

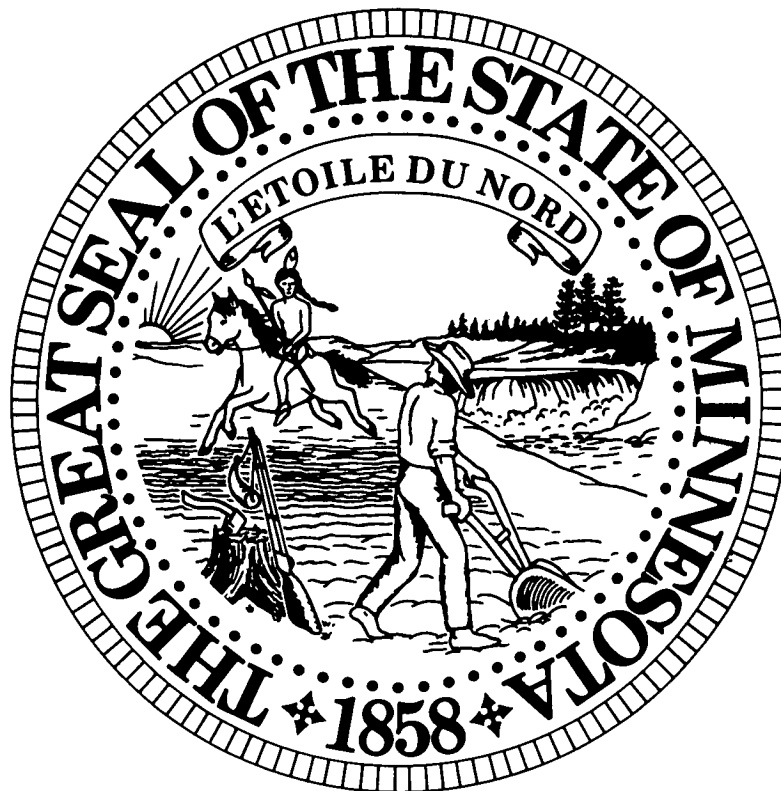
88, September 26

P182

State of Minnesota

STATE REGISTER

Department of Administration—Documents Division



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State Register

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

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

Printing Schedule and Submission Deadlines

Vol. 13 Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
13	Monday 12 September	Monday 19 September	Monday 26 September
14	Monday 19 September	Monday 26 September	Monday 3 October
15	Monday 26 September	Monday 3 October	Monday 10 October
16	Monday 3 October	Monday 10 October	Monday 17 October

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

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

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

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

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For Legislative News

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

SENATE

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

Perspectives—Publication about the Senate.

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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Minnesota Rules: Amendments and Additions

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

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

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

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

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Proposed Rules

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

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

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

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

Department of Commerce

Proposed Permanent Rules Relating to Conduct of Initial Meetings of the Workers' Compensation Self-Insurers' Security Fund

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Department of Commerce intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedures Act for adopted rules without a public hearing in *Minnesota Statutes*, section 14.22-14.28. The purpose of the rules is to establish the procedures for the conduct of the meetings of the Security Fund. Authority for the adoption of these rules is contained in *Minnesota Statutes*, Section 45.023 and 79B.17.

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

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

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

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

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

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

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

Michael A. Hatch
Commissioner of Commerce

Rules as Proposed (all new material)**2780.9921 CONDUCT OF INITIAL MEETINGS.**

The first meeting of the workers' compensation self-insurers' security fund and any subsequent meetings held before approval of the fund's plan of operation is subject to the requirements in items A to G.

A. Notice of the initial meeting must be mailed to the address of each self-insurer at the address listed in the records of the Department of Commerce for the self-insurer.

B. Notice of the meeting must be mailed at least 30 days before the date of the meeting.

C. Self-insurers may vote at the meeting only if an authorized representative is present at the meeting. Voting by mail or proxy is not permitted. A person is an authorized representative for voting purposes if they have been so designated, in writing, by an officer of the self-insurer.

D. The notice of the meeting must also include the names of any persons who have indicated that they wish to run for the board of trustees and the term of office of the position they are seeking. The notice must also include a statement that nominations for the board may be made at the meeting or to the chair of the initial board of trustees before the meeting.

E. A quorum for the purposes of conducting business at the initial meeting shall be ten percent of all security fund members. A simple majority of the members present and voting will decide all issues.

F. Each fund member as defined by Minnesota Statutes, section 79B.01, subdivision 5, shall have one vote for each board position for which they may vote under Minnesota Statutes, section 79B.09, subdivision 2.

G. All matters pertaining to the conduct of the initial meeting not specifically set forth in Minnesota Statutes, chapter 79B, this part, or the articles of incorporation of the security fund shall be determined by a simple majority of the members present and voting.

REPEALER. Minnesota Rules, part 2780.9921, is repealed January 1, 1989.

Department of Commerce**Proposed Permanent Rules Relating to Credit Unions****Notice of Intent to Adopt Rules Without a Public Hearing**

NOTICE IS HEREBY GIVEN that the Department of Commerce intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedures Act for adopted rules without a public hearing in *Minnesota Statutes*, section 14.22-14.28. Authority for the adoption of these rules is contained in *Minnesota Statutes*, Sections 45.023 and 52.05.

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

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

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

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

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

Proposed Rules

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

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

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

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

Michael A. Hatch
Commissioner of Commerce

Rules as Proposed (all new material)

2675.6400 SELECT GROUP IDENTIFICATION.

Subpart 1. **Select group identification.** A select group is one that:

- A. has a common bond as defined in Minnesota Statutes, section 52.05, subdivision 1;
- B. cannot feasibly form and maintain a credit union with its own membership; and
- C. has 25 residents sign a petition making application to join another credit union.

Subp. 2. **Application procedure.** Residents of this state may apply in writing by including the following information:

- A. the basis on which the undersigned residents or individuals represent the select group;
- B. a description of the basis of common bond affinity of the members of the petitioning group consistent with Minnesota Statutes, section 52.05, subdivision 1;
- C. a count or reasonable estimate of the potential numbers of the group, the basis on which the potential number was determined, and a statement whether the group is aware of any existing credit union service available to the group;
- D. the identification of any existing credit union the group is aware of providing available services; and
- E. if the members of the group are part of a common bond of an existing credit union, a waiver or consent from the board of directors of the existing credit union that states that the credit union has no objection to the applicants' certification as a select group eligible to petition another existing credit union for membership.

Subp. 3. **Groups with fewer than 1,500 potential members.** Groups with fewer than 1,500 potential members will be considered too small to be feasible as a separate credit union unless the requirements of subpart 1 are satisfied and:

- A. the group desires to form its own credit union; or
- B. the group cannot obtain an agreement from an existing credit union to be a part of it.

Subp. 4. **Groups with more than 1,500 potential members.** A group with more than 1,500 potential members will also be considered as a select group if it otherwise can comply with subpart 2.

Subp. 5. **Approval.** Upon receipt of a complete application from a group, the commissioner shall, within 30 days of receipt of the complete application, approve or disapprove it. If disapproved, the commissioner shall provide the applicants with a written explanation on which the denial was based. The commissioner may ask for additional information or statements at any time before the application is considered complete.

Subp. 6. **Subsequent action by an existing credit union.** For an existing credit union to qualify for approval of an amendment to include an eligible select group in its field of membership in addition to the requirements in Minnesota Statutes, section 52.02, the existing credit union must be capable of serving the eligible select group, and the commissioner will require:

- A. select groups to be located within a reasonable distance from the existing credit union;
- B. if no geographical relationship is feasible, the existing credit union and representatives of the eligible group must agree on and submit a plan of operation to facilitate servicing of the members of the eligible select group for the commissioner's consideration on a case by case basis; and

C. a statement that the select group eligibility will not be used by the credit union to solicit members for the existing credit union unless such individuals are already members of the select group.

Department of Commerce

Proposed Permanent Rules Relating to Developmental Lending and Investment Performance Ratings of Financial Institutions Owned by Interstate Holding Companies

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Department of Commerce intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedures Act for adopted rules without a public hearing in *Minnesota Statutes*, section 14.22-14.28. Authority for the adoption of these rules is contained in *Minnesota Statutes*, Section 45.023 and 48.97 and 48.991.

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

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

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

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

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

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

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

Michael A. Hatch
Commissioner of Commerce

Rules as Proposed (all new material)

2655.0700 APPLICABILITY AND SCOPE.

Parts 2655.0700 to 2655.1300 govern the data to be reported and the annual rating of interstate financial institutions operating in Minnesota. A financial institution is rated on its lending and investment performance using a five-point scale as prescribed under *Minnesota Statutes*, section 48.97.

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

2655.0800 PURPOSE.

The purpose of the annual rating of financial institution is to set criteria by which an interstate-owned financial institution is evaluated and ranked based on its proven ability to meet the needs of the community where it conducts business in terms of its performance and in reaching its targeted level of developmental loan and investment activity.

2655.0900 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of parts 2655.0700 to 2655.1300, the following terms have the meanings given them.

Subp. 2. **Agricultural loans.** "Agricultural loans" means loans for agricultural purposes that may be secured by real estate but not for the purpose of acquiring real estate.

Subp. 3. **Alternate energy loans and alternate conservation loans.** "Alternate energy loans" and "alternate conservation loans" means all loans for any purpose under Minnesota Statutes, section 116M.03, subdivision 26.

Subp. 4. **Commercial loans.** "Commercial loans" means loans for commercial purposes that may be secured by real estate but not for the purpose of acquiring real estate.

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

Subp. 6. **Community.** "Community" means the area the financial institution has designated for purposes of compliance with the Community Reinvestment Act of 1977, United States Code, title 12, sections 2901 to 2905, and Code of Federal Regulations, title 12, (CFR sub. ctr. D, FSLIC, 563E) as being the areas that it serves.

Subp. 7. **Community development corporation.** "Community development corporation" is as defined in Minnesota Statutes, section 116M.04.

Subp. 8. **Developmental loans.** "Developmental loans" include the following categories:

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

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

Subp. 9. **Developmental investments.** "Developmental investments" include investments for the following purposes:

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

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

Subp. 10. **Distressed area.** "Distressed area" includes an area designated as a distressed area under Code of Federal Regulations, title 24, section 24570.452 (1986), as amended by the United States Department of Housing and Urban Development.

Subp. 11. **Family farmers.** "Family farmers" means family farms and family farm corporations as defined in Minnesota Statutes, section 500.24.

Subp. 12. **Financial institution.** "Financial institution" means a bank, savings bank, or savings and loan association doing business

at a location in Minnesota that is owned by an interstate bank holding company, savings and loan, or savings and loan holding company in Minnesota under the Reciprocal Interstate Banking Act of 1986, including Minnesota Statutes, section 51A.58.

Subp. 13. **Investments.** "Investments" means funds or capital extended, contributed, or otherwise invested, but not loaned.

Subp. 14. **Low and moderate income housing.** "Low and moderate income housing" means housing defined as such by any of the following:

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

Subp. 15. **Minnesota loan.** "Minnesota loan" means loans made to Minnesota residents to be used in Minnesota or loans where the financial institution has been advised by the borrower that the loan proceeds will be used in Minnesota.

Subp. 16. **Minnesota residents.** "Minnesota residents" are:

- A. individuals located within a Minnesota zip code;
 - B. private profit or nonprofit corporations or subsidiaries, or divisions of these corporations, located and doing business within Minnesota;
 - C. profit or nonprofit partnerships, trusts, or any form of other business enterprise located and doing business within Minnesota;
- or
- D. any municipality, agency, or other public authority established and operating under the laws of Minnesota.

Subp. 17. **Minority-owned business and woman-owned business.** "Minority-owned business" and "woman-owned business" means a socially or economically disadvantaged person under Minnesota Statutes, section 645.445, subdivision 5. A minority-owned business or woman-owned business must have at least 50 percent of the ownership interest controlled by such disadvantaged class of person.

Subp. 18. **New net funds.** "New net funds" has the meaning given the term in part 2655.0200, subpart 20.

2655.1000 FILING REQUIREMENTS.

A financial institution on or before March 31 each year shall file with the commissioner: (1) a copy of each report and document which it is required to prepare and/or file with one or more federal agencies by the Community Reinvestment Act of 1977, United States Code, title 12, as amended, and the rules and regulations under that act; (2) a copy of the most recent, complete, disclosure statement prepared under the reporting requirements and the rules and regulations of the Federal Home Mortgage Disclosure Act of 1975, United States Code, title 12, as amended; and (3) a report, in a form to be prescribed by the commissioner, which shall be the basis for, along with other information regarding the financial institution obtained by the commissioner, the annual community reinvestment rating assigned to the financial institution by the commissioner. The report must:

A. List the volume of developmental loans in the community, outside of the community, in the state, in terms of number and amount originated by the financial institution in the preceding calendar year and those outstanding at the end of the preceding calendar year.

B. Project the volume of developmental loans in the community, outside of the community, in the state, in terms of number and amount, to be originated during the current calendar year and those to be outstanding at the end of the current calendar year.

C. List by zip code or census tract the number and volume of agricultural loans by the following categories for the preceding calendar year:

(1) by purpose of loan for:

- (a) machinery and equipment;
- (b) crop inputs and harvest;
- (c) livestock purchase and feed;
- (d) where a combination of the above purposes list by purpose to which a majority of proceeds were devoted; and
- (e) restructuring existing agricultural loans originally made for the above purposes; and

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Proposed Rules

(2) by the repayment terms of:

- (a) demand;
- (b) amortizing-installments;
- (c) single payment; or
- (d) revolving credit agreement.

