; and
- (5) the name and address of the party to whom the results of the search are to be sent.

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.

Board of Accountancy

Adopted Permanent Rules Relating to Licensing

The rules proposed and published at *State Register*, Volume 17, Number 8, pages 374-388, August 24, 1992 (17 SR 374), are adopted with the following modifications:

Rules as Adopted

1100.0100 DEFINITIONS.

[For text of subs 1 to 9, see M.R.]

~~Subp. 10. Practice of accounting. "Practice of accounting" includes:~~

~~A. offering to perform or performing for a client or potential client one or more types of management advisory or consulting services involving the use of accounting or auditing skills whether or not a person holds oneself out to the public or is being held out to the public in a manner that states or implies that the person is a licensee or certificate holder; or~~

~~B. offering to furnish or furnishing for a client or potential client advice on tax matters when the person offering or furnishing the advice is a licensee or certificate holder whether or not that person holds oneself out to the public or is being held out to the public in a manner that states or implies that the person is a licensee or certificate holder.~~

1100.0200 INTERPRETATION OF RULES.

Subp. 2a. **Oral requests for opinions and interpretations.** Oral requests to board or staff members for oral opinions and interpretations of parts 1100.0100 to 1100.8000 and *Minnesota Statutes*, sections 326.165 to ~~326.231~~ 326.229, are discouraged. Whenever given, oral opinions are nonbinding and applicants, certificate holders, licensees, or other persons who act in reliance upon them do so at their own risk.

1100.1100 QUALIFYING EXPERIENCE FOR CPA EXAMINATION AND GRANTING OF LICENSE FOR CPA.

Subp. 2. **Measuring experience.** Experience recognized by the board shall be measured on the basis of calendar months and days worked by the applicant as an employee on the staff of an actively licensed certified public accountant ~~or~~ actively licensed licensed public accountant in public practice, or in qualifying governmental experience or self-employment. Part-time work in public accounting shall be recognized in proportion to full-time work, with a maximum of eight hours per day or 40 hours a week. The experience shall be verified by the employer. Self-employment experience shall be verified by five clients.

Subp. 5. **Continuing professional education compliance for certain certificate holders.** A certificate holder who applies for a license more than 30 months after having passed the uniform CPA examination shall comply with continuing professional education requirements as specified in part 1100.6700, subpart 4 3a.

1100.1300 EXAMINATIONS AND CERTIFICATION FOR CPA APPLICANTS.

Subp. 10. **Issuance of certificate.** Where an applicant has passed the examination, a certificate indicating passage of the certified public accountant examination shall be issued:

D. if the applicant has not engaged in conduct for which the board is authorized to act pursuant to *Minnesota Statutes*, section ~~326.23~~ 326.229.

The certificate shall indicate that it is not a license to practice.

1100.1400 CPA REEXAMINATIONS.

Subpart 1. **Applicants who fail three or more subjects.** An applicant who fails three or more subjects and receives no grade less than 50 shall be allowed to sit for reexamination at the next examination given and shall be required to retake all ~~parts~~ subjects of the examination. An applicant who fails three or more subjects and receives a grade of less than 50 in any subject shall not be allowed to sit for reexamination at the next examination but may sit for subsequent examinations.

Subp. 2. **Applicants who pass two subjects.** An applicant who has passed two of the subjects given in the written examination and received no grade less than 50 in the subjects failed shall be reexamined only in the subjects failed.

An applicant who passed two of the subjects given in the examination and received one or more grades less than 50 has failed the examination and shall retake all ~~parts~~ subjects of the examination.

1100.1500 RECIPROCITY WITH OTHER STATES.

Subpart 1. **Reciprocity of privileges.** A reciprocal CPA ~~or LPA~~ certificate shall not be granted unless the state of origin grants similar privileges to holders of Minnesota certificates and the applicant conforms to all requirements which would be imposed by the state of origin upon the holder of a Minnesota CPA ~~or LPA~~ certificate seeking reciprocal recognition in that jurisdiction.

1100.1600 RECIPROCITY STATEMENT OF NEED.

Application for a reciprocal CPA ~~or LPA~~ certificate must be supported by a statement of the applicant's need for a Minnesota certificate and license and a passing score in the Minnesota ethics examination.

1100.1900 LICENSURE REQUIREMENT FOR CPA'S AND LPA'S.

Each individual holder of an unrevoked Minnesota certificate or license as a certified public accountant or licensed public accountant who engages in or intends to be engaged in the practice of public accounting within the state of Minnesota, ~~regardless of the extent~~, during all or part of a calendar year ~~shall is required to~~ apply for and obtain from the board an annual ~~active~~ license for that year ~~prior to engaging in the practice of public accounting~~. ~~Holders of certified or licensed public accountant certificates and persons exempt from the continuing professional education requirements of part 1100.6700 shall apply for and obtain from the board an annual active license for that year prior to engaging in the practice of public accounting.~~ The application for the annual license and the appropriate fee shall be submitted to the board within 30 days after engaging in public practice in any year.

1100.1905 ADDITIONAL PERMITTED AND PROHIBITED USE OF CPA OR LPA DESIGNATION.**1100.2110 TYPES OF LICENSES.**

~~The board issues active and inactive licenses.~~ An active A license is required for persons who:

A. engage in the practice of public accounting; and

B. hold ~~a~~ certified public accountant ~~certificate or licensed public accountant certificates~~, are eligible for licensure as a certified public ~~accountant accountants or licensed public accountants~~, and who are employed by a certified public ~~accountant accountants~~, a licensed public ~~accountant accountants~~, or a certified public ~~accountant accountants~~ or licensed public accountant ~~corporation corporations or partnership partnerships~~. For purposes of this chapter, such a license shall be referred to as an active license.

~~An inactive license is available for~~ Persons who have held ~~an active license licenses~~ in the past ~~but who~~ are not currently engaged in the practice of public accounting and are exempt from the continuing professional education requirements of parts 1100.6400 to 1100.7900 pursuant to part 1100.6700, subpart 1, shall be licensed. For purposes of this chapter, such a license shall be referred to as an inactive license.

1100.2500 LICENSING FOR PARTNERSHIPS.

A partnership consisting of one or more partners practicing public accounting in Minnesota, all of whom hold unrevoked Minnesota

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Adopted Rules

certificates and licenses, that engages in or intends to be engaged in the practice of public accounting within Minnesota during all or part of a calendar year shall apply for and obtain from the board an annual license for that year before engaging in public practice.

1100.5300 FURNISHING INFORMATION TO CLIENTS.

A licensee shall furnish to a client upon request:

- A. a copy of a report, tax return, or other document that was previously issued to or for the client; or
- ~~B.~~ original records given to the licensee by the client, taken from the client's premises, or obtained from the client; or
- ~~C.~~ B. a copy of the licensee's workpapers which contain data which should properly be reflected in the client's books and records but which for convenience have not been duplicated. Examples of working papers that are considered to be client's records include:

CONTINUING EDUCATION

1100.6100 SOLICITATION.

A licensee shall not solicit an engagement to perform professional services:

1100.6200 COMMUNICATIONS.

An applicant, certificate holder, or licensee shall respond to communications from the board, committees of the board, or the attorney general on behalf of the board within 30 days of the mailing of communications, unless an earlier response is requested within the communications. An applicant, certificate holder, or licensee shall appear before the board, committees of the board, or the attorney general on behalf of the board when requested to do so.

CONTINUING EDUCATION

1100.6700 COMPLIANCE AND EXCEPTIONS.

Subp. 4. **Licensees reentering public practice.** An individual reentering public practice who has held an inactive license, not held any license, or otherwise been excepted from the continuing education requirement shall report continuing education as described in items A to E.

E. During each of the first five years after licensure or relicensure, the licensee shall report additional continuing professional education in the amount of ~~20~~ ten hours per year for every year of nonlicensure, not to exceed ~~400~~ 50 hours. The additional continuing professional education shall be reported on an annual basis at no less than ~~20~~ ten hours per year.

REPEALER. *Minnesota Rules*, parts 1100.1000, subpart 3; 1100.1100, subpart 3; 1100.1800; 1100.3800, subparts 9 and 10; 1100.6300; 1100.6700, subparts 3 and 5; 1100.7300; 1100.7400; 1100.7500; and 1100.7600, are repealed.

Department of Human Services

Adopted Permanent Rules Relating to Public Guardianship for Persons with Mental Retardation

The rules proposed and published at *State Register*, Volume 17, Number 15, pages 768-784, October 12, 1992 (17 SR 768), are adopted with the following modifications:

Rules as Adopted

9525.3010 SCOPE.

Subpart 1. **Applicability.** Parts 9525.3010 to 9525.3100 implement *Minnesota Statutes*, chapter 252A, by setting standards that govern the responsibility of county boards in providing public guardianship services to persons with mental retardation. Parts 9525.3010 to 9525.3100 do not apply to persons with related conditions as defined in *Minnesota Statutes*, section 252.27, subdivision 1a. All guardianship responsibilities in parts 9525.3010 to 9525.3100 are delegated by the commissioner to the county of guardianship responsibility, unless otherwise stated. The commissioner may modify or rescind the delegation of these guardianship responsibilities in whole or in part if a county fails to comply with parts 9525.3010 to 9525.3100 or when the action is found to be in the best interest of the ward. For purposes of parts 9525.3010 to 9525.3100, the term "ward" includes "conservatee," the term "guardianship" includes "conservatorship," and the term "public guardian" or "guardian" includes "public conservator" or "conservator," unless otherwise stated.

9525.3015 DEFINITIONS.

Subp. 11. **County staff acting as public guardian.** "County staff acting as public guardian" means the person designated by the county board to exercise public guardianship responsibilities delegated to the local agency.

Subp. 24. **Psychotropic medication.** "Psychotropic medication" means a medication prescribed to treat mental illness and associated behaviors or to control or alter behavior. The major classes of psychotropic medications include:

A. antipsychotic (neuroleptic);

F. sedative-hypnotic; and

G. antiobsessive compulsive;

~~H. antiaggression; and~~

~~I. mood stabilizers~~ other medications prescribed for the purpose of controlling mood, mental status, or behavior.

Subp. 25. **Public conservator.** "Public conservator" means the ~~commissioner of human services~~ department staff acting as public conservator or the county staff acting as public conservator when exercising some, but not all the powers designated in *Minnesota Statutes*, section 252A.111.

Subp. 26. **Public guardian.** "Public guardian" means the ~~commissioner of human services~~ department staff acting as public guardian or the county staff acting as public guardian when exercising all of the powers designated in *Minnesota Statutes*, section 252A.111.

9525.3020 PERSONS SUBJECT TO PUBLIC GUARDIANSHIP.

Subp. 3. **Guardian of the estate.** When a ward has a personal estate beyond that which is necessary for the ward's personal and immediate needs, the county staff acting as public guardian shall:

9525.3030 LIMITS OF GUARDIANSHIP POWERS AND DUTIES.

Under *Minnesota Statutes*, section 525.56, a guardian has only those powers necessary to provide for the demonstrated needs of the ward. The guardian is granted the duty and power to exercise supervisory authority over the ward in a manner that limits civil rights and restricts personal freedoms only to the extent necessary to provide needed care and services. The department staff acting as public guardian or county staff acting as public guardian shall intervene under parts 9525.3010 to 9525.3100, only if the court has determined that the ward is incapable of exercising certain rights.

9525.3035 GENERAL STANDARDS FOR PUBLIC GUARDIANSHIP.

Subpart 1. **Generally.** For purposes of parts 9525.3010 to 9525.3100, public guardianship responsibilities are divided into the following four general functions:

Subp. 2. **Planning.** The county staff acting as public guardian shall participate in planning on behalf of the ward. In planning for the ward, the county staff acting as public guardian shall:

Subp. 3. **Protection of rights.** The county staff acting as public guardian and the department staff acting as public guardian shall protect the legal rights and interests of the ward. The public guardian shall take appropriate action if the ward's legal rights are abridged. If actions by providers of public and private services do not meet the individual needs and best interest of the ward, the county staff acting as public guardian and the department staff acting as public guardian shall pursue appropriate action on behalf of the ward according to applicable state law.

Subp. 4. **General standards for consent determination.** The county staff acting as public guardian and the department staff acting as public guardian shall determine whether activities are in the ward's best interest. Specific public guardianship consent authority is described in parts 9525.3040 to 9525.3060. The following standards apply to all consents regarding the ward. Unless otherwise specified, when determining whether to consent to any activity which affects the ward, the public guardian must not consent to the activity, unless:

Subp. 5. **Monitoring and evaluation.** The county staff acting as public guardian shall monitor and evaluate services provided to the ward according to part 9525.3065.

Subp. 6. **Release of information.** The county staff acting as public guardian ~~or the department staff acting as public guardian~~ must not consent to the release of any information about the ward, unless the release is:

9525.3040 POWERS AND DUTIES OF PUBLIC GUARDIAN.

Subpart 1. **General powers.** The powers and duties of the public guardian are governed by *Minnesota Statutes*, sections 252A.111 and 525.56, subdivisions 1 to 3. The general powers and duties of the county staff acting as public guardian are:

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Adopted Rules

A. The power to determine the ward's place of residence consistent with state and federal law, and the least restrictive environment consistent with the ward's best interest.

Subp. 2. **Additional powers.** The county staff acting as public guardian has may have the additional powers granted under *Minnesota Statutes*, section 252A.111, subdivision 2, if the power is granted by the court. These additional powers are:

A. the power to permit or withhold permission for the ward to marry;

B. the power to begin legal action or defend against legal action in the name of the ward; and

C. the power to consent to the adoption of the ward as provided in *Minnesota Statutes*, section 259.24.

Subp. 3. **Special duties.** Under *Minnesota Statutes*, section 252A.111, subdivision 6, the county staff acting as public guardian shall:

9525.3045 CONSENT TO USE OF AVERSIVE AND DEPRIVATION PROCEDURES.

Subpart 1. **Generally.** The county staff acting as public guardian has the authority to give informed consent for the use of aversive and deprivation procedures. Technical assistance from the department about the use of aversive and deprivation procedures is available to the local agency upon request. The county staff acting as public guardian must withdraw consent at any time that the use of aversive and deprivation procedures do not appear to be in the best interest of the ward.

Subp. 2. **Informed consent.** The county staff acting as public guardian must not consent to the use of aversive and deprivation procedures unless all requirements in parts 9525.2700 to 9525.2810, *Code of Federal Regulations*, title 42, section 483.13, and other requirements existing in state and federal law governing the use of such procedures are met.

Subp. 3. **Monitoring data.** The county staff acting as public guardian shall monitor the use of aversive and deprivation procedures by reviewing data required under parts 9525.2700 to 9525.2810 and *Code of Federal Regulations*, title 42, section 483.13, to determine whether continued use of aversive or deprivation procedures is consistent with these requirements and is in the best interest of the ward. Documentation of this review must be included in the quarterly review required under part 9525.3065, subpart 2.

9525.3050 CONSENT TO USE OF PSYCHOTROPIC MEDICATIONS.

Subpart 1. **Generally.** The county staff acting as public guardian has the authority to give informed consent for the use of psychotropic medications for the ward. The informed consent must be in writing. Technical assistance from the department about the use of psychotropic medications is available to the local agency upon request. The county staff acting as public guardian staff must withdraw consent at any time that the use of psychotropic medication does not appear to be in the best interest of the ward.

Subp. 2. **Informed consent.** The county staff acting as public guardian must not consent to the use of psychotropic medications, unless the following information is documented and reviewed by the local agency:

F. specific information about the psychotropic medication to be used including:

(3) the possible dosage range ~~and~~ or maximum dosage;

(6) the risks and possible side effects of the psychotropic medication, including the manner in which the ~~deleterious~~ side effects may be ~~alleviated~~ managed.

Consent for psychotropic medication may be withdrawn at any time and automatically expires one year from the date of consent unless consent is renewed or a shorter time is agreed upon by the county staff acting as public guardian.

Subp. 3. **Monitoring side effects.** The county staff acting as public guardian must not consent to the use of a psychotropic medication, unless standardized methods for assessing and monitoring side effects are in place. This must include a standardized side effects scale. In addition, when antipsychotic medication or amoxapine is used, the Dyskinesia Identification System: Condensed User Scale (DISCUS) and Monitoring of Side Effects Scale (MOSES) evaluation tools are must be used to monitor for tardive dyskinesia (TD) and a method must be in place for the monitoring of to monitor for other extrapyramidal system side effects, including tardive dyskinesia (TD) and akathisia, dystonia, and pseudoparkinsonism. For purposes of this subpart, the following terms have the meaning given them.

A. "Tardive dyskinesia" means a variable combination of abnormal involuntary movements associated with the use, usually one to two years or more, of antipsychotic medication ~~such as thioridazine, haloperidol, and thiothixene.~~

B. "Akathisia" means a ~~syndrome characterized by an inability to remain in a sitting posture, with motor restlessness and a feeling of muscular quivering. This syndrome may appear as a complication of therapy with antipsychotic medication such as phenothiazines or reserpine.~~ "Extrapyramidal system side effects" means signs and symptoms associated with antipsychotic medication, including:

(1) akathisia: the inability to sit still, restlessness, pacing, walking in place, or complaints of jitteriness, jumpiness, or feeling like jumping out of one's skin;

(2) pseudoparkinsonism: tremors, drooling, lack of movement, or shuffling gait; and

(3) dystonia: rigidity, eyes rolled up, or arched back.

C. “Dyskinesia Identification System: Condensed User Scale” or “DISCUS” means ~~an~~ a 15-item assessment scale which monitors tardive dyskinesia by measuring the presence of involuntary movements in the following areas of the body: The DISCUS is incorporated by reference. The DISCUS was published in the Psychopharmacology Bulletin, volume 27 (1991), pages 51 to 58, and is not subject to frequent change. DISCUS forms are available from the State Law Library, or from the department upon request.

(1) ~~face;~~

(2) ~~eyes;~~

(3) ~~oral;~~

(4) ~~lingual;~~

(5) ~~head, neck, and trunk;~~

(6) ~~upper limb; and~~

(7) ~~lower limb.~~

D. “~~Monitoring of Side Effects~~ Standardized side effects assessment scale” or “~~MOSES~~” means ~~an~~ a published or professionally developed assessment scale which monitors general side effects in the following areas of the body:

(1) ~~eyes, ears, and head;~~

(2) ~~mouth;~~

(3) ~~nose, throat, and chest;~~

(4) ~~gastrointestinal;~~

(5) ~~musculoskeletal and neurological;~~

(6) ~~skin;~~

(7) ~~urinary and genital; and~~

(8) ~~psychological.~~

Subp. 4. **Monitoring schedules.** In addition to the requirements of subpart 3, the county staff acting as public guardian must not consent to the use of psychotropic medications, unless there is documentation that the following monitoring criteria are in place:

A. the monitoring of side effects is documented at least once, seven to 14 days after the initiation or dosage increase of any psychotropic medication; with the exception of the following documented and justified clinical situations:

(1) the medication is prescribed for use in emergency situations (stat.);

(2) the medication is prescribed on an as-needed basis (p.r.n.) for five days or less;

(3) acute use or increase of a medication to control a problem for up to 14 days, at which time the dosage is decreased to the prior level;

(4) an increase to a prior dosage following a failure at a lower dosage as a part of a minimal effective dosage attempt; and

(5) a gradual upward titration.

In cases of upward titration, an initial seven- to 14-day assessment and monthly assessments are required until the dosage is stabilized;

C. the monitoring of tardive dyskinesia ~~or tardive~~, akathisia, and other extrapyramidal system side effects is documented as occurring at least once every six months if ~~neuroleptic/amoxapine~~ antipsychotic medication are or amoxapine is prescribed ~~and~~. Monitoring must also occur at least once per year if neuroleptic/amoxapine antipsychotic medication are not or amoxapine is no longer prescribed but tardive dyskinesia or, tardive akathisia, or tardive dystonia is diagnosed. The county staff acting as public guardian must withdraw consent to the use of psychotropic medications at any time the conditions under this subpart are not met.

Subp. 5. **Data review of target behavior.** The county staff acting as public guardian must not consent to the use of psychotropic

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Adopted Rules

medications, unless there is in place a method for ~~collecting to collect~~ and review data on the incidence of the behavior that the psychotropic medication is to increase ~~and~~ decrease, or eliminate ~~and~~ which provides a basis to determine the effectiveness of the psychotropic medication. This data collection method must include:

B. the ~~data collection method~~ methodology of collecting data on target behaviors;

H. the data review must occur:

(3) at least once every three months if the psychotropic medication and dose are stabilized.

At least once per year, the data review must include a gradual minimal effective dosage attempt or must justify why the reduction is not possible.

9525.3055 NONDELEGATED CONSENT.

Subpart 1. **Generally.** The ~~commissioner~~ department retains the authority to provide consent in the areas described in this part. ~~Local agencies~~ County staff acting as public guardians do not have authority to grant consent under subparts 2 to 4.

Subp. 2. **Do not resuscitate orders.** The county staff acting as public guardian shall submit an application for a "do not resuscitate" order to the department for written approval. Consent for a "do not resuscitate" order must not be given in the absence of a terminal condition, unless the physician states that initiating cardiopulmonary resuscitation would be medically futile or would harm the ward. The application must contain documentation of the following:

A. that the county staff acting as public guardian has visited the ward;

C. that the county staff acting as public guardian has made reasonable efforts to obtain the opinion of the nearest relative;

F. upon request by the department, a report from a biomedical ethics committee, if one exists within the health care institution, that affirms that the proper procedures have been followed by the health care providers on behalf of the ward; and

G. a recommendation by the county staff acting as public guardian for or against the request.

Subp. 3. **Limited medical treatment.** The county staff acting as public guardian shall submit an application to the department for written approval. The standards in subpart 2 govern the application for limited medical treatment. For purposes of this part, limited medical treatment means a life-sustaining treatment that has been deemed through ethical decision making, to be useless or gravely burdensome to the ward.

Subp. 4. **Research.** The county staff acting as public guardian shall submit an application to the department for written approval for the ward's participation in research of any kind, except for research such as educational tests, survey procedures, and interviews as exempted under Code of Federal Regulations, title 45, section 46.101(b). The application must contain the following information required for informed consent under Code of Federal Regulations, title 45, section 46.116:

H. a statement that describes the extent, if any, to which the confidentiality of records that identify the ward will be maintained ~~and that notes that the Food and Drug Administration may inspect the records;~~

J. an explanation of ~~who~~ whom to contact for answers to questions about the research and the ward's rights, and ~~who~~ whom to contact in the event of a research-related injury to the ward; ~~and~~

K. a statement that participation is voluntary, that refusal to participate will involve no penalty or loss of benefits to which the ward is otherwise entitled, and that the ward may discontinue participation at any time without penalty or loss of benefits; ~~and~~

L. the additional elements of informed consent as required under Code of Federal Regulations, title 45, section 46.116(b), must also be included in the application for informed consent, when relevant.

Subp. 5. **Temporary care placement.** The county staff acting as public guardian shall request the department's written approval for a ward's temporary placement at a regional center. A ward's admission to a regional center for the purpose of receiving temporary care must not exceed 90 calendar days in any calendar year. The number of days of temporary care needed must be specified at the time of the ward's admission. The request must include a plan for establishment of a community placement for the ward within 90 calendar days of the date of temporary placement.

9525.3060 NONDELEGATED CONSENT REQUIRING A COURT ORDER.

Subpart 1. **Generally.** No guardian may give consent for psychosurgery, electroconvulsive therapy, sterilization, or experimental treatment of any kind, unless the procedure is first approved by order of the court. Under *Minnesota Statutes*, section 525.56, subdivision 3, the court determines if the procedure is in the best interest of the ward. A petition for a court order for nondelegated consent is governed by *Minnesota Statutes*, section 525.56, subdivision 3, paragraph (4), clause (b). Before the court hearing, the county staff acting as public guardian shall obtain the written recommendation of the department pursuant to *Minnesota Statutes*, chapter 252A.

Subp. 2. **Sterilization.** The county staff acting as public guardian shall make application to the department for a written recommendation regarding sterilization of a ward. The application must include those reports prepared by a licensed physician, a psychologist who is qualified in the diagnosis and treatment of mental retardation, and a social worker who is familiar with the ward's social history

and adjustment or the case manager for the ward, as required by *Minnesota Statutes*, section 525.56, subdivision 3, paragraph (4), clause (c). These reports must include the following:

Subp. 4. **Electroconvulsive therapy, psychosurgery, and experimental treatment.** Under *Minnesota Statutes*, section 525.56, subdivision 3, paragraph (4), clause (a), no ward may receive electroconvulsive therapy, psychosurgery, or experimental treatment of any kind, unless the court orders the treatment. The county staff acting as public guardian shall make application to the department for a written recommendation before petitioning the court. The application must contain documentation that the following conditions have been met:

D. that the county staff acting as public guardian has:

9525.3065 MONITORING AND EVALUATION.

Subpart 1. **Annual review.** Under *Minnesota Statutes*, section 252A.16, the county staff acting as public guardian shall conduct an annual review of the status of each ward. The county staff acting as public guardian shall submit to the department by the annual birthday of each ward, a copy of the annual review for each ward receiving public guardianship services during the past calendar year. The annual review must be in writing in the form determined by the local agency and must minimally include a description of the ward's:

D. legal status based on items A to C.

The annual review required under parts 9525.0015 to 9525.0165 may be used to fulfill the annual review requirement of this subpart only when that review contains all of the criteria required under items A to D. The county staff acting as public guardian must review and sign all annual reviews.