For the purposes of the report submitted in 1989 only, this data must be reported for both calendar years 1987 and 1988.

D. List by zip code or census tract the number and volume of commercial loans by the following categories for the preceding calendar year:

(1) by purpose of loan for:

- (a) purchase or maintenance of machinery, equipment, furniture, and fixtures;
- (b) financing inventory;
- (c) cash flow, including accounts receivable;
- (d) improvements to commercial real estate; or
- (e) capitol or equity formation loans; and

(2) by the repayment terms of:

- (a) demand;
- (b) amortizing-installments;
- (c) single payment; or
- (d) revolving credit agreement.

For the purposes of the report submitted in 1989 only, this data must be reported for both calendar years 1987 and 1988.

E. List any developmental investments for the classifications and time periods described in items A and B.

F. List any developmental loans or developmental investments originated by the financial institution which has or will be participated in or sold to other institutions during the time periods described in items A and B.

G. List by zip code or census tract the dollar value and volume of deposits received during the preceding calendar year.

H. Describe the economic condition of the community during the time periods described in items A and B, using among other criteria, those listed in part 2655.1100, which relate to economic and social conditions in the community and establish the basis for the financial institution's obligation to place developmental loans to residents within the community or outside of the community or in distressed areas in the state of Minnesota.

I. Include a copy of the financial institution's Federal Financial Institution Examination Council Call Report or similar report required by the Federal Home Loan Bank Board that had been filed for the preceding December 31.

J. Determine the extent of nondevelopmental loans and investments made by the financial institution in Minnesota and outside of Minnesota during the time period described in items A and B.

K. Describe in detail the methods used by the financial institution in determining the credit needs of its local community.

L. Describe in detail the methods used and the media employed to make the members of the organization's community aware of the credit services it offers.

M. Describe the extent of participation by the organization's board of directors or trustees in formulating the financial institution's policies and reviewing its performance with respect to the purpose of the Community Reinvestment Act and Minnesota Statutes, section 48.97.

N. Describe the financial institution's participation, leadership, and creativeness in:

- (1) local development, redevelopment, and rehabilitation projects or programs;
 - (2) programs or organizations which promote and assist in the development and growth of small business in Minnesota;
- and
- (3) programs or organizations that address the financial needs of minorities.

O. Explain how and to what extent the financial institution has brought into Minnesota the net new funds described in the acquisition application.

P. Describe any other community activities that bear upon the extent to which the financial institution is helping to meet local

credit needs. Information and data required under subparts A to M may be incorporated by reference if the information and data are already included in the report and document filed in connection with the Community Reinvestment Act as required by this part.

2655.1100 RATING CRITERIA.

On the basis of the reports required under part 2655.1000, the commissioner shall classify each financial institution in relation to the estimated need for developmental loans and rate each financial institution using the following criteria:

A. the economic condition of the community or communities to be served including, but not limited to, population trends and area use for residential, commercial, industrial, and agricultural purposes;

B. the social composition of the community or communities to be served including the level of socially and economically disadvantaged persons, families of low and moderate income and low and moderate income housing, the number of women 18 to 60 years of age, and location of distressed areas;

C. the actual fiscal capacity of the financial institution to provide loans and credit;

D. the amount of developmental loan and developmental investment transactions and programs in relation to the actual local demand for credit and loans without economic reinvestment leadership intervention, including the number of loans and amount of investments that are not classified as developmental and are out of the financial institution's service area in relation to the measured activity of developmental loans and developmental investments within the financial institution's service area; and

E. the financial institution's plan and demonstrated experience in assisting in:

- (1) the development of economically disadvantaged and underserved neighborhoods, including Indian reservations;
- (2) meeting the credit and deposit service needs of low-income, moderate-income, and minority residents; and
- (3) helping small, minority-owned and women-owned businesses.

2655.1200 REVIEW REPORTS.

When rating a financial institution, the commissioner will review all reports and documents filed with the department under part 2655.1000 and any signed, written comments received by the commissioner which specifically relate to the financial institution's performance in helping to meet the credit needs of its community. In addition, the commissioner will consider the following factors in assessing a financial institution's record of performance:

A. activities conducted by the financial institution to ascertain credit needs of its community, including the extent of the financial institution's efforts to communicate with members of its community regarding the credit services being provided the financial institution;

B. the extent of the financial institution's marketing and special credit-related programs that make members of the community, including members of targeted groups and populations, aware of the credit services provided;

C. the extent of participation of the financial institution's board of directors or board of trustees in formulating the financial institution's policies and reviewing its performance with respect to the purposes of the Community Reinvestment Act of 1977;

D. the geographic distribution of the financial institution's credit extensions, credit applications, and credit denials;

E. any practices intended to discourage applications for types of credit in the financial institution's annual community reinvestment plan;

F. evidence of prohibited discriminatory or other illegal credit practices;

G. the total dollar volume and number of loans and investments made by the financial institution in its community and outside of its community, in the state of Minnesota during the time periods described in part 2655.1000, items A and B;

H. the financial institution's ability to meet various community credit needs based on its financial condition, size, legal impediments, local economic conditions, and other factors; and

I. other factors that, in the judgment of the commissioner reasonably bear upon the extent to which a financial institution is helping to meet the credit needs of its entire community.

Assessment of a financial institution's record of performance, under this part, will be the basis for the financial institution's rating under Minnesota Statutes, section 48.97, subdivision 3.

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Proposed Rules

2655.1300 ANNUAL RATING.

Subpart 1. **Community reinvestment assessment.** Annually on or before June 30, the department shall make a community reinvestment assessment of each financial institution. The assessment will be based upon information compiled under parts 2655.0700 to 2655.1300 or obtained from other sources, including information obtained from state or federal banking regulators. The commissioner shall prepare a written report summarizing the results of the assessment and assign to each financial institution a numerical rating based on a one to five scoring system. Specifically, the numerical scores shall represent performance assessments as follows:

- A. excellent performance;
- B. good performance;
- C. satisfactory performance;
- D. less than satisfactory performance; and
- E. unsatisfactory performance.

Subp. 2. **Rating scale.** Rating shall be based on a five-point scale. An annual rating of excellent to poor shall then be given based on the percentile and of the total score of the financial institution in question, unless the distribution is unusually skewed, then the commissioner shall adopt an appropriate measure of the distribution. In assigning the rating, the five performance categories will be weighed and evaluated according to how well the financial institution meets the descriptive characteristics listed below:

A. "Excellent" means the financial institution has a strong record of meeting community credit needs and performance in reaching the target level of developmental loans and developmental investments. Both the board of directors and management take an active part in the process and demonstrate an affirmative commitment to the community. Financial institutions receiving this rating rank high in all performance categories.

B. "Good" means a financial institution has a very acceptable record of helping to meet community credit needs and performance in reaching the target level of developmental loans and developmental investments. A financial institution receiving this rating is ranked in the good levels of the performance categories.

C. "Satisfactory" means a financial institution has an acceptable record of helping to meet community credit needs and in meeting the target level of developmental loans and investments. The board of directors and management have not placed strong emphasis on the credit needs of the community. An institution receiving this rating has rankings surrounding the midrange levels of performance categories.

D. "Less than satisfactory" means a financial institution has an inadequate record of helping to meet the community credit needs and reaching the target level of developmental loans and developmental investments. The board of directors and management give inadequate consideration to the credit needs of the institution's community. An institution receiving the rating generally ranks below satisfactory in the majority of performance categories.

E. "Unsatisfactory" means a financial institution has a very poor record of helping to meet the community credit needs and in reaching the target level of developmental loans and developmental investments. The board of directors and management appear to give little consideration to the credit needs of the institution's community. An institution receiving this rating ranks in the lowest levels of the performance categories.

Department of Commerce

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

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Department of Commerce intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedures Act for adopted rules without a public hearing in *Minnesota Statutes*, section 14.22-14.28. Authority for the adoption of these rules is contained in *Minnesota Statutes*, Section 45.023 and 51A.58.

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

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

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

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

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

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

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

Michael A. Hatch
Commissioner of Commerce

Rules as Proposed (all new material)

2660.0010 APPLICABILITY AND SCOPE.

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

2660.0020 DEFINITIONS.

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

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

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

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

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

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

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

Proposed Rules

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

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

- A. the ownership, directly or indirectly, or acting through one or more other persons, control of or the power to vote 25 percent or more of any class of voting securities;
- B. control in any manner over the election of a majority of the directors; or
- C. the power to exercise, directly or indirectly, a controlling influence over management and policies.

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

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

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

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

- A. low and moderate income housing;
- B. operating loans for family farmers;
- C. loans made in distressed areas;
- D. minority- and woman-owned businesses;
- E. alternative energy and energy conservation practices;
- F. community development corporations;
- G. Indian reservations and student education loans; and
- H. any other specifically defined class of people, businesses, or projects that meet the standards under Minnesota Statutes, section 645.445, subdivision 5, for socially or economically disadvantaged persons, projects, or businesses.

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

- A. low and moderate income housing;
- B. operating loans for family farmers;
- C. loans made in distressed areas;
- D. minority- and woman-owned businesses;
- E. alternative energy and energy conservation practices;
- F. community development corporations;
- G. Indian reservations and student education loans; and
- H. other specifically defined class of people, businesses, or projects that meet the standards under Minnesota Statutes, section 645.445, subdivision 5, for socially or economically disadvantaged persons, projects, or businesses.

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

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

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

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

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

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

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

A. organized under Minnesota law; or

B. whose organizational certificate identifies an address in this state as the principal place of conducting its business.

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

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

A. individuals located within a Minnesota zip code;

B. private profit or nonprofit corporations, or their subsidiaries or divisions, located and doing business within Minnesota;

C. profit or nonprofit partnerships, trusts, or any form of other business enterprise located and doing business within Minnesota;
and

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

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

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

Subp. 24. **Reciprocating state.** "Reciprocating state" is (1) a state that authorizes the establishment of branch offices in that state by a Minnesota association, and the acquisition of savings and loan associations and savings banks located in that state by a savings and loan holding company with its headquarters in this state, under conditions no more restrictive than those imposed by the laws of Minnesota as determined by the commissioner of commerce; and (2) comprised of the states provided for in Minnesota Statutes, section 48.92, subdivision 7.

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

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

2660.0030 ACQUISITION PROCEDURE.

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

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

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

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

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

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acquisition, the commissioner shall notify the acquiring party in writing of the disapproval. The notice must provide a statement of the basis for the disapproval.

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

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

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

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

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

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

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

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

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

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

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

J. Any other exhibit that the commissioner considers relevant.

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

A. The name and address of the applicant.

B. The name and address of the acquiree.

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

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

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

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

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

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

I. The number of shares involved in this transaction.

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

K. The total consideration for the proposed transaction.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

or

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

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

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2660.0040 NEW ASSOCIATION APPLICATION.

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

2660.0050 VIOLATIONS.

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

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

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

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

2660.0060 SUPERVISION.

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

2660.0070 REPORTS.

Any reciprocating state holding company that directly or indirectly, through any subsidiary, acquires an association under Minnesota Statutes, section 51A.58, and parts 2660.0010 to 2660.0110, shall file with the commissioner copies of all regular and periodic reports that the holding company is required to file under section 13 or 15(d) of the Securities and Exchange Act of 1934, as amended, excluding any portions not available to the public, and other reports the commissioner may require.

2660.0080 PUBLIC PARTICIPATION.

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

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

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

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

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

2660.0090 DEVELOPMENTAL LOANS.

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

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

- A. the level of developmental loans, in terms of number and amount, held by the acquiree at the end of:
 - (1) its last calendar quarter immediately before the date of the application; and
 - (2) each of the last two calendar years immediately before the date of the application;
- B. the projected level of developmental loans, in terms of number and amount, held at the end of each of the next three calendar years from the date of application;
- C. any developmental investments for the classifications listed under developmental loans held at the time periods described in items A and B;
- D. any developmental loans or developmental investments originated by the acquiree that have been or will be participated in or sold to other institutions during the time periods described in items A and B;
- E. the acquiree's financial condition at the close of the time periods described in items A and B;
- F. the association's asset quality at the close of the time periods described in items A and B;
- G. the economic condition of the community during the time periods described in items A and B;
- H. the asset mix of the association and the socio-economic makeup of the community in terms of socially and economically disadvantaged persons;
- I. the extent of loans made by the acquiree in its Community Reinvestment Act territories during the time periods described in items A and B; and
- J. the volume of developmental loans made in the community during the time periods described in items A and B.

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

- A. any peer group average for developmental loans and investments by similar financial institutions concerning geography, financial condition, asset quality, asset mix, and community reinvestment criteria; and
- B. other material fact or information concerning the appropriate level of developmental loans to be made by the acquiree.

2660.0100 NET NEW FUNDS.

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

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

- A. the total deposits of the acquiree;
- B. the total loans of the acquiree;
- C. the total equity capital of the acquiree;
- D. the total Minnesota loans;
- E. the total loan-to-asset ratio;
- F. the total loan-to-deposit ratio;
- G. the total loan-to-equity capital ratio;
- H. the total Minnesota loan-to-asset ratio;

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- I. the total Minnesota loan-to-deposit ratio;
- J. the total Minnesota loan-to-equity capital ratio;
- K. the total Minnesota loan-to-total loan ratio;
- L. the total loan-to-deposit ratio considering only loans made in the acquiree's community; and
- M. the total loan-to-deposit ratio considering only loans made outside the acquiree's community.

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

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

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

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

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

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

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

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

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

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

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

2660.0110 NOTICE.

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

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

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

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

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

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

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

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

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

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

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

(2) will bring net new funds into Minnesota;

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

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

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

Department of Education

Proposed Permanent Rules Relating to School Buses

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Board of Education intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statute* 169.45.

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

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

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

Len Nachman
Department of Education
942 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101

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

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

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

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The State Board of Education estimates that there will be no cost to small business or to local school districts in the state in order to implement the proposed rule.

The following rules have been repealed: 3520.0500, 3520.0700, 3520.0800, 3520.0900, 3520.1100, 3520.1700, 3520.1900, 3520.2000, 3520.2100, 3520.2200, 3520.2300, 3520.3800, 3520.4000, 3520.4200, 3520.4210, 3520.4220, 3520.4230, 3520.4240, 3520.4250, 3520.4260, 3520.4300, 3520.4520, 3520.4530, 3520.4580, 3520.4660, 3520.4690, 3520.4700, 3520.4710, 3520.4730, 3520.4740, 3520.4760, 3520.4770, 3520.4800, 3520.4810, 3520.4820, 3520.4830, 3520.4860, 3520.4870, 3520.4920, 3520.4940, 3520.4950, 3520.4960, 3520.4970, 3520.4990, 3520.5020, 3520.5100, 3520.5110, 3520.5130, 3520.5140, 3520.5150, 3520.5170, 3520.5210, 3520.5320, 3520.5350, 3520.5360, 3520.5400, 3520.5410, 3520.5420, 3520.5430, 3520.5440, 3520.5460, 3520.5470, 3520.5480, 3520.5530, 3520.5540, 3520.5550, 3520.5610 and 3520.5800.

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

Dated: 17 June 1988

Ruth E. Randall
Secretary, State Board of Education

Rules as Proposed

For a copy of the proposed rules, refer to the July 4, 1988 *State Register*, Volume 13, Number 1, pages 6-33.

Department of Health

Proposed Permanent Rules Relating to Food and Beverage Establishments

EXPLANATION OF ALTERNATIVE NOTICES

The Minnesota Department of Health (hereinafter "Department") is hereby giving notice of its intent to adopt a rule without a public hearing under the noncontroversial rulemaking procedure of *Minnesota Statutes* §§ 14.22 to 14.28 (1986). However, in case 25 or more persons request a hearing, thus necessitating that one be held pursuant to *Minnesota Statutes* § 14.25 (1986), and in order to expedite the rulemaking process should that occur, the Department is at the same time hereby giving notice of the hearing on the proposed rule pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1986). The hearing will, of course, be cancelled if 25 or more people do not request that one be held. With the comment period closing on October 26, 1988, there will be 12 days before the scheduled hearing date. This 12-day period will give interested persons ample time to contact the Department to find out whether the hearing will be cancelled and to plan accordingly.

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Minnesota Department of Health (hereinafter "Department") proposes to adopt the above-captioned rule without a public hearing unless 25 or more persons submit written requests for a public hearing. The Department has determined that the proposed changes will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes* §§ 14.22 to 14.28 (1986).

Interested persons shall have 30 days from the date this notice is published in the *State Register* to submit comments in support of or in opposition to the proposed rule. The 30 days will expire on October 26, 1988. Comment is encouraged. Each comment should identify the portion of the proposed rule being addressed, the reason for the comment, and any change proposed to the rule by the comment. The proposed rule may be modified if the modifications are supported by the data and views submitted to the Department and do not result in a substantial change in the proposed language.

In addition to submitting comments, interested persons may request in writing during the 30-day comment period that a hearing be held on the proposed rule. Any person requesting a hearing should state his or her name, address, and telephone number and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any changes they want made to the proposed rule. If a person desires that a hearing be held on only a portion of the proposed rule, it is requested that the Department be informed of the specific amendments on which a hearing is being requested at the time that the hearing request is made. This will enable the Department to limit the hearing, if one is held, to the specific issues of concern. A public hearing will be held only if 25 or more persons submit in writing requests for a hearing on the proposed rule or a portion thereof by October 26, 1988. If a hearing is required, it will be held in accordance with the provisions of *Minnesota Statutes* §§ 14.131 to 14.20 (1986) and the hearing notice provided below.

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

M. Frederick Mitchell, Section Chief
Community Environmental Services
717 Delaware Street Southeast
P.O. Box 9441
Minneapolis, Minnesota 55440
Telephone: (612) 623-5341

The statutory authority of the Department to adopt the proposed rule is contained in *Minnesota Statutes* §§ 144.05 (b) and (c), 157.04, 157.08, 157.09 and 157.13 (1986).

If adopted, the proposed rule would replace the existing Department rules governing food and beverage establishments (*Minnesota Rules* pts. 4625.2400-4625.5000) and update those rules to reflect the 1976 Food Service Sanitation Manual published by the U.S. Department of Public Health Service ("USPHS") in conjunction with the Food and Drug Administration (FDA), U.S. Department of Health, Education and Welfare, Public Health Service, Food and Drug Administration, DHEW Publication no. (FDA) 78-2081 (hereinafter "1976 FDA" Manual). The rules are intended to prevent the transmission of illness by food and beverage establishments and to reduce exposure to environmental health hazards in these establishments. The proposed rule will be published in the *State Register* issue of September 26, 1988, and a free copy of the rule may be obtained from the Department by writing or telephoning M. Frederick Mitchell at the address or telephone number listed above.

A statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed changes has been prepared and may be obtained from the Department by writing or telephoning M. Frederick Mitchell at the address or telephone number listed above.

Promulgation of the proposed rule is likely to result in the expenditure of public monies by local public bodies and further information as required under *Minnesota Statutes* § 14.11 (1986) is contained in the statement of need and reasonableness. There is no impact on agricultural lands from the proposed rule.

It is the position of the Department that the proposed rule is subject to *Minnesota Statutes* § 14.115 (1986) regarding small business considerations in rulemaking. The Department's evaluation of the applicability of the methods contained in *Minnesota Statutes* § 14.115, subd. 2 (1986), for reducing the impact of the proposed rule is addressed in the statement of need and reasonableness.

Upon completion of the proposed rule without a public hearing, the rule as proposed, this notice, the statement of need and reasonableness, all written comments received, the rule as adopted, and a statement explaining any differences between the rule as proposed and as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General or who wish to receive a copy of the amendments as adopted should submit a written request to M. Frederick Mitchell at the address listed above.

NOTICE OF INTENT TO ADOPT A RULE WITH A PUBLIC HEARING IF 25 OR MORE PERSONS REQUEST A HEARING

PLEASE NOTE THAT IF 25 OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITH RESPECT TO THE ABOVE-CAPTIONED RULE WITHIN THE 30-DAY COMMENT PERIOD PURSUANT TO THE NOTICE GIVEN IN PART II ABOVE, A HEARING WILL BE HELD ON NOVEMBER 7, 1988, IN ACCORDANCE WITH THE FOLLOWING NOTICE OF PUBLIC HEARING.

NOTICE IS HEREBY GIVEN that a public hearing in the above-captioned matter will be held pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1986), in Room 105, the Chesley Room, Minnesota Department of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440, on November 7, 1988, commencing at 9:00 AM.

All interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of hearing which is to be included in the hearing record may be mailed to Howard L. Kaibel, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 South Fourth Avenue, Minneapolis, Minnesota 55415, telephone (612) 341-7608. Unless a longer period not to exceed 20 calendar days is ordered by the administrative law judge at the hearing, the hearing record will remain open for the inclusion of written material for five working days after the hearing ends. Written material

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received during this period will be available for review at the Office of Administrative Hearings. The Department and interested persons may respond in writing within three business days after the submission periods ends to any new information submitted. No additional evidence may be submitted during the three-day period. This rule hearing procedure is governed by *Minnesota Statutes* §§ 14.131 to 14.20 (1986) and by *Minnesota Rules* pts. 1400.0200 to 1400.1200 (1986). Questions about procedure may be directed to the administrative law judge.

If adopted, the rule would replace the existing Department rules governing food and beverage establishments (*Minnesota Rules* pts. 4625.2400-4625.5000) and update those rules to reflect the 1976 Food Service Sanitation Manual published by the U.S. Department of Public Health Service ("USPHS") in conjunction with the Food and Drug Administration (FDA), U.S. Department of Health, Education and Welfare, Public Health Service, Food and Drug Administration, DHEW Publication no. FDA 78-2081 (hereinafter "1976 FDA" Manual). The rules are intended to prevent the transmission of illness by food and beverage establishments and to reduce exposure to environmental health hazards in these establishments. The proposed rule will be published in the *State Register* issue of September 26, 1988, and a free copy of the rule may be obtained from the Department by writing or telephoning M. Frederick Mitchell at the address and telephone number listed above in Part II of this notice.

The statutory authority of the Department to adopt the proposed rule is contained in *Minnesota Statutes* §§ 144.05 (b) and (c), 157.04, 157.08, 157.09, and 157.13 (1986).

The proposed rule may be modified as a result of the rule hearing process. Those who are potentially affected in any manner by the substance of the proposed rule are therefore advised to participate in the process.

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

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

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

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

NOTICE IS HEREBY GIVEN that a statement of need and reasonableness is now available for review at the Department and at the Office of Administrative Hearings. This statement of need and reasonableness includes a summary of all the evidence which the Department anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule. Copies of the statement of need and reasonableness may be reviewed at the Department or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

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

Promulgation of this proposed rule is likely to result in the expenditure of public monies by local public bodies and further information as required under *Minnesota Statutes* § 14.11 (1986) is contained in the statement of need and reasonableness. There is no impact on agricultural lands from the proposed rule.

It is the position of the Department that the proposed rule is subject to *Minnesota Statutes* § 14.115 (1986) regarding small business considerations in rulemaking. The Department's evaluation of the applicability of the methods contained in *Minnesota Statutes* § 14.115, subd. 2 (1986), for reducing the impact of the proposed rule are addressed in the statement of need and reasonableness.

NOTICE OF INTENT TO CANCEL HEARING IF FEWER THAN 25 PERSONS REQUEST A HEARING

PLEASE NOTE THAT THE HEARING, NOTICE OF WHICH IS GIVEN IN PART III ABOVE, WILL BE CANCELLED IF FEWER THAN 25 PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE GIVEN IN PART II ABOVE.

To be informed whether the hearing noticed in Part III above will be held, please call the Department before October 26, 1988, and leave your name, address, and telephone number. You will be notified after October 26, 1988, if the hearing has been cancelled. You may also call the Department after October 26, 1988, for oral confirmation regarding the scheduled hearing.

Dated: 12 September 1988

Sister Mary Madonna Ashton
Commissioner of Health

Rules as Proposed (all new material)**REQUIREMENTS FOR FOOD AND
BEVERAGE ESTABLISHMENTS****4625.2401 DEFINITIONS.**

Subpart 1. **Scope.** For purposes of parts 4625.2401 to 4625.7801, the following terms have the meanings given them.

Subp. 2. **Adulterated.** "Adulterated" means the condition of a food if it bears or contains any poisonous or deleterious substance for which no safe tolerance has been established or in excess of such tolerance if one has been established; if it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for human consumption; if it has been processed, prepared, packed, or held under insanitary conditions, where it may have been rendered injurious to health; if it is in whole or in part the product of a diseased animal, or an animal which has died otherwise than by slaughter; or if its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health.

Subp. 3. **Approved.** "Approved" means acceptable to the commissioner according to applicable standards in parts 4625.2401 to 4625.7801 and good public health practices.

Subp. 4. **Clean.** "Clean" means free from insects, vermin, and debris and free from physical, chemical, and microbial substances discernible by ordinary sight or touch, by ultraviolet light, by artificial light, and by the safranin-o dye test or by microscopic or microbiological examination.

Subp. 5. **Closed.** "Closed" means fitted snugly together leaving no openings large enough to permit the entrance of vermin.

Subp. 6. **Commissary.** "Commissary" means a catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged, or stored.

Subp. 7. **Commissioner.** "Commissioner" means the commissioner of health or a designee.

Subp. 8. **Corrosion-resistant materials.** "Corrosion-resistant materials" means materials which maintain their original surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and bactericidal solution, and other conditions-of-use environment.

Subp. 9. **Department.** "Department" means the Minnesota Department of Health.

Subp. 10. **Easily cleanable.** "Easily cleanable" means surfaces which are readily accessible and made of such materials and finish and so fabricated that residue may be effectively removed by ordinary cleaning methods.

Subp. 11. **Embargo.** "Embargo" means the withholding of food, equipment, utensils, or clothing from sale or use in any establishment licensed as a restaurant, boarding house, or place of refreshment until approval is given by the commissioner for such sale or use.

Subp. 12. **Employee.** "Employee" means a person working in a food or beverage service establishment who transports food or food containers, who engages in food preparation or service, or who comes in contact with any food utensils or equipment.

Subp. 13. **Equipment.** "Equipment" means stoves, ovens, ranges, hoods, slicers, mixers, meatblocks, tables, counters, refrigerators, freezers, ice machines, sinks, dishwashing machines, steam tables, and similar items other than utensils used in the operation of a food or beverage service establishment.

Subp. 14. **Food.** "Food" means any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.

Subp. 15. **Food and beverage service establishments.** "Food and beverage service establishments" means establishments defined in Minnesota Statutes, chapter 157, and includes drive-ins, bars, taverns, drive-in cafes, clubs, lodges, eating facilities at resorts, schools, day care facilities, children's camps, fairs, circuses, carnivals, churches, and public buildings, except as exempted by Minnesota Statutes, section 157.14, and all other businesses and establishments where meals, lunches, or drinks are served.