If the county staff acting as public guardian determines that the ward is no longer in need of guardianship or is capable of functioning under a less restrictive conservatorship, the local agency shall petition the court for a termination or modification of public guardianship as specified in part 9525.3085.

Subp. 2. **Quarterly review of records.** Under *Minnesota Statutes*, section 252A.21, subdivision 2, the county staff acting as public guardian shall review the records from the day, residential, and any support services on a quarterly basis. The quarterly review of records must be in writing in the form determined by the local agency. The quarterly review must contain any data about the use of aversive and deprivation procedures under part 9525.3045 and psychotropic medications under part 9525.3050. In conducting the quarterly review, the county staff acting as public guardian shall indicate in writing whether:

Subp. 3. **Additional reports.** The county staff acting as public guardian shall provide additional reports as requested by the department.

9525.3070 COUNTY OF GUARDIANSHIP RESPONSIBILITY.

Subp. 3. **Ward relocation.** The county staff acting as public guardian shall notify the department when a ward permanently relocates or temporarily leaves Minnesota for an extended stay. Notification is required for the following:

A. Leaving the state for more than 90 days. The county staff acting as public guardian shall determine whether leaving the state more than 90 days is in the best interest of the ward. If necessary, the county staff acting as public guardian shall refer the ward to the appropriate local agency in the other state for ongoing supervision.

B. Moving permanently from Minnesota. The county staff acting as public guardian shall determine whether moving permanently from the state is in the best interest of the ward. When a determination is made that the ward will move, the local agency shall seek termination of the public guardianship according to part 9525.3085.

9525.3075 SUPERVISING AGENCY.

Subp. 2. **Transfer of responsibility.** All or any portion of the powers and duties that have been delegated by the ~~commissioner~~ department to the county of guardianship responsibility may be transferred to the county of supervisory responsibility by written agreement between the two local agencies. Upon entering into a written agreement with the county of guardianship responsibility, the supervising agency is responsible for the ward. The county of guardianship responsibility shall notify the department of all transfers of responsibilities by submitting a copy of the written agreement to the department within 30 calendar days of the effective date of the agreement.

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Adopted Rules

9525.3080 COUNTY CONTRACTING FOR PUBLIC GUARDIANSHIP SERVICES.

Local agencies may contract with a public or private agency or individual who is not a service provider for the person only for the public guardianship representation required by the screening and the individual service and program planning process. Local agencies may contract for these services with a public or private agency or individual who is not a service provider for the person. Local agencies must not contract with any party for the provision of other public guardianship duties required under parts 9525.3010 to 9525.3100.

9525.3085 MODIFICATION OR TERMINATION OF PUBLIC GUARDIANSHIP.

Subp. 2. **Petition.** The commissioner, ward, county staff acting as public guardian, or any interested person may petition the appointing court or the court to which venue has been transferred, for an order to terminate or modify the public guardianship under *Minnesota Statutes*, section 252A.19, subdivision 2. If the local agency determines that the ward no longer needs public guardianship, the local agency shall petition the court for a termination or modification of the public guardianship under *Minnesota Statutes*, section 252A.19.

Subp. 4. **Comprehensive evaluation.** The county staff acting as public guardian shall arrange for a comprehensive evaluation of the ward at the court's request, under *Minnesota Statutes*, section 252A.19, subdivision 4.

9525.3090 DEATH OF A WARD OR CONSERVATEE.

Subpart 1. **Report.** The county staff acting as public guardian shall report the death of a ward to the department and to the court that appointed the guardian, within 14 calendar days of the date of death. The written report must state the date, time, place, and cause of death. If a vulnerable adult investigation is conducted under *Minnesota Statutes*, section 626.557, a final report must be submitted to the department when the investigation is completed.

9525.3095 GUARDIANSHIP TRAINING.

The local agency shall establish a plan for the training of all county staff acting as public guardians. The plan must include at least ten hours of training annually in the areas of guardianship ~~and or~~ mental retardation. Training and development sessions attended by county staff acting as public guardians must be documented and kept on file at the local agency.

9525.3100 REVIEW OF PUBLIC GUARDIANSHIP MATTERS.

Subpart 1. **Informal review.** Informal review by the department of matters pertaining to public guardianship services is available upon request. Interested persons may request a review by submitting a written request directly to the guardianship unit department. A review by the guardianship unit department is not considered an appeal under *Minnesota Statutes*, section 256.045; ~~because section 256.045 does not apply to guardianship matters.~~ An informal review does not preclude any appeal rights available under *Minnesota Statutes*, sections 525.71 to 525.731.

Subp. 2. **De novo review.** The commissioner, ward, or any interested person may petition the appointing court or the court to which venue has been transferred to review de novo any decision made by the county staff acting as public guardian or the department staff acting as public guardian, on behalf of a ward according to *Minnesota Statutes*, section 252A.19, subdivision 2.

Department of Public Safety

Division of Driver and Vehicle Services

Adopted Permanent Rules Relating to Commercial Driver Training Schools

The rules proposed and published at *State Register*, Volume 17, Number 25, pages 1591-1601, December 21, 1992 (17 SR 1591), are adopted with the following modifications:

Rules as Adopted

7411.0400 VEHICLE REQUIREMENTS.

Subpart 1. **Safety standards.** A vehicle used for driver training instruction must comply with the federal and state motor vehicle safety standards for the model year of the vehicle. A vehicle must also be maintained in a safe operating condition. The vehicle age limits in subpart 3 2 do not relieve a program of its responsibility to ensure that a vehicle used by the program is maintained in a safe operating condition. An instructor shall report in writing to the program a mechanical problem affecting the safe operation of a vehicle. The program shall correct the problem before again using the vehicle for driver training instruction. If a vehicle used for driver training instruction is not maintained in a safe operating condition, the commissioner shall prohibit the program from using the vehicle for instruction until the unsafe condition has been corrected. The commissioner shall also suspend or revoke the license or certificate of the program or instructor, or both, if the commissioner determines that the unsafe condition could foreseeably be the cause of serious

personal injury or property damage and that the program or instructor had notice, or should have had notice through the ordinary discharge of duties, of the unsafe condition of the vehicle.

Subp. 1a. **Equipment required.** A class A, class B, or class C vehicle used for driver training instruction must have an outside rearview mirror on each side of the vehicle and seat belts for each occupant of the vehicle as required by law. In addition:

A. a class C vehicle must have dual control brakes and, when applicable, a dual control clutch pedal; and

B. a class A vehicle must have a parabolic mirror not less than five inches in diameter on each side of the vehicle; ~~tandem drive axles for truck tractors, and tandem axles for semitrailers.~~

Subp. 2. **Vehicle age; exemption.** Except as otherwise provided in this subpart, a class C vehicle and a motorcycle used for driver training purposes may not be used for more than six years from the date it was first put into service and a class A or class B vehicle used for driver training purposes may not be used for more than ten years from the date it was first put into service. "The date first put into service" means the date the vehicle was first driven more than the limited driving necessary to move or road test the vehicle before delivery to a customer. If a vehicle is used by a dealer as a demonstration model, "the date first put into service" means the date the vehicle was first driven by a potential customer. If records are not available to show this date, then "the date first put into service" means the date of the beginning of the model year of the vehicle.

The following exceptions apply:

C. A motorcycle may be used for more than six years from the date it was first put into service only if:

(3) the motorcycles have been inspected during the previous 12 months by a manufacturer's service representative, by a motorcycle mechanic for an authorized motorcycle dealer, or by a certified technical college motorcycle mechanic instructor.

7411.0610 INSTRUCTOR REQUIREMENTS.

Subp. 4. **Driving record.** An instructor shall notify the ~~driver training~~ office of the driver training coordinator of the department, in writing, if the instructor is convicted of a traffic violation or is involved in a motor vehicle accident. The written notification must be submitted to the ~~driver training~~ office of the driver training coordinator of the department within ten days from the date of the conviction or the accident. The commissioner shall review the driving records of each applicant for an instructor's license and of each new instructor at a certified program. The commissioner shall also annually review the driving record of each instructor. A person is ineligible to be an instructor if:

7411.0700 PROGRAM REQUIREMENTS.

Subpart 1. **Insurance and safety.** Insurance and safety requirements are as follows:

B. The program shall furnish evidence of coverage to the commissioner in the form of an original certificate of insurance from the insurance company demonstrating the required amount of insurance under item A and demonstrating that the insurance may not be canceled or terminated, except upon 30 days' prior written notice to the commissioner.

C. If the insurance is canceled, the program's license or certificate terminates automatically on the date the insurance ~~was canceled~~ cancellation becomes effective. Vehicles used in the operation of the program may not be used for program purposes unless the program obtains adequate insurance coverage and notifies the commissioner of the coverage, and the commissioner notifies the program in writing that the license or certificate has been reinstated. When vehicle insurance is provided by the instructor or lessor and it is canceled, the vehicle must immediately be removed from the program's approved list as filed with the commissioner or the program's license or certificate terminates automatically. Program licenses or certificates terminated under this item must be surrendered to the commissioner within ten days from the date the insurance was canceled. A program whose license or certificate has been canceled may reapply for a license or certificate upon meeting the insurance requirements under this part.

D. The commercial driver training school owner or operator shall secure and submit with the application a continuous surety company bond in the principal sum of \$10,000 for the protection of the contractual rights of students, undertaken by a company authorized to do business in Minnesota. The aggregate liability of the surety for all breaches of the bond must not exceed the principal sum of \$10,000. The school shall furnish satisfactory evidence of coverage to the commissioner. The concerned surety company may cancel the bond upon giving 30 days' written notice to the commissioner. The surety company is relieved of all liability for the breach of a condition of the bond occurring after the effective date of cancellation. If the bond is canceled, the program's license terminates automatically on the date the bond ~~was canceled~~ cancellation becomes effective. Program licenses terminated under this item must be surrendered to the commissioner within ten days from the date the insurance was canceled. A program whose license or certificate has been canceled may reapply for a license or certificate upon meeting the bond requirements under this part.

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Adopted Rules

Department of Public Safety

Adopted Permanent Rules Relating to Driver's License Requirements of Person With Diabetes

The rules proposed and published at *State Register*, Volume 17, Number 11, pages 552-556, September 14, 1992 (17 SR 552), are adopted with the following modifications:

Rules as Adopted

7410.2610 INSULIN-TREATED DIABETES MELLITUS.

Subp. 3. **Reporting diagnosis of insulin-treated diabetes or episode.** A person shall report a diagnosis of insulin-treated diabetes or an episode, in writing, to the department as follows:

A. after a diagnosis of insulin-treated diabetes:

(1) at the time of applying for a driver's license; ~~or~~ and

C. for a non-driving-related episode, on a regularly scheduled physician's statement as required in subpart 3a.

If a person has reason to know the requirements of items A and B, and willfully fails to report or willfully makes a material misrepresentation to the department concerning the person's diabetic condition, the commissioner shall suspend the person's driver's license for six months. The six-month suspension period will begin within 30 days from the date the department discovers the failure to report or misrepresentation.

Subp. 3a. **Physician's statement required.** A physician's statement, on a form prescribed by the commissioner, is required:

E. as recommended by the physician or by the department.

The six-month, one-year, or four-year period will begin from the date the most recent physician's statement has been received and approved by the department. During a period of cancellation or suspension under this part, the department shall not require a physician's statement until the end of the cancellation or suspension period.

If a person fails to return a physician's statement to the department within 30 days from the date of mailing, the commissioner shall cancel the person's driver's license until the physician's statement is submitted to the department and accepted.

The physician's statement must indicate, at least, the date of each of the person's episodes since the previous physician's statement, ~~the cause of each episode~~, whether the person is cooperating in the treatment of the condition, the person's prognosis for control of the person's diabetic condition, and whether the person is medically qualified to exercise reasonable and ordinary control over a motor vehicle on the public roads.

Subp. 5a. **Cancellation or denial.** After a review of a person's physician's statement, the commissioner shall cancel or deny a person's driver's license under the conditions and for the periods stated as follows:

A. If the commissioner receives a physician's statement that indicates that the person is not medically qualified to exercise reasonable and ordinary control over a motor vehicle, the period of cancellation or denial will be based on the recommendation of the physician and the department unless the cancellation period in item B or C applies. If the department and the treating physician do not agree on the cancellation period, the physician's statement and the person's medical history will be submitted to the Medical Review Board for its recommendation upon the request of the individual ~~or~~, the physician, or the department.

Subp. 6. **Reinstatement or issuance.** The commissioner shall reinstate or issue the driver's license of a person whose license has been suspended, canceled, or denied when:

E. the person submits a physician's statement, on a form prescribed by the commissioner, indicating:

(2) ~~the cause of each episode~~;

(3) ~~the person is cooperating in the treatment of the condition~~;

(4) (3) a favorable prognosis for the control of the person's diabetic condition; and

(5) (4) ~~the person is medically qualified to exercise reasonable and ordinary control over a motor vehicle on the public roads.~~

Department of Public Safety

Adopted Permanent Rules Relating to Claim Procedures; Payment Limits

The rules proposed and published at *State Register*, Volume 17, Number 23, pages 1397-1399, December 7, 1992 (17 SR 1397), are adopted with the following modifications:

Rules as Adopted**7505.3500 PARENTS OF CHILD VICTIMS.**

The board shall authorize payment for up to five counseling sessions for a parent who is a primary caretaker of a victim of domestic child abuse or child sexual assault, if the treatment plan filed under and complying with part 7505.2700 indicates that the sessions directly benefit the victim.

When home health care is needed by a victim who is less than 21 years old and when a determination is made that a parent of the victim is an appropriate person to provide care to the victim, the board shall authorize payment to ~~one the~~ parent of a child victim for up to two weeks of lost income incurred as a result of obtaining care for the victim. ~~The victim must be less than 21 years old. Only the parent who is the primary caretaker may receive payment for lost income \$10 an hour for up to eight hours per day to reimburse the parent for care which is provided. Total payment to a parent for lost income under this provision must not exceed \$2,000.~~

Board of Psychology**Adopted Permanent Rules Relating to Licensure of Psychological Practitioners**

The rules proposed and published at *State Register*, Volume 17, Number 20, pages 1218-1222, November 16, 1992 (17 SR 1218), are adopted as proposed.

Board of Psychology**Adopted Permanent Rules Relating to Continuing Education Requirements**

The rules proposed and published at *State Register*, Volume 17, Number 20, pages 1213-1218, November 16, 1992 (17 SR 1213), are adopted with the following modifications:

Rules as Adopted**7200.3830 APPROVAL OF CONTINUING EDUCATION ~~PROGRAMS~~ ACTIVITIES.****Board of Psychology****Adopted Permanent Rules Relating to One-time Fee for Licensing Laws Changes**

The rules proposed and published at *State Register*, Volume 17, Number 20, pages 1228-1229, November 16, 1992 (17 SR 1228), are adopted with the following modifications:

Rules as Adopted**7200.6160 SPECIAL FEE.**

Each licensee licensed before the effective date of this part shall be assessed a one-time fee in the amount of \$35, to be remitted to the board on or before ~~March~~ April 1, 1993, for the purpose of covering the board's nonrecurring expenses in implementing changes to the licensing law for psychologists. The board shall withhold the renewal certificate of any licensee who fails to remit the fee by ~~March~~ April 1, 1993, until the fee is paid.

Board of Psychology**Adopted Permanent Rules Relating to Housekeeping Changes**

The rules proposed and published at *State Register*, Volume 17, Number 20, pages 1222-1228, November 16, 1992 (17 SR 1222), are adopted with the following modifications:

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

Adopted Rules

Rules as Adopted

7200.0800 SUPERVISED EMPLOYMENT FOR LICENSED PSYCHOLOGISTS.

The application for licensure as a licensed psychologist must include for each postdegree supervised employment the setting, nature, and extent, the time period involved, the number of hours per week engaged in professional duties, the number of hours of face-to-face supervision per week, and the name, address, and qualifications of the supervisor.

State Board of Technical Colleges

Adopted Permanent Rules Relating to Education; Technical Colleges; Teacher Licenses; Services; Occupations; Renumbering

The rules proposed and published at *State Register*, Volume 17, Number 8, pages 399-400, August 24, 1992 (17 SR 399), are adopted as proposed.

State Board of Technical Colleges

Adopted Permanent Rules Relating to Teacher Licenses; Small Business Management

The rules proposed and published at *State Register*, Volume 17, Number 21, pages 1271-1272, November 23, 1992 (17 SR 1271), are adopted as proposed.

Official Notices

Pursuant to the provisions of Minnesota Statutes § 14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Ethical Practices Board

Advisory Opinion #128 re: Minor Political Party

Issued 2-27-93 to John O. Holahan, Jr.—SUMMARY—128. The inclusion of a minor political party on the income tax form and property tax refund return for participation in the State Elections Campaign Fund is governed by all the provisions of *Minnesota Statutes* § 10A.31, subd. 3a (1992).

Advisory Opinion #130 re: Fundraising During Legislative Session

Issued 3-10-93 to the Honorable Richard H. Jefferson—SUMMARY—130. A candidate for any constitutional or legislative office as defined in *Minnesota Statutes* § 10A.01, subd. 5, and a committee authorized by that candidate to seek nomination or election to a local office are prohibited by *Minnesota Statutes* § 10A.065 (1992) from soliciting or accepting a contribution from a registered lobbyist, political committee, or political fund during a regular session of the legislature.

The full text of each opinion is available upon request from the Ethical Practices Board, 1st Floor South, Centennial Building, 658 Cedar Street, St. Paul, MN 55155-1603; (612) 296-5148.

Labor and Industry Department

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective March 22, 1993 prevailing wage rates are certified for commercial construction projects in: Anoka county: Franklin Community School-Anoka, Lincoln Elementary-Anoka, Landscape Center-Anoka, L. O. Jacob-Anoka UST Removal & Reinstallation,

Blaine Senior High School Asbestos Abatement-Blaine; Cook county: Grand Marais Fire Hall-Grand Marais; Dakota county: Minnesota Veterans Home Electric Replacement-Hastings; Hennepin county: Riverview Elementary-Brooklyn Park, Champlin Community School-Champlin UST Removal & Reinstallation, Hennepin County Medical Center Burn Center Heating/Cooling-Minneapolis, St. Louis Park Senior High School Additions & Remodeling-St. Louis Park, Lift Station-Wayzata & Brooklyn Park; Itasca county: U of M Agricultural Experiment Station Building Preparation-Grand Rapids; Kandiyohi county: Willmar Technical College Reroofing-Willmar; Ramsey county: Minnesota State Capitol Fire Management System-St. Paul, Northeast Metro Technical College Reroofing-White Bear Lake, Mounds View Public Schools Reroofing-Mounds View; Redwood county: U of M Southwest Agricultural Experiment Station Fire Damage Reconstruction-Lamberton; Rice county: Faribault Deaf Academy Strobe Lights-Faribault; St. Louis county: Hospital remodeling & Upgrading-Eveleth, U of M Multi Sports Building Wall Panel Replacement-Duluth, Minnesota Department of Public Utilities Boiler Addition-Virginia; Sherburne county: U of M Sand Plain Research Farm Sample Preparation Building, Fertilizer & Chemical Storage Building-Becker, U of M West Central Agricultural Experiment Station Agronomy/Horticultural Research Facility-Morris; Wabasha county: Minnesota Wastewater Treatment Improvements-Lake City.

Copies of the certified wage rates for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

John B. Lennes, Jr.
Commissioner

Minnesota Comprehensive Health Association

Notice of Board of Directors Meeting

Notice is hereby given that the Minnesota Comprehensive Health Association (MCHA), Board of Directors will meet at 9:00 a.m. on Wednesday, April 7, 1993 at Prudential Insurance Company of America, 3701 South Wayzata Boulevard, Minneapolis. The meeting will be in the auditorium.

For additional information please call Lynn Gruber at (612) 593-9609.

Office of the Ombudsman for Mental Health and Mental Retardation

Notice of Meeting

The Ombudsman for Mental Health and Mental Retardation Advisory Committee will hold a general meeting from 9:30 a.m. until 1:00 p.m. on Friday, March 26, 1993. The meeting will be held at the Ombudsman Office, Suite 202, Metro Square Building on 7th and Robert Street, St. Paul.

Otter Tail Power Company

Notice of Acid Rain Program Designated Representative

Pursuant to *Code of Federal Regulations* Title 40, Part 72, notice is hereby given that I am the Designated Representative for the following Acid Rain Program Minnesota affected source at Otter Tail Power Company: Hoot Lake Plant units 2 and 3. Notice also is given that David L. Johnson is the Alternate Designated Representative for this source. If there are questions, call Terry Graumann at (218) 739-8407.

Ward L. Uggerud
Vice President, Operations
Otter Tail Power Company

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

Minnesota Pollution Control Agency

Air Quality Division

Public Notice of Intent to Issue a Statewide General Air Emission Facility Permit Governing Small Heating Systems and Emergency/Standby Generators

NOTICE IS HERBY GIVEN, that the Commissioner of the Minnesota Pollution Control Agency is preparing to issue a statewide general permit governing small heating systems and emergency/standby generators. The issuance of the general permit is authorized by *Minnesota Rules* pt. 7001.0210, Subp. 2 (1991), which allows the Agency to issue a general permit if "... the Agency finds that it is appropriate to issue a single permit to a category of permittees, whose operations, emissions, activities, discharges or facilities are the same or substantially similar..."

There are many emission facilities which require an air emission permit solely because they utilize a small heating system and emergency/standby electrical generators. The air emissions from such facilities have a negligible environmental impact. The proposed general permit would apply to and identify air emission sources which have the potential to emit at least one criteria pollutant in amounts greater than twenty-five tons per year. Establishment of a general permit will save the Permittee the resources and time required to obtain an individual permit and the Agency the resources and time required to issue an individual permit. The draft general permit establishes emission limits for criteria pollutants and other conditions which must be followed. The general permit has a duration of five years.

This general permit applies to air emission facilities that require an air emission permit solely because they contain a heating system and one or more emergency/standby generators. If the air emission facility contains other types of emission units, the facility is not eligible for this general permit. This general permit contains limitations on plant wide heat input and maximum size of boiler allowed, fuel type used, emission limitations, and record keeping, reporting and compliance determination requirements. The general permit also limits emissions from these facilities, by either limiting fuel quantity used each year or limiting allowed hours of operation, to assure that the maximum potential emissions from these sources is less than 100 tons per year for each criteria pollutant.

The preliminary determination to issue the general air emission permit is tentative. There are three formal procedures for public participation in the Agency's consideration of the permit application. These procedures are set forth in *Minnesota Rules* pts. 7001.0100 to 7001.0130. First, interested persons may submit written comments on the proposed general permit. Second, interested persons may request the Agency to hold a public information meeting. Third, interested persons may request the Agency to hold a contested case hearing, which is conducted by the Office of Administrative Hearings pursuant to the Administrative Procedures Act.

Interested persons who submit comments or requests to the Agency shall set forth:

1. a statement of the person's interest in the proposed general permit;
2. a statement of the action the person wishes the Agency to take, including specific references to the section of the draft general permit that the person believes should be changed; and
3. the reasons supporting the person's position, stated with sufficient specificity as to allow the Manager of the Air Quality Division to investigate the merits of the person's position(s).

The public comment period commences on March 22, 1993 and terminates on April 23, 1993. Comments and requests should be mailed to:

Gregory Siems
Air Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road North
Saint Paul, Minnesota 55155

All written comments and requests for public information meetings or contesed case hearings received during the public comment period will be considered by the Manager, Air Quality Division. The Manager of the Air Quality Division will issue a final determination in a timely manner after the expiration of the public comment period.

A copy of the draft general permit will be mailed to any interested person upon the Agency's receipt of a written request at the above address.

Dated: 15 March 1993

Lisa J. Thorvig
Division Manager
Air Quality Division

Pollution Control Agency

Air Quality Division

Public Notice of Intent to Issue a Statewide General Air Emission Facility Permit Governing Small Heating Systems

NOTICE IS HEREBY GIVEN, that the Commissioner of the Minnesota Pollution Control Agency is preparing to issue a statewide general permit governing small heating systems. The issuance of the general permit is authorized by *Minnesota Rules* pt. 7001.0210, Subp. 2 (1991), which allows the Agency to issue a general permit if "...the Agency finds that it is appropriate to issue a single permit to a category of permittees, whose operations, emissions, activities, discharges or facilities are the same or substantially similar..."

There are many emission facilities which require an air emission permit solely because they utilize a small heating system (boilers). The air emissions from such facilities have a negligible environmental impact. The proposed general permit would apply to and identify air emission sources which have the potential to emit at least one criteria pollutant in amounts greater than twenty-five tons per year. Establishment of a general permit will save the Permittee the resources and time required to obtain an individual permit and the Agency the resources and time required to issue an individual permit. The draft general permit establishes emission limits for criteria pollutants and other conditions which must be followed. The general permit has a duration of five years.