Subp. 16. **Food-contact surface.** "Food-contact surface" means surfaces of equipment and utensils with which food normally comes in contact, and surfaces from which food may drain, drip, or splash back onto surfaces normally in contact with food.

Subp. 17. **Garbage.** "Garbage" means discarded material resulting from the handling, processing, storage, preparation, serving, and consumption of food.

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Subp. 18. **Hermetically sealed container.** "Hermetically sealed container" means a container designed and intended to be secure against the entry of micro-organisms and to maintain the commercial sterility of its content after processing.

Subp. 19. **Itinerant food service.** "Itinerant food service" means a food service establishment that is disassembled and moved from location to location, remaining no more than 14 consecutive days at any one place.

Subp. 20. **Kitchenware.** "Kitchenware" means all multi-use utensils other than tableware.

Subp. 21. **Law.** "Law" includes federal regulations, state statutes and rules, and local ordinances.

Subp. 22. **Limited food service establishment.** "Limited food service establishment" means a food establishment serving only prepackaged food for example, frozen pizza and sandwiches which receive no more than heat treatment.

Subp. 23. **Mobile food service.** "Mobile food service" means a food service establishment that is a vehicle mounted unit, either motorized or trailered, and readily movable without disassembling, for transport to another location and remaining for no more than 14 consecutive days at any one place.

Subp. 24. **National sanitation foundation standard.** "National sanitation foundation standard" means a standard issued and recommended by the National Sanitation Foundation for equipment used in food establishments. The standards are published by the National Sanitation Foundation, 3475 Plymouth Road, P.O. Box 1468, Ann Arbor, Michigan 48106. The standards listed in parts 4625.3701, subpart 2, item A, and 4625.3801, subpart 6, items D and F are incorporated by reference and are available through the Minitex interlibrary loan system. The standards are not subject to frequent change.

Subp. 25. **Packaged.** "Packaged" means bottled, canned, cartoned, or securely wrapped.

Subp. 26. **Perishable food.** "Perishable food" means a food of the type or in the condition that may spoil.

Subp. 27. **Person in charge.** "Person in charge" means the individual present in a food service establishment who is the apparent supervisor of the food service establishment at the time of inspection. If no individual is the apparent supervisor, then an employee present is the person in charge.

Subp. 28. **Potable water.** "Potable water" means water of a quality and from a source of supply and system operated, located, and constructed in accordance with the department rules relating to public water supplies, water wells, and plumbing installations.

Subp. 29. **Potentially hazardous food.** "Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, mollusk, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic micro-organisms. The term does not include clean, whole, uncracked, odor-free, shell eggs or foods which have a pH level of 4.6 or below or a water activity (aW) value of 0.85 or less.

Subp. 30. **Push cart.** "Push cart" means a nonself-propelled vehicle limited to serving nonpotentially hazardous foods or commissary-wrapped food maintained at proper temperatures, or limited to the preparation and serving of frankfurters.

Subp. 31. **Reconstituted.** "Reconstituted" means dehydrated food products recombined with water or other liquids.

Subp. 32. **Safe material.** "Safe material" means articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in becoming a component or otherwise affecting the characteristics of any food. If materials used are food additives or color additives as defined in the Federal Food, Drug and Cosmetic Act, United States Code, title 21, section 321, they are safe only if they are used in conformity with regulations established pursuant to the act, as provided by United States Code, title 21, section 348 or 376. Other materials are safe only if, as used, they are not food additives or color additives as defined in United States Code, title 21, section 321, and are used in conformity with all applicable regulations of the United States Food and Drug Administration.

Subp. 33. **Safe temperatures.** "Safe temperatures" as applied to potentially hazardous food, means temperatures of 40 degrees Fahrenheit (four degrees centigrade) or below, and 150 degrees Fahrenheit (66 degrees centigrade) or above.

Subp. 34. **Sanitization.** "Sanitization" means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on utensils and equipment.

Subp. 35. **Sealed.** "Sealed" means free of cracks or other openings that permit the entry or passage of moisture.

Subp. 36. **Single-service articles.** "Single-service articles" means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, placemats, napkins, doilies, wrapping materials, toothpicks, and similar articles intended for one-time, one-person use and then discarded.

Subp. 37. **Smooth.** "Smooth" means having an even surface, free of cracks, chips, open seams, rust, corrosion, breaks, pits, checks, and ridges.

Subp. 38. **Special event food stand.** "Special event food stand" means a food service used in conjunction with celebrations or special events, used not more than twice annually, and remaining no more than 14 consecutive days at any one location.

Subp. 39. **Tableware.** "Tableware" means multi-use eating and drinking utensils, including flatware.

Subp. 40. **Utensils.** "Utensils" means any kitchenware, tableware, dishes, glassware, cutlery, pots, pans, and containers used in the storage, preparation, transportation, or service of food.

Subp. 41. **Wholesome.** "Wholesome" means sound, healthful, clean, unadulterated, and in all ways fit for human consumption.

4625.2501 SCOPE.

Parts 4625.2401 to 4625.7801 apply to all food and beverage service establishments, such as restaurants, boarding houses, and places of refreshment, as defined in Minnesota Statutes, chapter 157, and in parts 4625.2401 to 4625.7801, whether or not a license is required under Minnesota Statutes, section 157.03.

4625.2601 ADMINISTRATION.

Subpart 1. **Food samples.** Samples of food may be collected without cost and examined by the commissioner as often as may be necessary for the enforcement of parts 4625.2401 to 4625.7801. The commissioner may condemn and forbid the sale of, or cause to be removed or destroyed, any food that is unwholesome or adulterated; prepared, processed, handled, packaged, transported, or stored in an unwholesome manner; unfit for human consumption; or otherwise prohibited by law.

Subp. 2. **Embargo.** Equipment and utensils, which do not meet the requirements of parts 4625.2401 to 4625.7801, may be embargoed. Equipment and utensils must be released from the embargo upon notification of the commissioner by the person in charge of modification of the equipment or utensils to meet the requirements of parts 4625.2401 to 4625.7801 and after inspection of the utensils and equipment by the commissioner.

Subp. 3. **Condemnation.** The commissioner may condemn and cause to be removed any equipment, clothing, or utensils found in a food establishment, the use of which would not comply with parts 4625.2401 to 4625.7801, or which is being used in violation of parts 4625.2401 to 4625.7801 and also may condemn and cause to be removed any equipment, clothing, or utensils which by reasons of dirt, filth, extraneous matter, insects, corrosion, open seams, or chipped or cracked surfaces is unfit for use.

Subp. 4. **Tag.** The commissioner may place a tag to indicate the embargo or the condemnation upon food, equipment, utensils, or clothing. No person shall remove the tag except under the direction of the commissioner.

4625.2650 VARIANCES AND WAIVERS.

Subpart 1. **Procedures to request a variance or waiver.** A licensee may request that the commissioner grant a variance or waiver from the provisions in parts 4625.2401 to 4625.7801. All requests for a variance or waiver must be submitted to the department in writing. Each request shall contain:

- A. the specific language in the rule from which the variance or waiver is requested;
- B. the reasons for the request;
- C. the alternative measures that will be taken if a variance or waiver is granted;
- D. the length of time for which the variance or waiver is requested; and
- E. other relevant information necessary to properly evaluate the request for the variance or waiver.

Subp. 2. **Criteria for decision.** The decision to grant or deny a variance or waiver shall be based on the commissioner's evaluation that:

- A. the variance or waiver will not adversely affect the environment;
- B. the alternative measures to be taken, if any, are equivalent to or superior to those prescribed in the rule; and
- C. compliance with the rule would impose an undue burden on the applicant.

Subp. 3. **Notification of variance.** The commissioner shall notify the applicant in writing of the decision to grant or deny a variance or waiver. If a variance or waiver is granted, the notification shall specify the period of time for which the variance or waiver will be effective and the alternative measures or conditions, if any, the applicant must meet.

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Subp. 4. **Effect of alternative measures or conditions.** All alternative measures or conditions attached to a variance or waiver have the force and effect of the applicable rule and are subject to the issuance of correction orders and penalties as provided by law.

Subp. 5. **Renewal.** A request for the renewal of a variance or waiver must be submitted in writing before its expiration date. Renewal requests shall contain the information in subpart 1. The commissioner shall renew a variance or waiver if the applicant continues to satisfy the criteria in subpart 1, and demonstrates compliance with the alternative measures or conditions imposed when the original variance or waiver was granted.

Subp. 6. **Denial, revocation, or refusal to renew.** The commissioner shall deny, revoke, or refuse to renew a variance or waiver if the commissioner determines that the criteria in subpart 1 are not met. The commissioner shall notify the applicant in writing of the decision to deny, revoke, or refuse to renew the variance or waiver. The notice must describe the reasons for the denial, revocation, or refusal to renew, and inform the applicant of the right to appeal the decision.

Subp. 7. **Appeal procedure.** An applicant may contest the denial, revocation, or refusal to renew a variance or waiver by requesting a contested case hearing under the Administrative Procedure Act, Minnesota Statutes, chapter 14. The applicant shall submit, within 15 days after receiving the commissioner's decision, a written request for a hearing. The request for a hearing shall state, in detail, the reasons why the decision of the commissioner should be reversed or modified. At the hearing, the applicant bears the burden of proving that the applicant has satisfied the criteria specified in subpart 1.

4625.2701 PLAN REVIEW OF FUTURE CONSTRUCTION.

Whenever a food or beverage service establishment is constructed or extensively remodeled and whenever an existing structure is converted to use as a food or beverage service establishment under Minnesota Statutes, section 157.03, properly prepared plans and specifications for the construction, remodeling, or conversion must be submitted to the commissioner for review and approval before construction, remodeling, or conversion is begun. The plans and specifications must indicate the proposed layout, arrangement, plumbing specifications, construction materials of work areas, and the type and model number of proposed fixed equipment and facilities. The plans and specifications, submitted in duplicate and drawn to scale, must be legible and complete in all details.

The commissioner shall approve the plans and specifications if they meet the requirements of parts 4625.2401 to 4625.7801 and report the findings within 30 days of the date that plans are received.

The facility must be constructed and finished in conformance with the approved plans.

The department shall inspect the food or beverage service establishment before the start of operation to determine compliance with the approved plans and specifications.

4625.2801 MISREPRESENTATION OF FOOD.

The person in charge of any food or beverage service establishment shall not in any way misrepresent food or beverages offered to the public. Practices which constitute misrepresentation include:

- A. the sale of adulterated food;
- B. the substitution of food items of lesser quality, or food different from items as advertised;
- C. making statements giving incorrect or deceptive points of origin;
- D. making misleading statements of size, number, weight, or price; and
- E. not meeting standards of identity prescribed by law for certain foods.

4625.2901 EMERGENCY FIRST AID FOR CHOKING.

A food service establishment which is not an itinerant, mobile, special event, or limited food service establishment must post a chart illustrating the use of an emergency first aid procedure approved by the commissioner, to relieve a patron with a restricted airway. The illustration must be posted in the food preparation area where all employees may easily see it.

4625.3001 MINNESOTA CLEAN INDOOR AIR ACT.

The person in charge of a food and beverage establishment shall make adequate provisions to meet the requirements of the Minnesota Clean Indoor Air Act, Minnesota Statutes, sections 144.411 to 144.417, and chapter 4620.

4625.3101 ITINERANT, MOBILE FOOD SERVICES OR PUSHCARTS, AND SPECIAL EVENT FOOD STANDS.

Itinerant, mobile food services or pushcarts, and special event food stands must comply with all provisions of parts 4625.2401 to 4625.7801 which are applicable to their operation. The establishments and units must be operated in an approved manner. The commissioner may impose additional requirements to protect against health hazards related to the conduct of their operation and may prohibit the sale or giveaway of some or all potentially hazardous foods. When no health hazard is likely to result, the commissioner may modify specific requirements for physical facilities.

4625.3201 FOOD AND FOOD HANDLING.

Subpart 1. **Food sources and supplies.** Food must be in a sound condition, free from spoilage, filth, or other contamination and must be safe for human consumption. Food must be obtained from sources that comply with laws relating to food and food labeling and approved by the commissioner of health or agriculture. The use, storage, or serving of food in hermetically sealed containers not prepared in a food processing plant licensed by the United States Department of Agriculture, Food and Drug Administration, or Minnesota Department of Agriculture, and other food not prepared in a licensed food establishment is prohibited.

Subp. 2. **Special requirements.** Fluid milk and fluid milk products used or served must be pasteurized and must meet the Grade A quality standards in Minnesota Statutes, chapter 32. Fluid milk and fluid milk products must be served to the consumer in individual, unopened, commercially filled original containers not exceeding one pint in capacity, or drawn from a commercially filled container stored in a mechanically refrigerated bulk milk dispenser. Where a bulk dispenser for milk and milk products is not available and portions of less than one-half pint are required for mixed drinks, cereal, or dessert service, milk and milk products may be poured from a commercially filled container of not more than one-half gallon capacity. Nondairy creaming or whitening agents must be provided in an individual service container or drawn from a refrigerated dispenser designed for such service. Dry milk, dry milk products, and nondairy product substitutes may be used in instant dessert and whipped products or for cooking, baking, manufacturing, and processing purposes only.

Subp. 3. **Variance for certain establishments.** A variance covering dispensing of milk or milk products to the consumer in food services such as day care centers, boarding and lodging houses, and children's camps may be granted to permit milk to be poured from a commercially filled container of not more than one gallon capacity into the drinking vessel.