This general permit applies to air emission facilities that require an air emission permit solely because they contain one or more heating systems (boilers). If the air emission facility contains other types of emission units, the facility is not eligible for this general permit. This general permit contains limitations on plant wide heat input and maximum size of boiler allowed, on fuel type used, emission limitations, and record keeping, reporting and compliance determination requirements. The general permit also limits emissions from these facilities, by either limiting fuel quantity used each year or limiting allowed hours of operation, to assure that the maximum potential emissions from these sources is less than minor levels for each criteria pollutant.

The preliminary determination to issue the general air emission permit is tentative. There are three formal procedures for public participation in the Agency's consideration of the permit application. These procedures are set forth in *Minnesota Rules* pts. 7001.0100 to 7001.0130. First, interested persons may submit written comments on the proposed general permit. Second, interested persons may request the Agency to hold a public information meeting. Third, interested persons may request the Agency to hold a contested case hearing, which is conducted by the Office of Administrative Hearings pursuant to the Administrative Procedures Act.

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A copy of the draft general permit will be mailed to any interested person upon the Agency's receipt of a written request at the above address.

Dated: 15 March 1993

Lisa J. Thorvig
Division Manager
Air Quality Division

State Grants

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

State Board of Technical Colleges

Notice of Request for Proposals for Single Parent, Displaced Homemakers, Single Pregnant Women, Sex Equity; and Consumer and Homemaking

The State Board of Technical Colleges is seeking proposals in several areas through the Carl D. Perkins Vocational and Applied Technology Education Act of 1990. All applications must be made through a Minnesota Technical College. NOTE: In the Single Parent, Displaced Homemakers, Single Pregnant Women and Sex Equity categories, Local Education Agencies (LEAs) are eligible to apply.

Proposals for Single Parent, Displaced Homemakers, Single Pregnant Women, and Sex Equity

Proposals to implement Single Parent, Displaced Homemakers, Single Pregnant Women and Sex Equity programs designed to meet the unique needs of the described special populations and to provide vocational education information and activity whereby students enter occupations not traditionally associated with their gender. The RFP application and additional information should be requested from:

Shirlee Walker
State Board of Technical Colleges
Room 365 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
(612) 297-1484

Approximately \$475,000 for Sex Equity and approximately \$950,000 for Single Parent, Displaced Homemaker and Single Pregnant Women will be available. Proposals for postsecondary must be received by Shirlee Walker at the above address by 4:00 p.m. on April 19, 1993. Proposals for secondary must be received by Shirlee Walker at the above address by 4:00 p.m. on June 4, 1993.

Proposals for Consumer and Homemaking Education

Proposals for projects to provide research, curriculum development, to expand, continue or initiate new programs to serve families through course offerings on worksites, on campus or a customized design. The requests must address the needs of families through program development and improvement of instruction, curricula, support services and activities relating to managing individual and family resources, managing home and work responsibilities, understanding the impact of new technology on life and work, applying consumer and homemaking education skills to jobs and careers, and other needs as determined by the State. All applications must designate a technical college as the fiscal agent for the project.

The RFP application and additional information should be requested from:

Janice Templin
State Board of Technical Colleges
Third Floor Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
(612) 296-9447

Approximately \$250,000 will be available. Proposals must be received by Janice Templin at the above address by 4:30 p.m. on May 10, 1993.

Department of Health

Division of Disease Prevention and Control

AIDS/STD Prevention Services Section

Request for Proposals for Conference Coordination Services

NOTICE IS HEREBY GIVEN that the AIDS/STD Prevention Services Section, Division of Disease Prevention and Control, Minnesota Department of Health is seeking proposals from qualified agencies for conference coordination services to plan, schedule, administer, and evaluate the 1994 Statewide HIV/STD Conference.

Background

The Minnesota Department of Health has \$40,000 of state funds for conference coordination services for the period, August 1, 1993–July 31, 1994. In the event that additional funds become available, the contract may be renewed for the 1996 statewide HIV/STD conference based on satisfactory performance of the contractor during 1994.

Eligibility

- Any public or private agency that can demonstrate administrative, organizational, programmatic, and fiscal capability to plan, schedule, administer, and evaluate a statewide conference.
- Other desirable qualifications include experience with public or government-supported health conferences.

Minimum Expectations

The selected agency for this contract will be required to: staff a planning committee which develops program content; manage all correspondence with speakers and exhibitors; select a conference facility; make all arrangements with the hosting facility; conduct and oversee the registration process; ensure that conference support services run smoothly; develop and mail all written materials and correspondence; maintain all income and expenses associated with the conference; develop a conference evaluation process; and prepare a final conference summary report that includes content summaries of each session provided during the conference and conference evaluations.

Proposal Information

Proposals are due to the Minnesota Department of Health by 4:30 p.m., Friday, April 30, 1993. Late proposals will not be accepted. Notice of awards will be made on or after June 7, 1993. The complete Request for Proposals is available from:

Roy Nelson
AIDS/STD Prevention Services Section
Minnesota Department of Health
717 S.E. Delaware Street
P.O. Box 9441
Minneapolis, Minnesota 55440-9441
(612) 623-5698

Department of Health

Community Services Division

Emergency Medical Services Section

Notice of Extension: Recruitment and Retention of Volunteer Ambulance Personnel

The Minnesota Department of Health has extended the deadline to submit letters of intent to respond to the notice of availability to funds to improve the recruitment and retention of volunteer ambulance personnel. The original notice was published on page 2182 of the *State Register* on Monday, March 8, 1993. The new deadline for the letters of intent is 4:30 p.m. on Friday, April 2, 1993. Refer to the original announcement for more information.

Notice of Extension: State Emergency Medical Services (EMS) Plan

The Minnesota Department of Health has extended the deadline to submit letters of intent to respond to the notice of availability to funds to develop a State EMS plan. The original notice was published on page 2221 of the *State Register* on Monday, March 15, 1993. The new deadline for the letters of intent is 4:30 p.m. on Friday, April 9, 1993. Refer to the original announcement for more information.

State Board of Investment

Official Notice

The Minnesota State Board of Investment (MSBI) retains private money management firms to manage a portion of the pension assets and other accounts under its control. Firms interested in managing domestic stock, international stock or domestic bond portfolios for the MSBI are asked to write to the following address for additional information:

External Manager Program
Minnesota State Board of Investment
Suite 105 MEA Building
55 Sherburne Avenue
St. Paul, MN 55155

Please refer to this notice in your written request.

Non-State Public Bids and Contracts

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

Metropolitan Transit Commission

Advertisement for Bids

NOTICE IS HEREBY GIVEN that the Metropolitan Transit Commission will receive sealed bids at the office of the Metropolitan Transit Commission, 560-6th Avenue North, Minneapolis, Minnesota 55411-4398, until 2:00 p.m. on **March 30, 1993**, for **Project 3690, Passenger waiting shelters site improvement and installations**. Reference MTC Specification No. 010-3690-00-633-10-001.

Bids shall be on the forms provided for that purpose and according to the contract documents prepared by the Metropolitan Transit Commission, 560-6th Avenue North, Minneapolis, Minnesota 55401 (Phone: 612-349-7685) and Progressive consulting Engineers Inc., 6120 Earle Brown Drive, Minneapolis, Minnesota 55430 (Phone: 612-560-9133).

Bids will be opened publicly by a representative of the Metropolitan Transit Commission in the offices of the Metropolitan Transit Commission at 2:00 p.m. **March 30, 1993** and shall be tabulated.

Bid forms and contract documents may be seen at the office of the above mentioned Engineers.

The Metropolitan Transit Commission reserves the right to reject all bids.

There will be a pre-bid meeting on March 22, 1993, at 12:45 p.m. Location: Metropolitan Transit Commission, 560-6th Avenue North, Minneapolis, Minnesota, Commission Chambers.

Bids will not be accepted by a contractor who has not attended the pre-bid meeting.

Major elements of the project will include:

—Placing of concrete slab	3,500 sf
—Electrical wiring	21,000 lf
—F & I conduit	2,700 lf
—F & I pushed conduit	4,400 lf
—Remove and replace concrete sidewalk	2,600 sf
—Electrical service panel	60 ea
—Unit heaters	24 ea

Contractor will be required to comply with all applicable Equal Employment Opportunity laws and requirements.

All bidders will be required to certify that they are not on the Comptroller General's list of ineligible contractors.

Awards of State Contracts and Advertised Bids

The Metropolitan Transit Commission hereby notifies all bidders that in regard to any contract entered into pursuant to this notification for bids, disadvantaged (minority) and women businesses will be afforded full opportunity to submit bids in response, and will not be subject to discrimination on the basis of race, color, sex or national origin in consideration for an award.

Please note that there is a 10% Participation Goal for Targeted Group Businesses.

Metropolitan Waste Control Commission

Public Notice for Letters of Interest for Professional Services

NOTICE IS HEREBY GIVEN that the Metropolitan Waste Control Commission is soliciting Letters Of Interest for professional services for MWWTP Odor Control Study (MWCC Project Number 855624) and Seneca WWTP Air Quality Study (MWCC Project Number 855715).

The work will consist of two distinct project studies:

1. MWWTP Odor Control Study: Provide short and long term odor control plans, and development of an Implementation Plan.
2. Seneca WWTP Air Quality Study: Study effectiveness of existing odor control equipment and perform testing of air emissions from specific point resources.

All firms interested in being considered for this project are invited to submit a Letter Of Interest (LOI) asking for the project Request For Proposal (RFP); LOI's are to be received no later than Friday, 3/26/93.

Subject to approval by the Board of Commissioners, RFP's will be distributed on Wednesday, 3/31/93. An informational meeting and site tours will be provided on Wednesday, 4/7/93; meeting will begin at 9:00 a.m. in the MWWTP Construction Field Office Conference Room. A maximum of 2 representatives from your Project Team may attend this informational meeting and site tour.

Proposals will be due Wednesday, 4/14/93. The selection of the consultant will be based on a shortlist developed from proposals received. Those firms shortlisted will be requested to attend an interview with the Commission's Selection Committee tentatively scheduled for Wednesday, 4/28/93.

All inquiries and submittals are to be addressed to:

Manager, Contracts & Documents Division
Metropolitan Waste Control Commission
Mears Park Centre
230 East Fifth Street
St. Paul, MN 55101
(612) 229-5019

By Order of the
Metropolitan Waste Control Commission
Gordon O. Voss
Chief Administrator

Awards of 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.

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

Department of Administration

Contracts and Requisitions Open for Bid: Call 296-2600 for information on a specific bid, or to request a specific bid.

Awards of State Contracts and Advertised Bids

COMMODITY CODE KEY

A = Sealed Bid	G = \$5,000-\$15,000 Estimated Dollar Value	J = Targeted Vendors Only
B = Write for Price	H = \$15,000-\$50,000 Sealed Bid	K = Local Service Needed
C = Request for Proposal	I = \$50,000 and Over Sealed Bid/Human Rights Compliance Required	L = No Substitute
D = Request for Information		M = Installation Needed
E = \$0-\$1,500 Estimated Dollar Value		N = Pre-Bid Conference
F = \$1,500-\$5,000 Estimated Dollar Value		O = Insurance or Bonding Required

Materials Management Division: Commodities and Requisitions Awarded

Item: Projection Viewer, Computer

Req.#: 26071-68349-01

Awarded to: Parker Associates,
Wayzata, MN

Awarded amount: \$5,523.00

Awarded date: March 16, 1993

Expir/deliv date: April 1, 1993

Shipped to: Mankato State University

Item: Service, Auto, Repair/
Maintenance

Req.#: 26071-43252-01

Awarded to: Midas, Mankato, MN

Awarded amount: \$2,000.00

Awarded date: March 16, 1993

Expir/deliv date: March 15, 1994

Shipped to: Mankato State University

Item: Furniture, Musician,
Miscellaneous

Req.#: 26071-68441-01

Awarded to: Wenger Corporation,
Owatonna, MN

Awarded amount: \$6,270.00

Awarded date: March 16, 1993

Expir/deliv date: April 30, 1993

Shipped to: Mankato State University

Item: Service, Heat/AC/Vent
Equipment, Repair/Maintenance

Req.#: 26071-91064-01

Awarded to: Johnson Controls, Inc.,
Rochester, MN

Awarded amount: \$39,175.00

Awarded date: March 16, 1993

Expir/deliv date: April 1, 1993

Shipped to: Mankato State University

Item: Football Equipment

Req.#: 26072-04087-01

Awarded to: All American Corporation,
Richfield, MN

Awarded amount: \$1,993.20

Awarded date: March 16, 1993

Expir/deliv date: March 30, 1993

Shipped to: Moorhead State University

Item: Musical Instruments, Brass

Req.#: 26072-04119-01

Awarded to: Schmitt Music Company,
Fargo, ND

Awarded amount: \$1,948.80

Awarded date: March 16, 1993

Expir/deliv date: March 19, 1993

Shipped to: Moorhead State University

Item: Integrated Circuit, Electronic

Req.#: 26073-24521-01

Awarded to: Stark Electric Supply,
Minneapolis, MN

Awarded amount: \$444.11

Awarded date: March 16, 1993

Expir/deliv date: April 1, 1993

Shipped to: St. Cloud State University

Item: Musical Instruments, String

Req.#: 26073-24520-01

Awarded to: Southwestern Stringed,
Tucson, AZ

Awarded amount: \$1,449.00

Awarded date: March 16, 1993

Expir/deliv date: April 30, 1993

Shipped to: St. Cloud State University

Item: Autoclave, Medical

Req.#: 02310-36335-01

Awarded to: Consolidated Stills, St.
Paul, MN

Awarded amount: \$27,351.00

Awarded date: March 16, 1993

Expir/deliv date: June 15, 1993

Shipped to: Rochester Community
College

Item: Floor Maintenance Equipment,

Parts and Accessories

Req.#: 02310-36599-01

Awarded to: Dalco Corporation,
Minneapolis, MN

Awarded amount: \$7,677.20

Awarded date: March 16, 1993

Expir/deliv date: April 1, 1993

Shipped to: Normandale Community
College

Item: Handicapped Device, Hearing

Req.#: 21701-53813-01

Awarded to: Humanware, Inc., Loomis,
CA

Awarded amount: \$2,060.00

Awarded date: March 16, 1993

Expir/deliv date: April 16, 1993

Shipped to: Minnesota Department of
Jobs and Training

Item: Computer, Personal

Req.#: 21604-96650-01

Awarded to: PC Tailors, Roseville, MN

Awarded amount: \$973.00

Awarded date: March 16, 1993

Expir/deliv date: April 5, 1993

Shipped to: Various Locations

Item: Handicapped Device, Visual

Req.#: 21701-53855-01

Awarded to: Tojek & Associates, Inc.,
Brookfield, WI

Awarded amount: \$2,180.00

Awarded date: March 16, 1993

Expir/deliv date: April 16, 1993

Shipped to: Various Locations

Awards of State Contracts and Advertised Bids

Item: Prosthetic Supplies
Req.#: 21605-05777-01
Awarded to: Orthopedic Service, Inc.,
Sioux Falls, SD
Awarded amount: \$3,989.00
Awarded date: March 16, 1993
Expir/deliv date: March 26, 1993
Shipped to: Various Locations

Item: Office Machines, Miscellaneous
Req.#: 24000-35601-01
Awarded to: Ban Koe Systems, Inc.,
Minneapolis, MN
Awarded amount: \$425.00
Awarded date: March 16, 1993
Expir/deliv date: March 31, 1993
Shipped to: Minnesota Department of
Employee Relations

Item: Monitor, Video, Computer
Req.#: 26070-15093-01
Awarded to: Computerland, Plymouth,
MN
Awarded amount: \$3,006.00
Awarded date: March 16, 1993
Expir/deliv date: April 2, 1993
Shipped to: Bemidji State University

Item: Sports Supplies, Miscellaneous
Req.#: 26073-24499-01
Awarded to: Westerberg Owen, St.
Cloud, MN
Awarded amount: \$53.00
Awarded date: March 16, 1993
Expir/deliv date: April 16, 1993
Shipped to: St. Cloud State University

Item: Copy Machine, Medium Speed; 15
to 50 CPM
Req.#: 27152-47010-01
Awarded to: Lanier Worldwide Leasing,
St. Paul, MN
Awarded amount: \$7,637.76
Awarded date: March 16, 1993
Expir/deliv date: April 1, 1993
Shipped to: Anoka Ramsey Community
College

Item: Handicapped Device, Hearing
Req.#: 27144-44438-01
Awarded to: Graff Enterprises, Coon
Rapids, MN
Awarded amount: \$489.00
Awarded date: March 16, 1993
Expir/deliv date: March 19, 1993
Shipped to: Itasca Community College

Item: Training Aids and Supplies,
Medical
Req.#: 27156-11111-01
Awarded to: Armstrong Medical
Industries, Lincolnshire, IL
Awarded amount: \$1,170.00
Awarded date: March 16, 1993
Expir/deliv date: March 30, 1993
Shipped to: Normandale Community
College

Item: Cap and Gown, Graduation
Req.#: 27153-21502-01
Awarded to: Jostens, Inc., Savage, MN
Awarded amount: \$4,514.75
Awarded date: March 16, 1993
Expir/deliv date: June 1, 1993
Shipped to: North Hennepin Community
College

Item: Reader and Printer, Micrographic
Req.#: 27153-21511-01
Awarded to: Mid Amer Business
Systems, Minneapolis, MN
Awarded amount: \$10,501.00
Awarded date: March 16, 1993
Expir/deliv date: March 31, 1993
Shipped to: North Hennepin Community
College

Item: Table, Miscellaneous
Req.#: 27153-21509-01
Awarded to: Facilities Group, Edina,
MN
Awarded amount: \$5,329.00
Awarded date: March 16, 1993
Expir/deliv date: May 5, 1993
Shipped to: North Hennepin Community
College

Item: Table, Miscellaneous
Req.#: 27153-21510-01
Awarded to: Facilities Group, Edina,
MN
Awarded amount: \$2,436.00
Awarded date: March 16, 1993
Expir/deliv date: May 5, 1993
Shipped to: North Hennepin Community
College

Item: Computer Equipment, Used
Req.#: 27148-61156-01
Awarded to: Mirror Tech, Roseville,
MN

Awarded amount: \$1,809.50
Awarded date: March 16, 1993
Expir/deliv date: March 16, 1993
Shipped to: Rochester Community
College

Item: Incubator
Req.#: 27148-61089-01
Awarded to: Gibbco Scientific, Inc.,
Coon Rapids, MN
Awarded amount: \$11,834.72
Awarded date: March 16, 1993
Expir/deliv date: March 26, 1993
Shipped to: Rochester Community
College

Item: Clothing, Safety/Hazardous
Req.#: 29006-31020-02
Awarded to: Elvin Safety Supply, Inc.,
Eden Prairie, MN
Awarded amount: \$51.71
Awarded date: March 16, 1993
Expir/deliv date: April 16, 1993
Shipped to: Department of Natural
Resources—Southern Service Center

Item: Clothing, Safety/Hazardous
Req.#: 29006-31020-01
Awarded to: Minnesota Glove, Inc., St.
Paul, MN
Awarded amount: \$1,051.20
Awarded date: March 16, 1993
Expir/deliv date: April 16, 1993
Shipped to: Department of Natural
Resources—Southern Service Center

Item: Aggregate, Gravel and Sand
Req.#: 29005-16888-01
Awarded to: Luhman Construction
Company, Red Wing, MN
Awarded amount: \$11,925.00
Awarded date: March 16, 1993
Expir/deliv date: May 3, 1993
Shipped to: Department of Natural
Resources

Item: Tags, Fish
Req.#: 29000-60554-01
Awarded to: Floy Tag and
Manufacturing, Inc., Seattle, WA
Awarded amount: \$858.75
Awarded date: March 16, 1993
Expir/deliv date: April 30, 1993
Shipped to: Department of Natural
Resources—Fisheries

Awards of State Contracts and Advertised Bids

Item: Fish Hatchery Equipment,
Miscellaneous

Req.#: 29005-16860-01

Awarded to: Aquafarms Canada
Limited, Feversham, Ontario

Awarded amount: \$1,141,000.00

Awarded date: March 16, 1993

Expir/deliv date:

Shipped to: Department of Natural
Resources—Peterson Hatchery

Item: Tool, Metal Bending and Forming
Machines

Req.#: 37001-30872-01

Awarded to: Midwest Shop Supplies,
Sioux City, IA

Awarded amount: \$1,025.00

Awarded date: March 16, 1993

Expir/deliv date: March 26, 1993

Shipped to: Minnesota Academy for the
Deaf

Item: Meter, Flow, Liquid

Req.#: 55105-09291-01

Awarded to: Servocal, Shakopee, MN

Awarded amount: \$922.00

Awarded date: March 16, 1993

Expir/deliv date: April 1, 1993

Shipped to: St. Peter Regional
Treatment Center

Item: Van, (Contract)

Req.#: 55105-09297-01

Awarded to: Becker Ron, Hastings, MN

Awarded amount: \$24,524.00

Awarded date: March 16, 1993

Expir/deliv date: May 11, 1993

Shipped to: St. Peter Regional
Treatment Center

Item: Tool, Fire Fighting, Miscellaneous

Req.#: 55106-03168-01

Awarded to: Conney Safety Products,
Madison, WI

Awarded amount: \$1,973.10

Awarded date: March 16, 1993

Expir/deliv date: March 22, 1993

Shipped to: Willmar Regional Treatment
Center

Item: Dental Supplies

Req.#: 55303-93574-01

Awarded to: Marcus John, Minneapolis,
MN

Awarded amount: \$2,100.00

Awarded date: March 16, 1993

Expir/deliv date: May 1, 1993

Shipped to: Faribault Regional Center

Item: Sewing Equipment, Industrial

Req.#: 55303-93573-01

Awarded to: Eastern Woolen Company,
St. Paul, MN

Awarded amount: \$1,550.00

Awarded date: March 16, 1993

Expir/deliv date: April 1, 1993

Shipped to: Faribault Regional Center

Item: Truck, Light, (Contract)

Req.#: 55303-93575-01

Awarded to: Brookdale Pontiac GMC,
Minneapolis, MN

Awarded amount: \$9,470.00

Awarded date: March 16, 1993

Expir/deliv date: April 15, 1993

Shipped to: Faribault Regional Center

Item: Kitchen Equipment and

Appliances, Large

Req.#: 78760-03264-01

Awarded to: St. Cloud Restaurant, St.
Cloud, MN

Awarded amount: \$2,652.00

Awarded date: March 16, 1993

Expir/deliv date: April 1, 1993

Shipped to: Minnesota Correctional
Facility

Item: Contractor, Carpeting (Furnish and
Install)

Req.#: 78780-06016-01

Awarded to: J & D Flooring, Inc.,
Hibbing, MN

Awarded amount: \$5,034.00

Awarded date: March 16, 1993

Expir/deliv date: April 5, 1993

Shipped to: Thistledeew Youth Camp

Item: Washer, Laundry, Commercial

Req.#: 78790-30759-01

Awarded to: Quality TV & Appliance,
Faribault, MN

Awarded amount: \$8,160.00

Awarded date: March 16, 1993

Expir/deliv date: April 30, 1993

Shipped to: Minnesota Correctional
Facility—Faribault

Item: Vehicle, All-Terrain (ATV)

Req.#: 78790-30796-01

Awarded to: Deer River Implement,
Inc., Deer River, MN

Awarded amount: \$7,015.84

Awarded date: March 16, 1993

Expir/deliv date: April 15, 1993

Shipped to: Minnesota Correctional
Facility—Faribault

Item: Animal/Pet Supplies

Req.#: 78830-11646-01

Awarded to: Allen Ray Manufacturing
Company, Inc., Colorado Spring, CO

Awarded amount: \$354.15

Awarded date: March 16, 1993

Expir/deliv date: April 30, 1993

Shipped to: Minnesota Correctional
Facility

Item: Wire and Cable, Electrical

Req.#: 79000-33441-01

Awarded to: Graybar Electric Company,
Minneapolis, MN

Awarded amount: \$2,802.80

Awarded date: March 16, 1993

Expir/deliv date: March 19, 1993

Shipped to: Minnesota Department of
Transportation

Item: Van

Req.#: 79382-02591-01

Awarded to: Midway Ford, Roseville,
MN

Awarded amount: \$18,699.00

Awarded date: March 16, 1993

Expir/deliv date: June 1, 1993

Shipped to: Minnesota Department of
Transportation

Item: Metal, Ferrous (Steel, Iron)

Req.#: 79750-01266-01

Awarded to: South St. Paul Steel, South
St. Paul, MN

Awarded amount: \$2,321.60

Awarded date: March 16, 1993

Expir/deliv date: March 22, 1993

Shipped to: Minnesota Department of
Transportation

Awards of State Contracts and Advertised Bids

Item: Scale, Miscellaneous
Req.#: 80300-93225-01
Awarded to: Troemner, Inc.,
Philadelphia, PA
Awarded amount: \$761.84
Awarded date: March 16, 1993
Expir/deliv date: April 2, 1993
Shipped to: Weights and Measures
Division