Subp. 4. **Frozen foods.** All frozen dairy foods such as ice cream, frozen custards, ice milk, milk sherbet, fruit or ice sherbet, yogurt, and frozen malted milk must meet requirements in Minnesota Statutes, chapter 32.

Subp. 5. **Shellfish.** Fresh and frozen shucked shellfish, like oysters, clams, or mussels, must be packed in nonreturnable packages identified with the name and address of the original shell stock processor, shucker-packer, or repacker, and the interstate certification number issued according to United States Code, title 42, section 243, and Code of Federal Regulations, title 21, section 1240.60. Shell stock and shucked shellfish must be kept in the container in which they were received until they are used. Each container of unshucked shell stock, like oysters, clams, or mussels, must be identified by an attached tab that states the name and address of the original shell stock processor, the kind and quality of shell stock, and an interstate certification number issued by the state or foreign shellfish control agency.

Subp. 6. **Meat.** All meat and meat products received, kept, or used in any manner in a food establishment must be officially identified as having been inspected by the United States Department of Agriculture in accordance with the Federal Meat Inspection Act, United States Code, title 21, sections 601 to 691. Products upon which any official identification is lost by reason of processing must be identified by the name and location of the processor.

Subp. 7. **Poultry.** All poultry and poultry meat products must be clean, wholesome, free from spoilage and adulteration, and must be processed in a food establishment meeting the requirements established in the Poultry Products Inspection Act, United States Code, title 21, sections 451 to 469. Only clean whole eggs, with shell intact and without cracks or checks, or pasteurized liquid, frozen, or dry eggs or pasteurized dry egg products must be used, except that hard-boiled, peeled eggs, commercially prepared and packaged may be used. Liquid, frozen, and dry eggs and egg products may be used only for cooking, baking, manufacturing, and processing purposes.

Subp. 8. **Lubricants.** Only food grade lubricants of a safe material must be used on equipment designed to receive lubrication of bearings and gears on or within food-contact surfaces.

4625.3301 FOOD PROTECTION.

Subpart 1. **Protection generally.** Food must be protected from potential contamination including:

- A. dusts, insects, rodents, and other vermin;
- B. unclean equipment, work surfaces, utensils, and facilities;
- C. unnecessary or improper handling;
- D. coughs and sneezes;
- E. flooding, drainage, and overhead leakage or drippage; and

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F utensils or equipment which have not been given bactericidal treatment.

Adequate and approved protection of all food must be provided after delivery and while being stored, prepared, displayed, served, or sold in food establishments or transported between establishments.

Subp. 2. **Emergency occurrences.** In the event of a fire, flood, power outage, or other event that might result in the contamination of food, or that might prevent potentially hazardous food from being held at required temperatures, the person in charge shall immediately contact the department. Upon receiving notice of this occurrence, the department may take action that is necessary to protect the public health.

4625.3401 TEMPERATURE MAINTENANCE.

Subpart 1. **Hazardous foods.** The internal temperature of all potentially hazardous foods must be maintained at 40 degrees Fahrenheit (four degrees centigrade) or below, or 150 degrees Fahrenheit (66 degrees centigrade) or above, except during preparation. Potentially hazardous foods requiring refrigeration after preparation must be rapidly cooled to an internal temperature of 40 degrees Fahrenheit (four degrees centigrade) or below within four hours after removal from the heating or hot holding device. Frozen food must be kept frozen and should be stored at an internal temperature of zero degrees Fahrenheit (minus 18 degrees centigrade) or below.

Subp. 2. **Storage facilities.** Adequate, properly designed, and conveniently located mechanical refrigeration or hot food storage facilities must be provided to ensure the maintenance of potentially hazardous food at required temperatures. Each storage facility must be provided with a numerically scaled temperature indicating device accurate to plus or minus three degrees Fahrenheit (plus or minus two degrees centigrade) located to measure the air temperature in the warmest part of the refrigeration facility or the coldest part of the hot holding facility. Temperature indicating devices must be securely fastened and located to be easily readable. Where it is impractical to install fixed temperature indicating devices on equipment such as cold table tops, steam tables, processing lines, kettles, heat lamps, or portable transport carriers, a product thermometer of metal stem type construction, numerically scaled, and accurate to plus or minus two degrees Fahrenheit (plus or minus one degree centigrade) must be provided and used to check internal food temperatures.

Subp. 3. **Poultry.** Poultry, poultry stuffings, stuffed meats, and stuffings containing meat must be cooked to heat all parts of the food to at least 165 degrees Fahrenheit (74 degrees centigrade) with no interruption of the cooking process.

Subp. 4. **Pork.** Pork and any food containing pork must be cooked to heat all parts of the food to at least 150 degrees Fahrenheit (66 degrees centigrade), or, if cooked in a microwave oven, to at least 170 degrees Fahrenheit (77 degrees centigrade).

Subp. 5. **Beef roasts.** Beef roasts must be cooked according to the following requirements:

A. When beef roasts under ten pounds (five kilograms) in weight are cooked in a still dry heat oven, the oven must be preheated to and held at an air temperature of at least 350 degrees Fahrenheit (177 degrees centigrade) throughout the process. If cooked in a convection oven, the oven must be preheated to and held at an air temperature of at least 325 degrees Fahrenheit (163 degrees centigrade) throughout the process.

B. When beef roasts of ten pounds (five kilograms) or over in weight are cooked in a dry heat oven, the oven must be preheated to and held at an air temperature of at least 250 degrees Fahrenheit (122 degrees centigrade) throughout the process.

C. In order to meet public health requirements for the processes in this item, the following table lists the minimum internal temperature of the beef roast for the minimum time the roast needs to be held at such temperature:

MINIMUM HOLDING TIMES FOR BEEF ROASTS AT VARIOUS INTERNAL TEMPERATURES

Minimum internal temperature		Minimum holding time
Degrees Fahrenheit	Degrees Centigrade	Minutes
130	54.4	121
131	55.0	97
132	55.6	77
133	56.1	62
134	56.7	47
135	57.2	37
136	57.8	32
137	58.4	24
138	58.9	19

139	59.5	15
140	60.0	12
141	60.6	10
142	61.1	8
143	61.7	6
144	62.2	5

D. If cooked in a microwave oven, beef roasts must be cooked to an internal temperature of at least 145 degrees Fahrenheit (63 degrees centigrade).

Subp. 6. **Reheating.** Potentially hazardous foods that have been cooked and then refrigerated, if reheated, must be heated rapidly to 165 degrees Fahrenheit (74 degrees centigrade) or higher throughout before being served or before being placed in a hot food storage facility. Steam tables, bainmaries, warmers, and similar hot food holding facilities are prohibited for the rapid reheating of potentially hazardous foods.

Subp. 7. **Thawing potentially hazardous foods.** Potentially hazardous foods must be thawed in one of the following ways:

A. in refrigerated units at a temperature not to exceed 40 degrees Fahrenheit (four degrees centigrade);

B. under potable running water of a temperature of 70 degrees Fahrenheit (21 degrees centigrade) or below, and allowing the water to waste directly to the drain;

C. in a microwave oven only when the food will be immediately transferred to conventional cooking facilities as part of a continuous cooking process or when the entire, uninterrupted cooking process takes place in the microwave oven; or

D. as part of the conventional cooking process.

4625.3501 PREPARATION, DISPLAY, AND SERVICE.

Subpart 1. **Minimum manual contact.** Food must be prepared or processed with the least possible manual contact and in a manner that prevents cross-contamination of products. Only suitable utensils or equipment which have been cleaned, rinsed, and sanitized before use to prevent cross-contamination, must be used in food preparation.

Subp. 2. **Raw fruits and vegetables.** Raw fruits and vegetables must be thoroughly washed with potable water before being cooked or served.

Subp. 3. **Re-service.** Once food has been served to a consumer, it must not be served again, except that packaged food, other than potentially hazardous food, that is still packaged and is in sound condition may be re-served.

Subp. 4. **Shellfish.** Mollusks and crustacea, if served on the shell, must be served in the original shell. Reuse of shells for food service is prohibited.

Subp. 5. **Condiment dispensing.** Condiments, seasonings, and dressing for self-service use must be provided in individual packages, from dispensers, or from approved containers. Condiments provided for table or counter service must be individually portioned, except that catsup and other sauces may be served in the original container or pour-type dispenser. Sugar for consumer use must be provided in individual packages or in pour-type dispensers.

Subp. 6. **Dispensing utensils.** To avoid unnecessary manual contact with food, suitable dispensing utensils or equipment must be used by employees or provided to consumers who serve themselves. Between uses during service, dispensing utensils must be:

A. stored in the food with the dispensing utensil handle extended out of the food;

B. stored clean and dry; or

C. stored in a running water dipper well.

Subp. 7. **Display equipment.** Food on display must be protected from consumer contamination by the use of packaging or by the use of easily cleanable counter, serving line or salad bar food shields, display cases, or by other effective means. Adequate and sufficient hot or cold food facilities must be available to maintain the required temperature of potentially hazardous food on display.

Subp. 8. **Reuse of tableware.** Reuse of soiled tableware by self-service consumers returning to the service area for additional food must be prohibited. Beverage cups and glasses are exempt from this requirement.

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Proposed Rules

Subp. 9. **Food transportation.** The requirements of temperature, storage, display, and those imposed for the protection of food against contamination, as contained in parts 4625.2401 to 4625.7801, must also apply in the transporting of food from one food establishment or other location to another food establishment or other location for delivery, service, or catering operations.

Subp. 10. **Storage.** Food, whether raw or prepared, if removed from the container or package in which it was obtained, must be stored in a clean, covered container. The container need not be covered during necessary periods of preparation or service. Container covers must be impervious and nonabsorbent, except that clean linens or napkins may be used for lining or covering bread or roll serving containers. Solid cuts of meat must be protected by being covered in storage, except that sides, quarters, or primal cuts of meat may be hung uncovered on clean hooks if no food product is stored beneath the meat.

Subp. 11. **Containers.** Containers of food must be stored a minimum of six inches above the floor in a manner that protects the food from splash and other contamination, and that permits easy cleaning of the storage area. Containers may be stored on dollies, racks, or pallets, provided the equipment is easily movable and constructed to allow for easy cleaning. Food and containers of food must not be stored under exposed or unprotected sewer lines or similar sources of potential contamination. The storage of food in toilet rooms or vestibules is prohibited.

Subp. 12. **Cross-contamination.** Food not subject to further washing or cooking before serving must be stored in a way that protects it against cross-contamination from food requiring washing or cooking.

Subp. 13. **Packaged food.** Packaged food must not be stored in contact with water or undrained ice. Wrapped sandwiches must not be stored in direct contact with ice. Ice intended for human consumption must not be used for cooling stored food, food containers, or food utensils, except that the ice may be used for cooling tubes conveying beverages or beverage ingredients to a dispenser head.

Subp. 14. **Bulk.** Bulk foods such as cooking oil, legumes, tubers, grains, syrup, salt, sugar, or flour and related derivative products not stored in the product container or package in which it was obtained, must be stored in a container identifying the food by common name.

Subp. 15. **Ice dispensing.** All ice must be manufactured only from potable water. Ice must be handled and transported in single-service containers, or in utensils which have been subjected to bactericidal treatment. Buckets, scoops, and ice containers, unless they are single-service utensils, must be made of a smooth, impervious material and designed to facilitate cleaning. They must be clean at all times. Canvas containers must not be used. If ice-crushers are used, they must be easily cleanable. They must be maintained in a clean condition, must be subject to bactericidal treatment and must be covered when not in use. Ice for consumer use must be dispensed with scoops or tongs from a properly protected storage device, or other ice self-dispensing utensils, through automatic single-service ice dispensing equipment, or be prepacked and portion controlled. Ice dispensing utensils must be stored on a clean surface or in the ice with the dispensing utensil's handle extended out of the ice. Between uses, ice transfer receptacles must be stored in a way that protects them from contamination.

4625.3601 DISEASE PREVENTION AND CONTROL AND EMPLOYEE PRACTICES.

Subpart 1. **Prohibited persons.** No person shall work in a food establishment in any capacity in which there is a likelihood of the person contaminating food or food-contact surfaces with pathogenic organisms or transmitting disease to other persons while:

- A. infected with a disease in a communicable form that can be transmitted by foods;
- B. while being a carrier of organisms that cause such a disease; or
- C. while afflicted with a boil, an infected wound, or an acute respiratory infection.

Subp. 2. **Procedure when infection is suspected.** When the commissioner has reasonable cause to suspect the possibility of disease transmission from a food-service establishment employee, the commissioner shall secure an illness or morbidity history of the suspected employee or make such other investigation as may be indicated and take appropriate action. The commissioner may require any or all of the following measures:

- A. the immediate exclusion of the employee from all food service establishments;
- B. the immediate closure of the food service establishment concerned until, in the opinion of the commissioner, no further danger of disease outbreak exists;
- C. restriction of the suspected employee's services to an area of the establishment where there would be no danger of transmitting disease; and
- D. adequate medical and laboratory examinations of the suspected employee, or other employees, and any body discharges.

Subp. 3. **Clothing.** Employees shall wear clean outer garments. Hairnets, headbands, caps, or other hair restraints must be worn to prevent the contamination of food, utensils, and equipment. Hair spray is not an acceptable hair restraint.