Item: Scale, Miscellaneous
Req.#: 80300-93226-01
Awarded to: Troemner, Inc.,
Philadelphia, PA
Awarded amount: \$421.09
Awarded date: March 16, 1993
Expir/deliv date: April 2, 1993
Shipped to: Weights and Measures
Division

Item: Office Device, Miscellaneous
Req.#: 99997-30023-01
Awarded to: Tierney Brothers, Inc.,
Minneapolis, MN
Awarded amount: \$1,680.00
Awarded date: March 15, 1993
Expir/deliv date: April 30, 1993
Shipped to: Minnesota State Lottery

Item: Copy Machine, Medium Speed; 15
to 50 CPM
Req.#: 13325-07425-01
Awarded to: Stringer Business Systems,
St. Paul, MN
Awarded amount: \$9,259.20
Awarded date: March 15, 1993
Expir/deliv date: April 1, 1993
Shipped to: Commerce Department

Item: Copy Machine, Medium Speed; 15
to 50 CPM
Req.#: 13525-07428-01
Awarded to: Stringer Business Systems,
St. Paul, MN
Awarded amount: \$9,259.20
Awarded date: March 15, 1993
Expir/deliv date: April 1, 1993
Shipped to: Commerce Department

Item: Handicapped Device, Visual
Req.#: 21701-53887-01
Awarded to: Telesensory Systems, Inc.,
Mountain View, CA
Awarded amount: \$3,570.00
Awarded date: March 15, 1993
Expir/deliv date: April 16, 1993

Shipped to: Minnesota Department of
Jobs and Training

Item: Handicapped Device, Visual
Req.#: 21701-53888-01
Awarded to: Telesensory Systems, Inc.,
Mountain View, CA
Awarded amount: \$3,225.00
Awarded date: March 15, 1993
Expir/deliv date: April 16, 1993
Shipped to: Minnesota Department of
Jobs and Training

Item: Drive, Disk or Tape, Computer
Req.#: 26071-91041-02
Awarded to: On Sync, Minneapolis,
MN
Awarded amount: \$1,750.00
Awarded date: March 15, 1993
Expir/deliv date: March 19, 1993
Shipped to: Mankato State University

Item: Board, Computer
Req.#: 26073-24495-01
Awarded to: Parker Associates,
Wayzata, MN
Awarded amount: \$2,226.54
Awarded date: March 15, 1993
Expir/deliv date: March 17, 1993
Shipped to: St. Cloud State University

Item: Cabinet, File, Flat
Req.#: 26073-24514-01
Awarded to: Twin City Office Supply,
Minneapolis, MN
Awarded amount: \$1,550.92
Awarded date: March 15, 1993
Expir/deliv date: March 24, 1993
Shipped to: St. Cloud State University

Item: Computer, Personal
Req.#: 27150-50362-01
Awarded to: Midwest Computer Depot,
Inc., Hibbing, MN
Awarded amount: \$19,970.00
Awarded date: March 15, 1993
Expir/deliv date: April 1, 1993
Shipped to: Mesabi Community College

Item: Audio/Video Equipment,
Miscellaneous
Req.#: 29002-23064-01
Awarded to: Alpha Video & Audio,
Bloomington, MN
Awarded amount: \$467.00
Awarded date: March 15, 1993
Expir/deliv date: April 1, 1993

Shipped to: Department of Natural
Resources

Item: Radio, 2-Way, Mobile Equipment
(Under \$500)
Req.#: 29000-60344-01
Awarded to: Carter Engineering
Company, Inc., Inglewood, CA
Awarded amount: \$9,807.90
Awarded date: March 15, 1993
Expir/deliv date: April 1, 1993
Shipped to: Minnesota Department of
Transportation

Item: Handicapped Equipment,
Miscellaneous
Req.#: 37001-30947-01
Awarded to: Grand Medical Supply,
Grand Junction, CO
Awarded amount: \$885.00
Awarded date: March 15, 1993
Expir/deliv date: April 30, 1993
Shipped to: Minnesota Academy for the
Deaf

Item: Public Address Equipment,
Wireless
Req.#: 55000-32486-01
Awarded to: Audio Visual Wholesalers,
Plymouth, MN
Awarded amount: \$1,713.80
Awarded date: March 15, 1993
Expir/deliv date: March 30, 1993
Shipped to: Department of Human
Services

Item: Hardware, Door Lock and Hinging
Req.#: 55101-03176-01
Awarded to: Doyle Lock Company,
Minneapolis, MN
Awarded amount: \$8,302.80
Awarded date: March 15, 1993
Expir/deliv date: May 28, 1993
Shipped to: Fergus Falls Regional
Treatment Center

Item: Service, Heating (Water/Steam)
Repair/Maintenance
Req.#: 55304-08847-01
Awarded to: Combustion and Control,
Maplewood, MN
Awarded amount: \$27,309.00
Awarded date: March 15, 1993
Expir/deliv date: April 1, 1993
Shipped to: Brainerd Regional Human
Service Center

Awards of State Contracts and Advertised Bids

Item: Office Machine, Miscellaneous
Req.#: 62000-01925-01
Awarded to: Uarco, Inc., Eagan, MN
Awarded amount: \$3,375.00
Awarded date: March 15, 1993
Expir/deliv date: March 22, 1993
Shipped to: Minnesota State Retirement System

Item: Surveying, Instrument/Equipment
Req.#: 79000-33445-01
Awarded to: Albinson, Inc., Minneapolis, MN
Awarded amount: \$1,144.00
Awarded date: March 15, 1993
Expir/deliv date: April 1, 1993
Shipped to: Minnesota Department of Transportation

Item: Drafting Supplies
Req.#: 79000-33464-01
Awarded to: Albinson, Inc., Minneapolis, MN
Awarded amount: \$459.08
Awarded date: March 15, 1993
Expir/deliv date: April 1, 1993
Shipped to: Minnesota Department of Transportation

Item: Scale/Balance, Laboratory, Precision
Req.#: 79900-43700-01
Awarded to: Curtin Matheson Scientific, Eden Prairie, MN
Awarded amount: \$2,010.10
Awarded date: March 15, 1993
Expir/deliv date: March 16, 1993
Shipped to: Minnesota Department of Transportation

Item: Testing Equipment, Construction
Req.#: 79900-43703-01
Awarded to: Forneys, Inc., Wampum, PA
Awarded amount: \$4,500.00
Awarded date: Minnesota Department of Transportation

Item: Testing Equipment, Construction
Req.#: 79900-43704-01
Awarded to: Humboldt Manufacturing Company, Chicago, IL
Awarded amount: \$2,150.00
Awarded date: March 15, 1993
Expir/deliv date: March 30, 1993
Shipped to: Minnesota Department of Transportation

Item: Testing Equipment, Construction
Req.#: 79900-43702-01
Awarded to: Gilson Company, Inc., Worthington, OH
Awarded amount: \$3,919.20
Awarded date: March 15, 1993
Expir/deliv date: March 29, 1993
Shipped to: Minnesota Department of Transportation

Item: Guardrails and Wood Posts, Traffic Control
Req.#: 79900-23508-01
Awarded to: Chippewa Forest Wood, Bemidji, MN
Awarded amount: \$4,375.00
Awarded date: March 15, 1993
Expir/deliv date: March 19, 1993
Shipped to: Minnesota Department of Transportation

Item: Floor Maintenance Equipment, Parts and Accessories
Req.#: 79990-00386-01
Awarded to: Needels Company, St. Paul, MN
Awarded amount: \$1,780.00
Awarded date: March 15, 1993
Expir/deliv date: March 31, 1993
Shipped to: Minnesota Department of Transportation

Item: Sign (Not Powered, Not Highway)
Req.#: 07700-42163-01
Awarded to: Mercury Office Supply, St. Paul, MN
Awarded amount: \$1,723.50
Awarded date: March 12, 1993
Expir/deliv date: April 5, 1993
Shipped to: Department of Public Safety/Divisions

Item: Projection Viewer, Computer
Req.#: 26072-04101-01
Awarded to: EPA Audio Visual, Rockford, MN
Awarded amount: \$2,279.00
Awarded date: March 12, 1993
Expir/deliv date: March 15, 1993
Shipped to: Moorhead State University

Item: Lighting, Stage/Theater
Req.#: 26072-04113-01
Awarded to: Norcostco, Minneapolis, MN

Awarded amount: \$9,840.50
Awarded date: March 12, 1993
Expir/deliv date: April 1, 1993
Shipped to: Moorhead State University

Item: Surveying, Instrument/Equipment
Req.#: 26072-04114-01
Awarded to: Mathison Company, Fargo, ND
Awarded amount: \$1,643.52
Awarded date: March 12, 1993
Expir/deliv date: April 15, 1993
Shipped to: Moorhead State University

Item: Computer Network Supplies
Req.#: 27148-61147-01
Awarded to: Unique Software Corporation, Eagan, MN
Awarded amount: \$4,900.65
Awarded date: March 12, 1993
Expir/deliv date: March 30, 1993
Shipped to: Rochester Community College

Item: Contractor, Fire Alarm (Furnish/Install)
Req.#: 55106-03169-01
Awarded to: Wiring Plus, Vadnais Heights, MN
Awarded amount: \$1,395.00
Awarded date: March 12, 1993
Expir/deliv date: March 17, 1993
Shipped to: Willmar Regional Treatment Center

Item: Van (Contract)
Req.#: 79382-02594-01
Awarded to: Becker Ron, Hastings, MN
Awarded amount: \$26,290.00
Awarded date: March 12, 1993
Expir/deliv date: May 5, 1993
Shipped to: Minnesota Department of Transportation

Item: Tank, Storage, Portable
Req.#: 79300-09346-01
Awarded to: McMaster Carr Supply Company, Chicago, IL
Awarded amount: \$710.96
Awarded date: March 12, 1993
Expir/deliv date: April 30, 1993
Shipped to: Minnesota Department of Transportation

Awards of State Contracts and Advertised Bids

Item: Pump, Powered and Hand
Req.#: 79300-09345-01
Awarded to: Grainger W W, Inc.,
Plymouth, MN
Awarded amount: \$519.41
Awarded date: March 12, 1993
Expir/deliv date: April 30, 1993
Shipped to: Minnesota Department of
Transportation

Item: Kitchen Equipment and
Appliances, Large
Req.#: 80300-93265-01
Awarded to: Hospitality Supply Rest, St.
Paul, MN
Awarded amount: \$3,960.00
Awarded date: March 12, 1993
Expir/deliv date: April 20, 1993
Shipped to: Weights and Measures
Division

Item: Meat
Req.#: 78790-30773-01
Awarded to: Professional Food Systems,
South St. Paul, MN
Awarded amount: \$2,794.65
Awarded date: March 11, 1993
Expir/deliv date: April 6, 1993
Shipped to: Minnesota Correctional
Facility—Faribault

Item: Kitchen Devices and Supplies
Req.#: 78830-11649-01
Awarded to: Hobart Corporation,
Minneapolis, MN
Awarded amount: \$794.10
Awarded date: Minnesota Correctional
Facility

Item: Washer, Kitchen
Req.#: 78830-11633-01
Awarded to: St. Cloud Restaurant, St.
Cloud, MN
Awarded amount: \$1,258.00
Awarded date: March 11, 1993
Expir/deliv date: March 24, 1993
Shipped to: Minnesota Correctional
Facility

Item: Modem, Data Communications
Req.#: 79000-33302-01
Awarded to: Emcomm, Loretto, MN
Awarded amount: \$11,965.49
Awarded date: March 11, 1993
Expir/deliv date: March 12, 1993
Shipped to: Minnesota Department of
Transportation

Item: Video Equipment, Parts and
Accessories
Req.#: 79000-33273-01
Awarded to: Elcor International, Inc.,
Long Island City, NY
Awarded amount: \$5,729.96
Awarded date: March 11, 1993
Expir/deliv date: April 10, 1993
Shipped to: Minnesota Department of
Transportation

Item: Fixture, Lighting, Outdoor
Req.#: 79050-33272-02
Awarded to: Lachmansingh Carlo Sales,
Minneapolis, MN
Awarded amount: \$262,204.80
Awarded date: March 11, 1993
Expir/deliv date: June 1, 1993
Shipped to: Minnesota Department of
Transportation

Item: Delineator/Marker, Highway
Traffic
Req.#: 79750-01264-01
Awarded to: Davidson Plastics
Company, Kent, WA
Awarded amount: \$1,160.00
Awarded date: March 11, 1993
Expir/deliv date: March 31, 1993
Shipped to: Minnesota Department of
Transportation

Item: Paint, Alkyd, White, Traffic
Marking
Req.#: 79900-73505-03
Awarded to: Centerline Industries,
Ennis, TX
Awarded amount: \$53,126.10
Awarded date: March 11, 1993
Expir/deliv date: March 26, 1993
Shipped to: Minnesota Department of
Transportation

Item: Computer, Personal, Portable
Req.#: 27158-58139-01
Awarded to: Connecting Point, Grand
Rapids, MN
Awarded amount: \$2,395.00
Awarded date: March 11, 1993
Expir/deliv date: March 19, 1993
Shipped to: Arrowhead Community
College

Item: Scanner/Optical Reader,
Computer
Req.#: 29000-60332-01
Awarded to: Mirror Tech, Roseville,
MN
Awarded amount: \$1,608.50
Awarded date: March 11, 1993
Expir/deliv date: March 18, 1993
Shipped to: Department of Natural
Resources—Wildlife

Item: Tool, Hand, Carpenters, Electric
Powered
Req.#: 37001-30873-01
Awarded to: Peterson G C Machinery
Company, Minneapolis, MN
Awarded amount: \$331.00
Awarded date: March 11, 1993
Expir/deliv date: March 31, 1993
Shipped to: Minnesota Academy for the
Deaf

Item: Kitchen Devices and Supplies
Req.#: 55304-09484-01
Awarded to: Aladdin Synergetics, Inc.,
Nashville, TN
Awarded amount: \$5,704.40
Awarded date: March 11, 1993
Expir/deliv date: April 11, 1993
Shipped to: Brainerd Regional Human
Service Center

Item: Kitchen Equipment and
Appliances, Small
Req.#: 78550-93388-01
Awarded to: Hospitality Supply Rest, St.
Paul, MN
Awarded amount: \$455.00
Awarded date: March 11, 1993
Expir/deliv date: March 31, 1993
Shipped to: Minnesota Correctional
Facility

Item: Meat
Req.#: 78630-11427-01
Awarded to: Professional Food Systems,
South St. Paul, MN
Awarded amount: \$3,770.28
Awarded date: March 11, 1993
Expir/deliv date: April 7, 1993
Shipped to: Minnesota Correctional
Facility

Awards of State Contracts and Advertised Bids

Item: Poultry
Req.#: 78630-11428-01
Awarded to: Professional Food Systems,
South St. Paul, MN
Awarded amount: \$801.00
Awarded date: March 11, 1993
Expir/deliv date: April 7, 1993
Shipped to: Minnesota Correctional
Facility

Item: Hoist
Req.#: 78760-03257-01
Awarded to: Hanco Corporation, Eagan,
MN
Awarded amount: \$4,921.00
Awarded date: March 11, 1993
Expir/deliv date: March 29, 1993
Shipped to: Minnesota Correctional
Facility

Item: Meter, Sound Level
Req.#: 79000-33149-01
Awarded to: Bruel & Kjaer Instruments,
Hoffman Estates, IL
Awarded amount: \$1,789.00
Awarded date: March 11, 1993
Expir/deliv date: March 17, 1993
Shipped to: Minnesota Department of
Transportation

Item: Audio/Video Equipment,
Miscellaneous
Req.#: 02310-33696-02
Awarded to: Audio Visual Wholesalers,
Plymouth, MN
Awarded amount: \$5,145.40
Awarded date: March 11, 1993
Expir/deliv date: April 9, 1993
Shipped to: Rochester Community
College

Item: Drive, Disk or Tape, Computer
Req.#: 12200-16726-01
Awarded to: Ergonet Corporation,
Minneapolis, MN
Awarded amount: \$595.00
Awarded date: March 11, 1993
Expir/deliv date: March 18, 1993
Shipped to: Minnesota Department of
Health

Item: Prosthetic Supplies
Req.#: 21605-04961-01
Awarded to: Northwest Artificial,
Minneapolis, MN

Awarded amount: \$2,960.00
Awarded date: March 11, 1993
Expir/deliv date: March 24, 1993
Shipped to: Various Locations

Item: Printing Equipment,
Miscellaneous
Req.#: 26071-38639-01
Awarded to: AM Multigraphics, Eagan,
MN

Awarded amount: \$3,595.00
Awarded date: March 11, 1993
Expir/deliv date: March 30, 1993
Shipped to: Mankato State University

Item: Laboratory/Science Equipment,
Cabinet/Table
Req.#: 26072-04106-01
Awarded to: Steel Fixture
Manufacturing, Topeka, KS
Awarded amount: \$3,144.40
Awarded date: March 11, 1993
Expir/deliv date: April 1, 1993
Shipped to: Moorhead State University

Item: Astronomical Instruments
Req.#: 26073-24464-01
Awarded to: Spectra Source
Instruments, Westlake Village, CA
Awarded amount: \$10,493.00
Awarded date: March 11, 1993
Expir/deliv date: August 10, 1993
Shipped to: St. Cloud State University

Item: Copy Machine, Medium Speed; 15
to 50 CPM
Req.#: 26073-24422-01
Awarded to: Minnesota Copy Systems,
Inc., St. Cloud, MN
Awarded amount: \$3,320.00
Awarded date: March 11, 1993
Expir/deliv date: April 1, 1993
Shipped to: St. Cloud State University

Item: Copy Machine, Medium Speed; 15
to 50 CPM
Req.#: 27152-47050-01
Awarded to: Copy Duplicating Products,
Richfield, MN
Awarded amount: \$3,125.00
Awarded date: March 11, 1993
Expir/deliv date: March 19, 1993
Shipped to: Anoka Ramsey Community
College

Item: Wire, Electronic
Req.#: 78830-11645-01
Awarded to: Minnesota Electric Supply
Company, St. Cloud, MN
Awarded amount: \$504.49
Awarded date: March 10, 1993
Expir/deliv date: March 19, 1993
Shipped to: Minnesota Correctional
Facility

Item: Urinal
Req.#: 78830-11647-01
Awarded to: Goodin Company, St. Paul,
MN
Awarded amount: \$538.50
Awarded date: March 10, 1993
Expir/deliv date: March 31, 1993
Shipped to: Minnesota Correctional
Facility

Item: Tractor, Crawler, Loader
Req.#: 79382-02582-01
Awarded to: St. Joseph Equipment, Inc.,
Shakopee, MN
Awarded amount: \$58,818.83
Awarded date: March 10, 1993
Expir/deliv date: April 5, 1993
Shipped to: Various Locations

Item: Truck, Heavy Duty; Over 26,001
GVW
Req.#: 79382-02568-01
Awarded to: Lakeland Ford, South St.
Paul, MN
Awarded amount: \$128,618.00
Awarded date: March 10, 1993
Expir/deliv date: August 1, 1993
Shipped to: Minnesota Department of
Transportation

Item: Photo Developing Supplies,
Miscellaneous
Req.#: 26073-24535-01
Awarded to: Denny Manufacturing
Company, Inc., Mobile, AL
Awarded amount: \$367.00
Awarded date: March 10, 1993
Expir/deliv date: April 3, 1993
Shipped to: St. Cloud State University

Awards of State Contracts and Advertised Bids

Item: Copy Machine, High Speed; Over 50 CPM
Req.#: 26073-24457-01
Awarded to: Marco Business Products, St. Cloud, MN
Awarded amount: \$1,777.50
Awarded date: March 10, 1993
Expir/deliv date: April 1, 1993
Shipped to: St. Cloud State University

Item: Drive, Disk or Tape, Computer
Req.#: 26074-14858-01
Awarded to: Parker Associates, Wayzata, MN
Awarded amount: \$3,696.85
Awarded date: March 10, 1993
Expir/deliv date: March 17, 1993
Shipped to: Winona State University

Item: Computer, Personal
Req.#: 27151-93156-01
Awarded to: PC Tailors, Roseville, MN
Awarded amount: \$1,737.00
Awarded date: March 10, 1993
Expir/deliv date: March 23, 1993
Shipped to: Minneapolis Community College

Item: Typewriter
Req.#: 27153-10453-01
Awarded to: Smith Office Equipment, Inc., St. Paul, MN
Awarded amount: \$3,915.00
Awarded date: March 10, 1993
Expir/deliv date: March 22, 1993
Shipped to: North Hennepin Community College

Item: Software, Educational
Req.#: 37001-30871-01
Awarded to: Parker Associates, Wayzata, MN
Awarded amount: \$307.00
Awarded date: March 10, 1993
Expir/deliv date: March 17, 1993
Shipped to: Minnesota Academy for the Deaf

Item: Dictating/Transcribing Equipment
Req.#: 55105-09294-01
Awarded to: Dictaphone Sales, Owatonna, MN
Awarded amount: \$399.00
Awarded date: March 10, 1993
Expir/deliv date: April 9, 1993
Shipped to: St. Peter Regional Treatment Center

Item: Scale/Balance, Laboratory, Precision
Req.#: 78830-11798-01
Awarded to: Schein Henry, Inc., Woodbury, NY
Awarded amount: \$300.00
Awarded date: March 10, 1993
Expir/deliv date: March 30, 1993
Shipped to: Minnesota Correctional Facility

Item: Laboratory/Science Equipment, Miscellaneous
Req.#: 04661-32116-01
Awarded to: Lazars H₂O, Inc., Minneapolis, MN
Awarded amount: \$493.20
Awarded date: March 10, 1993
Expir/deliv date: March 22, 1993
Shipped to: Minnesota Department of Agriculture

Item: Service, Advertising
Req.#: 04121-32117-01
Awarded to: Naegele Outdoor, Bloomington, MN
Awarded amount: \$800.00
Awarded date: March 10, 1993
Expir/deliv date: April 19, 1993
Shipped to: Minnesota Department of Agriculture

Item: Telephone System, Electronic Key (EKS)
Req.#: 06000-12331-01
Awarded to: AT&T, Bloomington, MN
Awarded amount: \$11,259.00
Awarded date: March 10, 1993
Expir/deliv date: June 28, 1993
Shipped to: Various Locations

Item: Laboratory/Science Equipment, Miscellaneous
Req.#: 07300-41731-01
Awarded to: Syva Company, San Jose, CA
Awarded amount: \$2,791.00
Awarded date: March 10, 1993
Expir/deliv date: March 15, 1993
Shipped to: Department of Public Safety

Item: Aircraft, Repair/Maintenance Equipment
Req.#: 07500-42170-01
Awarded to: Princeton Aircraft, Inc., Princeton, MN
Awarded amount: \$7,315.00
Awarded date: March 10, 1993
Expir/deliv date: April 1, 1993
Shipped to: Department of Public Safety/State

Item: Auto, (Contract)
Req.#: 07300-41974-01
Awarded to: Superior Ford, Minneapolis, MN
Awarded amount: \$25,828.00
Awarded date: March 10, 1993
Expir/deliv date: July 8, 1993
Shipped to: Department of Public Safety

Item: Handicapped Equipment, Miscellaneous
Req.#: 21605-02420-01
Awarded to: Garvey Company, Inc., St. Paul, MN
Awarded amount: \$6,670.00
Awarded date: March 10, 1993
Expir/deliv date: March 19, 1993
Shipped to: Various Locations

Item: Tractor, Articulated Chassis
Req.#: 26070-14949-01
Awarded to: Northwest Mechanical Service, Bemidji, MN
Awarded amount: \$15,045.84
Awarded date: March 10, 1993
Expir/deliv date: April 1, 1993
Shipped to: Bemidji State University

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Police Report Writing Style Manual 1989—A common framework for report writing throughout the state. Discusses the general purpose of police reports, reviews field notetaking, offers instructions on completing common report forms, and introduces the Data Practices Law. Code No. 14-13. \$15.00. 14-13-SR

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Human Services Laws and Rules

Human Services Laws 1992

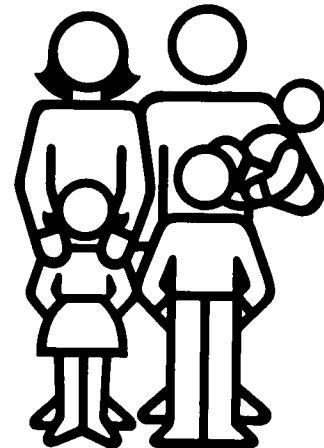
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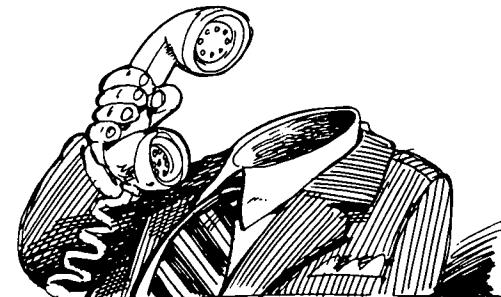


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