Subp. 4. **Employee practices.** Employees shall comply with the following requirements:

- A. All employees shall thoroughly wash their hands and the exposed portions of their arms with soap and warm water in an

approved handwashing facility before starting work, during work as often as is necessary to keep them clean, and after smoking, eating, drinking, or using the toilet. Employees shall keep their fingernails clean and trimmed, and maintain a high degree of personal cleanliness and conform to hygienic practices during all periods of duty.

B. Employees must not use tobacco in any form while on duty to handle, prepare, or serve food, or clean utensils and equipment in a food establishment. Employees must use tobacco only in designated locations approved by the department.

C. All employees shall consume food only in designated dining areas. An employee dining area must not be designated if consuming food in that location could cause contamination of other food, equipment, utensils, or other items needing protection.

D. Employees shall handle soiled equipment or utensils in a manner that minimizes contamination of their hands.

4625.3701 EQUIPMENT AND FACILITIES PROVIDED.

Subpart 1. General. A food establishment must have equipment, applicable to the operation conducted, which is designed, constructed, installed, located, and maintained according to parts 4625.2401 to 4625.7801.

Subp. 2. Sanitary design, construction, and installation of equipment and utensils. New and replacement equipment and utensils must be appropriate to the operation conducted and comply with the following:

A. All new and replacement equipment and utensils must be of such material, workmanship, and design as to be smooth, easily cleanable, resistant to wear, denting, buckling, pitting, chipping, and crazing; and capable of withstanding scrubbing, scouring, repeated corrosive action of cleaning compounds, and other normal conditions and operations.

B. Food contact surfaces must be nontoxic. Food-contact surfaces and surfaces which come in contact with food debris must be readily accessible for cleaning and inspection.

C. All equipment installed or placed in service after the effective date of parts 4625.2401 to 4625.7801 must comply with the following standards of the National Sanitation Foundation when applicable:

- (1) Standard No. 1, Soda Fountain and Luncheonette Equipment, June 1984;
- (2) Standard No. 2, Food Service Equipment, November 1987;
- (3) Standard No. 3, Spray Type Dishwashing Machines, June 1982;
- (4) Standard No. 4, Commercial Cooking and Hot Food Storage Equipment, June 1986;
- (5) Standard No. 5, Commercial Hot Water Generating Equipment, November 1983;
- (6) Standard No. 6, Dispensing Freezers, November 1982;
- (7) Standard No. 7, Food Service Refrigerator and Storage Freezers, November 1985;
- (8) Standard No. 8, Commercial Powered Food Preparation Equipment, November 1985;
- (9) Standard No. 12, Automatic Ice Making Equipment, November 1984;
- (10) Standard No. 13, Refuse Compactors and Compactor Systems, May 1985;
- (11) Standard No. 18, Manual Food and Beverage Dispensing Equipment, November 1987;
- (12) Standard No. 20, Commercial Bulk Milk Dispensing Equipment and Appurtenances, November 1985;
- (13) Standard No. 25, Vending Machines for Food and Beverage, November 1987;
- (14) Standard No. 26, Pot, Pan and Utensil Washers, December 1980;
- (15) Standard No. 29, Detergent and Chemical Feeders for Commercial Spray Type Dishwashing Machines, June 1982;
- (16) Standard No. 35, Laminated Plastics for Surfacing Food Service Equipment, May 1985;
- (17) Standard No. 51, Plastic Materials and Components Used in Food Equipment, May 1978;
- (18) Standard No. 59, Food Carts, June 1986; and
- (19) Criteria C-2, Special Equipment and/or Devices, November 1983.

D. Used equipment which has met or exceeded the requirements of the National Sanitation Foundation under earlier standards may be installed when the equipment is in good repair and does not constitute a health hazard as determined by the commissioner.

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Proposed Rules

Equipment in use at the time of adoption of parts 4625.2401 to 4625.7801 which does not fully meet item C may be continued in use only if it is in good repair, capable of being maintained in a sanitary condition, has food-contact surfaces that are nontoxic, and is approved by the commissioner.

E. All equipment must be kept in good repair and installed and maintained to facilitate its cleaning and the cleaning of adjacent areas.

F. All equipment must be located and installed in such a manner as to ensure that preparation and service will minimize the potential for cross-contamination and improper handling of the food. Lavatories, chef sinks, utility sinks, refrigeration equipment, hot food handling equipment, and preparation and processing tables must be provided and maintained and shall be convenient and adequate as approved by the commissioner for the purpose for which they were designed.

G. Aisles and working spaces between units of equipment and walls must be unobstructed and of sufficient width to permit employees to perform their duties readily without contamination of food or food-contact surfaces by clothing or personal contact. All easily movable storage equipment such as pallets, racks, and dollies must be positioned to provide accessibility to working areas.

H. When the food service in a day care center is limited to serving ten or fewer individuals, or where the main meals of the day are not prepared in the center, the commissioner may waive specific equipment requirements of this part to permit the substitution of certain domestic type equipment for commercial type equipment which complies with the standards of the National Sanitation Foundation prescribed in item C.

I. When the food service in a boarding and lodging house is limited to serving ten or fewer residents, or where the main meals of the day are not prepared in the facility, the commissioner may waive specific equipment requirements of these rules as stated in item H.

4625.3801 CLEANING, SANITIZATION, AND STORAGE OF EQUIPMENT AND UTENSILS.

Subpart 1. **General.** All utensils and equipment must be thoroughly cleaned, and food-contact surfaces of utensils and equipment must be given sanitization treatment and must be stored in such a manner as to be protected from contamination.

Subp. 2. **Cleaning frequency.** The equipment and utensils must meet the following cleaning requirements:

A. Tableware must be washed, rinsed, and sanitized after each use.

B. To prevent cross-contamination, kitchenware and food-contact surfaces of equipment must be washed, rinsed, and sanitized after each use and following any interruption of operations during which time contamination may have occurred.

C. Where equipment and utensils are used for the preparation of foods on a continuous or production-line basis, utensils and food-contact surfaces of equipment must be washed, rinsed, and sanitized at intervals throughout the day and on a schedule based on food temperature, type of food, and amount of food particle accumulation.

D. The food-contact surfaces of kettles, grills, griddles, and similar cooking devices and the cavities and door seals of microwave ovens must be cleaned at least once a day, except that this shall not apply to hot oil cooking equipment and hot oil filtering systems. The food-contact surfaces of all cooking equipment must be kept free of encrusted grease deposits and other accumulated soil.

E. Nonfood-contact surfaces of equipment must be cleaned as often as is necessary to keep the equipment free of accumulation of dust, dirt, food particles, and other debris.

Subp. 3. **Oven utensils and equipment.** Utensils and equipment which routinely go into ovens for baking purposes and which are used for no other purpose must not be required to be given bactericidal treatment; however, such utensils and equipment must be clean.

Subp. 4. **Wiping cloths.** Cloths used for wiping food spills on tableware, such as plates or bowls being served to the consumer, must be clean, dry, and used for no other purposes. Moist cloths used for wiping food spills on kitchenware and food-contact surfaces of equipment must be clean and rinsed frequently in an approved sanitizing solution. These cloths must be stored in sanitizing solution between uses. Moist cloths used for cleaning nonfood-contact surfaces of equipment such as counters, dining table tops, and shelves must be clean, rinsed, and used for no other purpose. These cloths must be stored in an approved sanitizing solution between uses.

Subp. 5. **Manual cleaning and sanitizing.** Manual cleaning and sanitizing must be done in the following manner:

A. For manual washing, rinsing, and sanitizing of utensils and equipment, a sink with not fewer than three compartments must be provided and used. Sink compartments must be large enough to permit the accommodation of the equipment and utensils, and each compartment of the sink must be supplied with hot and cold potable running water. Fixed equipment and utensils and equipment too large to be cleaned in sink compartments must be washed manually or cleaned through pressure spray methods.

B. Integral drain boards of adequate size must be provided at each end for proper handling of soiled utensils before washing

and for cleaned utensils following sanitizing and must be located so as not to interfere with the proper use of the utensil washing facilities.

C. Equipment and utensils must be preflushed or prescraped and, when necessary, presoaked to remove gross food particles and soil.

D. Except for fixed equipment and utensils too large to be cleaned in sink compartments, manual washing, rinsing, and sanitizing must be conducted in the following manner.

(1) Sinks must be cleaned before use.

(2) Equipment and utensils must be thoroughly washed in the first compartment with a hot detergent solution that is kept clean.

(3) Equipment and utensils must be rinsed free of detergent and abrasives with clean water in the second compartment.

(4) Equipment and utensils must be sanitized in the third compartment in an approved manner.

E. The food-contact surfaces of all equipment and utensils must be sanitized by:

(1) immersion for at least one-half minute in clean, hot water at a temperature of at least 170 degrees Fahrenheit (77 degrees centigrade);

(2) immersion for at least one minute in a clean solution containing at least 50 parts per million, but no more than 200 parts per million, of available chlorine as a hypochlorite and at a temperature of at least 75 degrees Fahrenheit (24 degrees centigrade);

(3) immersion for at least one minute in a clean solution containing at least 12.5 parts per million, but not more than 25 parts per million, of available iodine and having a pH range which the manufacturer has demonstrated to be effective and at a temperature of at least 75 degrees Fahrenheit (24 degrees centigrade);

(4) immersion in a clean solution containing any other chemical sanitizing agent allowed under Code of Federal Regulations, title 21, section 178.1010, that will provide at least the equivalent bactericidal effect of a solution containing 50 parts per million of available chlorine as a hypochlorite at a temperature of at least 75 degrees Fahrenheit (24 degrees centigrade) for one minute; or

(5) for equipment too large to sanitize by immersion, but in which steam can be confined, treatment with steam free from materials or additives other than those specified in Code of Federal Regulations, title 21, section 173.310.

Equipment too large to sanitize by immersion, must be rinsed, sprayed, or swabbed with a sanitizing solution of at least twice the required strength for that particular sanitizing solution.

F. When hot water is used for sanitizing, the following facilities must be provided and used:

(1) an integral heating device or fixture installed in, on, or under the sanitizing compartment of the sink capable of maintaining the water at a temperature of at least 170 degrees Fahrenheit (77 degrees centigrade);

(2) a numerically scaled indicating thermometer, accurate to plus or minus three degrees Fahrenheit (plus or minus two degrees centigrade) convenient to the sink for frequent checks of water temperature; and

(3) dish baskets of such size and design to permit complete immersion of the tableware, kitchenware, and equipment in the hot water.

G. When chemicals are used for sanitization, they must not have concentrations higher than the maximum permitted under Code of Federal Regulations, title 21, section 178.1010, and a test kit or other device that accurately measures the parts per million concentration of the solution must be provided and used.

Subp. 6. Mechanical cleaning and sanitizing. Mechanical cleaning and sanitizing must be done in the following manner:

A. Cleaning and sanitizing may be done by spray-type or immersion utensil washing machines or by any other type of machine or device if it is demonstrated that it thoroughly cleans, sanitizes equipment and utensils, and meets the requirements in the National Sanitation Foundation Standard No. 3. These machines and devices must be properly installed, and maintained in good repair. Machines and devices must be operated in accordance with manufacturers' instructions, and utensils and equipment placed in the machine must be exposed to all washing cycles. Automatic detergent dispensers, wetting agent dispensers, and liquid sanitizer injectors must be properly installed and maintained.

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Proposed Rules

B. Drainboards must be provided and be of adequate size for the proper handling of soiled utensils before washing and for cleaned utensils following sanitization, and must be so located and constructed as not to interfere with the proper use of the dishwashing facilities. This does not preclude the use of easily movable dish tables for the storage of soiled utensils or the use of easily movable dish tables for the storage of clean utensils following sanitization.

C. Equipment and utensils must be flushed or scraped and, when necessary, soaked to remove gross food particles and soil before being washed in a dishwashing machine unless a prewash cycle is a part of the dishwashing machine operation. Equipment and utensils must be placed in racks, trays, or baskets, or on conveyors, in a way that food-contact surfaces are exposed to the unobstructed application of detergent wash and clean rinse water and that permits free draining.

D. Machines (single-tank, stationary-rack, door-type machines, and spray-type glass washers) using chemicals for sanitization may be used, provided that:

(1) wash water temperatures, addition of chemicals, rinse water temperatures, and chemical sanitizers used are in conformance with Standards Nos. 3 and 29 of the National Sanitation Foundation;

(2) a test kit or other device that accurately measures the parts per million concentration of the sanitizing solution must be available and used while the chemical sanitizing machine is in use;

(3) containers for storing the sanitizing agent must be installed in such a manner as to ensure that operators maintain an adequate supply of sanitizing compound; and

(4) a visual or audible warning device must be provided for the operator to easily verify when the sanitizing agent is depleted.

F. Machines using hot water for sanitizing may be used provided that wash water and pumped rinse water must be kept clean and water must be maintained at not less than the temperature specified by the National Sanitation Foundation Standard No. 3, under which the machine is evaluated. A pressure gauge must be installed with a valve immediately adjacent to the supply side of the control valve in the final rinse line provided that this requirement must not pertain to a dishwashing machine with a pumped final rinse.

G. All utensil washing machines must be cleaned at least once per day or more frequently if required.

Subp. 7. **Equipment and utensil storage.** Cleaned and sanitized equipment and utensils must be handled in a way that protects them from contamination.

A. Spoons, knives, and forks must be touched only by their handles. Cups, glasses, bowls, plates, and similar items must be handled without contact with inside surfaces or surfaces that contact the user's mouth.

B. Utensils must be air dried before being stored or must be stored in a self-draining position.

C. Cleaned and sanitized utensils and equipment must be stored at least six inches above the floor in a clean, dry location in a way that protects them from contamination by splash, dust, and other means. The food-contact surfaces of fixed equipment must also be protected from contamination. Equipment and utensils must not be placed under exposed sewer lines.

D. Glasses and cups must be stored inverted. Other stored utensils must be covered or inverted, wherever practical. Facilities for the storage of knives, forks, and spoons must be designed and used to present the handle to the employee or consumer.

Subp. 8. **Single-service articles.** Single-service articles must have been manufactured, packaged, transported, stored, handled, and dispensed in a sanitary manner.

Subp. 9. **Prohibited storage area.** The storage of food equipment, utensils, or single-service articles in toilet rooms or vestibules is prohibited.

4625.3901 PHYSICAL FACILITIES AND SANITATION.

Subpart 1. **Water supply.** Every food and beverage establishment must be provided with a supply of water which is adequate for the needs of the establishment. The water must be obtained from a public water supply system, or a source of supply and system which is located, constructed, and operated in accordance with rules governing public water supplies, parts 4720.0100 to 4720.4600 and water wells, parts 4725.0100 to 4725.7600.

Subp. 2. **Sewage.** All sewage, including liquid waste, must be disposed of to a public sewage system or to an approved individual sewage disposal system. Nonwater-carried sewage disposal facilities must be prohibited, except as permitted by the commissioner because of special situations.

When there is no public sewage system available, an individual sewage disposal system must be designed, located, constructed, and operated in accordance with Minnesota Pollution Control Agency rules, parts 7080.0010 to 7080.0240.

Mobile food units may dispose of their liquid waste into receptacles carried on the vehicle for that purpose. This waste ultimately must be discharged into the public sewage system or otherwise disposed of in a manner which will not endanger any source of water

supply, pollute any body of surface water, create a nuisance, or otherwise endanger the public health and safety.

Subp. 3. **Plumbing.** Plumbing must be sized, installed, and maintained to carry adequate quantities of water to required locations throughout the establishment, to prevent contamination of the water supply, and to convey sewage and liquid wastes adequately from the establishment to the sewage system so that it does not constitute a source of contamination of food, utensils, or equipment or create an unsanitary condition or nuisance.

Food service equipment such as refrigerators, ice makers, ice storage bins, and steam tables must not be directly connected to the sewer.

All new plumbing and all plumbing reconstructed or replaced after the effective date of parts 4625.2401 to 4625.4701 must be designed, constructed, and installed in conformity with the Minnesota Plumbing Code, parts 4715.0100 to 4715.5600.

Subp. 4. **Janitorial facilities.** Janitorial facilities including a janitorial utility sink must be provided and located in an area other than a food preparation or storage area or toilet room.

If adequate separation, or other protection has been provided, the janitorial facility may be located in a packaged goods' storeroom or employee toilet room.

The use of lavatories, utensil washing or equipment washing, or food preparation sinks for this purpose is prohibited.

Janitorial equipment must be stored in an approved manner in the janitorial facility.

Subp. 5. **Handwashing facilities.** Every food establishment, other than limited food establishments and mobile food units handling only prepackaged food must be provided with adequate, conveniently located, and approved handwashing facilities which are continually maintained with hot and cold running water, hand-cleansing soap or detergent, fingernail brushes, and single-service towels or hand-drying devices providing heated air. Handwashing facilities must be accessible to persons at all times in all areas where food is prepared or served, where utensils and equipment are cleansed or sanitized, in or immediately adjacent to toilet rooms or other areas designated by the commissioner. Sinks used for food preparation or for washing equipment or utensils must not be used for handwashing. Each handwashing sink must be provided with hot and cold water tempered by means of a mixing valve or combination faucet. Any self-closing, slow-closing, or metering faucet must be designed to provide a flow of water for at least 15 seconds without the need to reactivate the faucet. Steam-mixing valves are prohibited.

Subp. 6. **Toilet facilities.** Every food establishment, with the exception of itinerant, mobile, and special event food facilities, must be provided with conveniently located and approved toilet facilities for employees. These facilities must be kept clean and in good repair and free from flies, insects, and offensive odors. Toilet fixtures and seats must be of sanitary design and readily cleanable. The doors of all toilet rooms must be self-closing. Easily cleanable receptacles must be provided for waste materials. Toilet rooms used by women must have at least one covered waste receptacle. Separate toilet facilities must be provided for men and women according to the requirements for sanitation fixtures in section 705 of the Uniform Building Code, as amended in part 1305.1900, and the requirements for handicapped accessibility in chapter 1340. Where the use of nonwater-carried sewage disposal facilities have been approved by the commissioner, the facilities must be separate from the establishment and in accordance with the standards of the commissioner.

4625.4001 GARBAGE AND REFUSE DISPOSAL.

Before disposal, all garbage and refuse must be kept in tight, nonabsorbent, insect proof, rodent proof, and fireproof containers. Containers must be kept covered with tight-fitting lids when filled, in storage, or not in continuous use. Containers need not be covered when stored in a special insect and rodent-proofed room or enclosure. All other refuse must be stored in containers, rooms, or areas in an approved manner. The rooms, enclosures, areas, and containers used must be adequate for the storage of all garbage and refuse accumulating on the premises between collections. Adequate cleaning facilities must be provided, and each container, room, or area shall be thoroughly cleaned after the emptying or removal of garbage and refuse. Containers designed with drains must have drain plugs maintained in place at all times except during cleaning. All garbage and refuse must be disposed of with sufficient frequency and in such a manner as to prevent a nuisance.

4625.4101 INSECT, RODENT, AND ANIMAL CONTROL.

Subpart 1. **General.** Effective measures must be taken to prevent the entrance, breeding, or presence of rodents, flies, cockroaches, and other vermin or insects on the premises. The premises must be kept in such condition as to prevent the harborage or feeding of insects or rodents.

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Proposed Rules

Subp. 2. **Openings.** Outside openings must be effectively protected against the entrance of rodents. Outside openings must be protected against the entrance of insects by tight-fitting, self-closing doors, closed windows, screening, controlled air currents, or other means. Screen doors must be self-closing, and screens for windows, doors, skylights, transoms, intake and exhaust air ducts, and other openings to the outside must be tight-fitting and free of breaks. Screening materials must not be less than 16 mesh to the inch.

Subp. 3. **Animals.** Live animals, including birds and turtles, shall be excluded from within the food service operational premises and from adjacent areas under the control of the person in charge. This exclusion does not apply to edible fish, crustacea, mollusks, or to fish in aquariums. Patrol dogs accompanying security or police officers, or guide dogs accompanying sight-impaired persons or hearing-impaired persons shall be permitted in dining areas.

4625.4201 CONSTRUCTION AND MAINTENANCE OF PHYSICAL FACILITIES.

Subpart 1. **Floors.** The floor surfaces of all food and beverage preparation, food storage, equipment and utensil washing, food service areas, waitress stations, dressing rooms, locker rooms, toilet rooms and vestibules, janitorial areas, kitchens, and bars must be constructed of smooth, durable, nonabsorbent, easily cleanable materials which resist the wear and abuse to which they are subjected. Appropriate materials include commercial grade vinyl composition tile, sheet vinyl, ceramic tile, quarry tile, terrazzo, or equivalent. Vinyl floor coverings must not be used in walk-in refrigeration units and storage freezers.

The junctures between walls and floors must be coved. Rugs and carpets may be used in dining rooms and hallways, provided that the floor coverings are kept clean. Abrasive strips also may be used wherever deemed necessary to prevent accidents.

Mats and duckboards must be of nonabsorbent, nonwood, grease resistant materials. The size, design, and construction of the materials must facilitate easy cleaning. Duckboards must not be used as storage racks.

All floors must be kept clean and in good repair, and the use of sawdust and similar material is not permitted. Floor drains must be provided in all rooms where floors are subject to flooding-type cleaning or where normal operations release or discharge water or other liquid wastes on the floor. The floors must be graded to drain.

Subp. 2. **Walls and ceilings.** The walls and ceilings of all rooms must be kept clean and in good repair. All walls of rooms or areas in which food is prepared, areas where utensils or hands are washed, toilet rooms, janitorial areas, laundry rooms, or garbage and refuse storage rooms must have easily cleanable, smooth, nonabsorbent, washable surfaces to the highest level of splash, spray, or abuse. Wall finishes must be resistant to the wear and abuse to which they are subject. Ceilings must be smooth and easily cleanable. The walls and ceilings must be finished in a light color. Concrete or pumice blocks used for interior wall construction in these locations must be finished and sealed to provide an easily cleanable surface.

Subp. 3. **Attachments.** Light fixtures, vent covers, wall-mounted fans, decorative materials, and similar equipment attached to walls and ceilings must be easily cleanable, and must be kept clean and in good repair.

Subp. 4. **Utility lines and pipes.** All utility lines and pipes such as electric, gas, water, sewage, and similar waste lines or services should be installed in the walls, under floors, or above ceilings to avoid unnecessary exposure to food equipment, walls, floors, or ceilings. Exposed utility service lines or pipes must be installed so they do not obstruct or prevent the easy cleaning of food equipment, floors, walls, and ceiling surfaces.

4625.4301 LIGHTING.

Subpart 1. **Lighting source and amount.** Permanently fixed artificial light sources must be installed to provide at least 20 foot candles of light on all food preparation surfaces and at equipment or utensil washing work levels.

A. Permanently fixed artificial light sources must be installed to provide, at a distance of 30 inches from the floor:

- (1) at least 20 foot candles of light in utensil and equipment storage areas and in lavatory and toilet areas; and
- (2) at least ten foot candles of light in walk-in refrigerating units, dry food storage areas, and in all other areas.

B. Subdued lighting in dining rooms and public access areas is permissible, provided that lighting meeting the requirements in item A, subitem (2) must be available during all clean-up operations.

Subp. 2. **Protective shielding.** Shielding or coating to protect against broken glass falling onto food must be provided for all artificial lighting fixtures located over, by, or within food storage, preparation, service, and display facilities, and facilities where utensils and equipment are cleaned and stored.

Infra-red or other heat lamps must be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.

4625.4401 VENTILATION.

Rooms must have sufficient exhaust ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious or disagreeable odors, smoke, and fumes. All ventilation equipment and facilities, gas or oil fired room heaters, and water heaters must

be designed, installed, and operated in accordance with the rules of the State Building Code Division and the Uniform Fire Code. Intake and exhaust air ducts must be maintained to prevent the entrance of dust, dirt, and other contaminating materials.

4625.4501 DRESSING ROOMS AND LOCKER AREAS.

Subpart 1. **Dressing rooms.** If employees routinely change clothes within the establishment, rooms or areas must be designated and used for that purpose. These designated rooms or areas must not be used for food preparation, storage, or service, or for utensil washing or storage.

Subp. 2. **Locker areas.** Adequate lockers or other suitable facilities must be provided and used for the orderly storage and security of employee clothing and other belongings. Lockers or other suitable facilities may be located only in the designated dressing rooms or areas containing only completely packaged food or packaged single-service articles.

4625.4601 POISONOUS OR TOXIC MATERIALS.

Subpart 1. **Materials permitted.** Food service establishments must have only those poisonous or toxic materials necessary for maintaining the establishment, cleaning and sanitizing equipment and utensils, and controlling insects and rodents.

Subp. 2. **Labeling of materials.** Containers of poisonous or toxic materials must be prominently and distinctly labeled, according to requirements in Code of Federal Regulations, title 7, section 162.10, and Minnesota Statutes, section 18B.14, for easy identification of contents.

Subp. 3. **Storage of materials.** Poisonous or toxic materials consist of the following categories:

A. insecticides and rodenticides; and

B. detergents, sanitizers, related cleaning or drying agents, caustics, acids, polishes, and other chemicals.

Materials in each of these two categories must be stored and physically located separate from each other. All poisonous or toxic materials must be stored in cabinets or in a similar physically separate place used for no other purpose. To preclude contamination, poisonous or toxic materials must not be stored above food, food equipment, utensils, or single-service articles, except that this requirement does not prohibit the convenient availability of detergents or sanitizers at utensil or dishwashing stations.

Subp. 4. **Use of materials.** Sanitizers, cleaning compounds, or other compounds intended for use on food-contact surfaces must not be used in a way that leaves a toxic residue on such surfaces or that constitutes a hazard to employees or other persons.

Poisonous or toxic materials must not be used in a way that contaminates food, equipment, or utensils, nor in a way other than in full compliance with the manufacturer's labeling.

Subp. 5. **Personal medications and first aid supplies.** Personal medications and first aid supplies must be stored to prevent them from contaminating food and food-contact surfaces.

4625.4701 PREMISES.

Subpart 1. **Housekeeping.** All parts of the food establishment and its premises must be kept neat, clean, and free of litter and refuse. Cleaning operations must be conducted in a manner as to minimize contamination of food and food-contact surfaces. Only articles necessary for the operation and maintenance of the food establishment must be stored on the premises. Traffic of unnecessary persons through the food preparation and utensil washing areas is prohibited. The walking and driving surfaces of all exterior areas where food is served must be kept clean, properly drained, and finished so as to facilitate maintenance and minimize dust. Pressurized tanks and compressed gas cylinders must be properly secured to prevent them from being accidentally knocked over.

Subp. 2. **Cleaning equipment storage.** Maintenance and cleaning tools such as brooms, mops, vacuum cleaners, and similar equipment must be maintained and stored in a way that does not contaminate food, utensils, equipment, or linens and must be stored in an orderly manner for the cleaning of that storage location.

Subp. 3. **Living areas.** No operation of a food establishment must be conducted in any room used as living or sleeping quarters. Food service operations must be separated from any living or sleeping quarters by complete partitioning and solid, self-closing doors.

Subp. 4. **Laundry facilities.** Laundry facilities in a food establishment must be restricted to the washing and drying of linens, cloths, uniforms, and aprons necessary to the operation. If these items are laundered on the premises, an electric or gas dryer must be provided and used.

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Proposed Rules

Separate rooms must be provided for laundry facilities except that such operations may be conducted in storage rooms containing only packaged foods or packaged single-service articles.

Subp. 5. **Linens and clothes storage.** Clean clothes and linens must be stored in a clean place and protected from contamination until used.

Soiled clothes and linens must be stored in nonabsorbent containers or washable laundry bags until removed for laundering.

REQUIREMENTS FOR ITINERANT FOOD SERVICE

4625.4901 ITINERANT FOOD SERVICE ESTABLISHMENTS.

Subpart 1. **General.** An itinerant food service establishment must comply with all provisions of parts 4625.2401 to 4625.4701 that are applicable to their operation and must comply with parts 4625.4901 to 4625.5801. The commissioner may impose additional requirements to protect against health hazards related to the conduct of their operation and prohibit the sale or giveaway of some or all potentially hazardous foods. When no health hazard is likely to result, the commissioner may grant a variance or modify specific requirements of parts 4625.4901 to 4625.5801.

Subp. 2. **Restricted operations.** This subpart applies to an itinerant food service establishment approved under subpart 1 to operate without complying with the requirements of parts 4625.4901 to 4625.5801.

A. The itinerant food service establishment must be located where it is protected from possible contamination; for example toilets, animal pens, garbage collection sites. It must be protected from dust and windblown particulates by location, treatment of ground surfaces, or by having the establishment enclosed.

B. The commissioner may restrict the type of food served or the method of food preparation based on equipment limitations or climatic conditions.

4625.5001 CONSTRUCTION.

Subpart 1. **Work space.** Work spaces must be sized to permit unobstructed work activity. Equipment must be located to permit easy cleaning.

Subp. 2. **Floors.** The interior floor must be equivalent to one of the following:

- A. solid concrete or asphalt; or
- B. vinyl flooring or sealed wood.

Subp. 3. **Walls or enclosures.** The establishment must be capable of being fully enclosed on the sides and roof to provide protection against adverse weather. Canvas may be used. Solid interior surfaces must be finished with smooth, durable, nonabsorbent, easily cleanable material that resists the wear and abuse to which the surfaces are subjected. High gloss paint is the minimum acceptable finish.

4625.5101 EQUIPMENT.

Subpart 1. **General.** Food service equipment must comply with the applicable standards of the National Sanitation Foundation.

Subp. 2. **Refrigeration.** Mechanical refrigeration, containing a thermometer, is required for potentially hazardous foods such as meat, fish, poultry, milk, milk products, and eggs. A metal stem product thermometer with a range from zero degrees Fahrenheit (minus 18 degrees centigrade) to 220 degrees Fahrenheit (110 degrees centigrade) is required for measuring temperature of this food. Electricity must be provided to refrigeration units 24 hours a day when the food stand has been set in place for service.

Subp. 3. **Grills.** Charcoal grills are acceptable for cooking food as long as they are equipped with a lid and safe food temperatures are maintained.

Subp. 4. **Utensils.** Commercial food grade utensils must be used. Galvanized or soft plastic containers, wooden spoons, enamelware, paintbrushes, and similar materials are not acceptable. Garbage bags and garbage containers must not be used for covering or storing food.

Subp. 5. **Customer safety.** To help provide customer safety and prevent possible contamination by customers, food preparation and cooking areas must be protected by means of an impervious shield or by separation distances.

Subp. 6. **Handwashing facilities.** Handwashing facilities must be provided within the establishment. They must consist of:

- A. soap, paper towels, and a water faucet or spigot that discharges into a waste line or holding vessel;
 - B. paper towels and a spray bottle containing a germicidal solution of one teaspoon of household bleach to a gallon of water;
- or
- C. moist towelettes when there is little or no food preparation.

Subp. 7. **Lighting.** All interior lights must be shielded or enclosed to prevent breakage. Lights used at night must not attract insects.

4625.5201 DISHWASHING FACILITIES, PROCEDURES, AND EQUIPMENT CLEANING.

Subpart 1. **General.** Single service, disposable eating and drinking utensils must be used unless approved permanent dishwashing facilities are available at the site. Approved dishwashing facilities consisting of at least three sufficiently sized basins must be provided for washing equipment and utensils used for food preparation and cooking.

Subp. 2. **Drying.** Space must be provided for air drying utensils. Towel drying is not permitted.

Subp. 3. **Manual utensil washing.** The procedure for manual utensil washing is:

A. wash in warm, soapy water;

B. rinse in clear water; and

C. sanitize for at least one minute in a sanitizing solution of sufficient concentration using one tablespoon of household liquid bleach per two gallons of water, and allow to air dry.

Subp. 4. **Cleaning of equipment.** Food contact equipment that must be cleaned in place, like meat slicers or soft serve ice milk dispensers, must be sanitized using a solution equal to that listed in subpart 3, item C.

Subp. 5. **Wiping cloths.** Cloths used to wipe equipment and counters must be stored in a sanitizing solution between uses. The solution must equal that listed in subpart 3, item C.

Subp. 6. **Sanitizer test kits.** Test kits or strips for analyzing sanitizer strength must be available and used.

4625.5301 FOOD, BEVERAGE, AND UTENSIL HANDLING AND STORAGE.

Subpart 1. **Food source.** All ice and food supplies must come from an approved commercial source. No home prepared food or food storage at home is permitted. Ice must be obtained only in chipped, crushed, or cubed form and in single-use safe plastic or wet-strength paper bag, filled and sealed at the point of manufacture. The ice must be held in these bags until it is dispensed in a way that protects it from contamination.

Subp. 2. **Temperatures.** Potentially hazardous food must be maintained at 40 degrees Fahrenheit (four degrees centigrade) or below, or 150 degrees Fahrenheit (66 degrees centigrade) or above.

Subp. 3. **Previously cooked foods.** If previously cooked food is reheated it must reach an internal temperature of at least 165 degrees Fahrenheit (75 degrees centigrade) throughout before being served. Any heated food left over at the end of the day must be discarded.

Subp. 4. **Storage.** Food and single service disposable utensils such as paper plates and plastic eating utensils must be clean, dry, covered, and kept at least six inches off the floor. Storage of packaged food in contact with water or undrained ice is prohibited. Wrapped sandwiches must not be stored in direct contact with ice.

Subp. 5. **Single service items and condiment dispensing.** Single service utensils and self-service food including condiments such as catsup, mustard, coffee whitener, and sugar must be individually packaged or be dispensed from an enclosed dispenser.

4625.5401 WATER SUPPLY.

Potable water must be obtained from an approved public water supply system. Water may not come from a residential well. If water is not provided under pressure at the establishment, it may be transported and stored in approved, cleanable, covered containers such as five- or ten-gallon coffee urns or nongalvanized beverage coolers containing spigots.

4625.5501 WASTEWATER AND REFUSE DISPOSAL.

Subpart 1. **Wastewater.** Wastewater must be discharged into an approved sanitary sewer system or a holding tank. Ground surface discharge is not permitted.

Subp. 2. **Refuse and garbage disposal.** Refuse must be deposited and stored so that it does not create a nuisance. Garbage containing food waste, if stored overnight or for extended periods of time, must be stored in tightly covered nonabsorbent containers.

4625.5601 INSECT CONTROL.

Effective insect control must be achieved through sanitation. If insecticides are used, they must be an approved type such as pyrethrins as the active ingredient, and used according to the manufacturer's directions. They must not be used when food or utensils are exposed. Intermittent spray dispensers and vaponas strips must not be used.

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Proposed Rules

4625.5701 EMPLOYEE PRACTICES.

Employees must comply with the following requirements:

- A. Employees must maintain their hands in a clean and sanitary condition and wash hands immediately after going to the toilet, handling raw food, smoking, or otherwise soiling their hands.
- B. Employees must not engage in food preparation or service activities if that person has a communicable disease, gastrointestinal illness, sore throat, or discharging wound.
- C. Employees must not use tobacco in any form while on duty.
- D. An employee's outer garments must be clean.
- E. An employee must wear effective hair restraints such as hairnets, headbands, and caps while engaged in food preparation and service.

4625.5801 SAFETY.

Subpart 1. **Electrical.** Electrical service must comply with the Minnesota State Building Code Electrical Code, chapter 1315. Electrical lines must not be located in or near water.

Subp. 2. **Carbon dioxide.** Carbon dioxide and bottled gas cylinders must be secured by chains or other types of restraints.

Subp. 3. **Fire extinguisher.** A fire extinguisher with a minimum 2A 10 B-C rating must be present if required by the fire marshal.

REQUIREMENTS FOR MOBILE FOOD SERVICES OR PUSHCARTS

4625.5901 MOBILE FOOD SERVICES OR PUSHCARTS.

Subpart 1. **General.** Mobile food services or pushcarts must comply with all provisions of parts 4625.2401 to 4625.4701 which are applicable to their operation and must comply with parts 4625.5901 to 4625.6801. The commissioner may impose additional requirements to protect against health hazards related to the conduct of their operation and may prohibit the sale or giveaway of some or all potentially hazardous foods. When no health hazard is likely to result, the commissioner may grant a variance or modify specific requirements of parts 4625.5901 to 4625.6801 relating to physical facilities.

Subp. 2. **Restricted operations.** This subpart applies whenever a mobile food service or pushcart is approved under subpart 1 to operate without complying with all the requirements of parts 4625.5901 to 4625.6801.

A. The mobile food service or pushcart must be set in a location where it is not subject to flooding and is protected from possible contamination; for example toilets, animal pens, or garbage collection sites. It must be protected from dust and windblown particulates by location, treatment of ground surfaces, or by having the unit enclosed.

B. The commissioner may restrict the type of food served or the method of food preparation based on equipment limitations or commissary facilities.

4625.6001 CONSTRUCTION.

Subpart 1. **Work spaces.** Work spaces must be sized to permit unobstructed work activity. Equipment must be located to permit easy cleaning.

Subp. 2. **Floors.** The interior floor must be noncorrosive metal or be surfaced with vinyl flooring or equivalent.

Subp. 3. **Walls or enclosures.** The unit must be capable of being fully enclosed on the sides and roof to provide protection during adverse weather. Interior surfaces must be finished with smooth, durable, nonabsorbent, easily cleanable material that resists the wear and abuse to which the surfaces are subjected. High gloss paint is the minimum, acceptable finish.

4625.6101 EQUIPMENT.

Subpart 1. **General.** Food service equipment must comply with the applicable standards of the National Sanitation Foundation.

Subp. 2. **Refrigeration.** Mechanical refrigeration, containing a thermometer, is required for potentially hazardous foods such as meat, fish, poultry, milk, milk products, and eggs. A metal stem product thermometer with a range from zero degrees Fahrenheit (minus 18 degrees centigrade) to 220 degrees Fahrenheit (104 degrees centigrade) is required for measuring temperatures of this food. Electricity must be provided to refrigeration units 24 hours a day when the mobile food stand has been set in place for service.

Subp. 3. **Exhaust system.** When grease laden cooking vapor or condensation is generated in the cooking process, a mechanical exhaust system must be provided to prevent grease and condensation from collecting on walls and ceilings.

Subp. 4. **Utensils.** Commercial food grade utensils must be used. Galvanized or soft plastic containers, wooden spoons, enamelware, paintbrushes, and similar materials are not acceptable. Garbage bags and garbage receptacles must not be used for covering or storing food.

Subp. 5. **Customer safety.** To help provide customer safety and prevent possible contamination by customers, food preparation and cooking areas must be protected by means of an impervious shield or by separation distances.

Subp. 6. **Handwashing facilities.** A handwashing sink supplied with hot and cold running water, soap, and paper towels must be provided in all units where food is prepared.

Subp. 7. **Lighting.** All interior lights must be shielded or enclosed to prevent breakage. Lights used at night must not attract flying insects.

4625.6201 DISHWASHING FACILITIES, PROCEDURES, AND EQUIPMENT CLEANING.

Subpart 1. **General.** Single service, disposable eating and drinking utensils must be used unless approved permanent dishwashing facilities are available in the mobile unit. Dishwashing facilities must be available and consist of at least a three compartment sink, either free standing or installed in a counter.

Subp. 2. **Drying.** Space must be provided for air drying utensils. Towel drying is not permitted.

Subp. 3. **Manual utensil washing.** The procedure to be used for manual utensil washing is:

A. wash in warm, soapy water;

B. rinse in clean water;

C. sanitize for at least one minute in a sanitizing solution of sufficient concentration, using one tablespoon of household bleach per two gallons of water; and

D. allow to air dry.

Subp. 4. **Cleaning equipment.** Food contact equipment that must be cleaned in place, like meat slicers or soft serve ice milk dispensers, must be sanitized using a solution equal to that listed in subpart 3, item C.

Subp. 5. **Wiping cloths.** Cloths used to wipe equipment and counters must be stored in a sanitizing solution between uses. The solution must equal that listed in subpart 3, item C.

Subp. 6. **Sanitizer test kits.** Test kits or strips for analyzing sanitizer strength must be available and used.

4625.6301 FOOD, BEVERAGE, AND UTENSIL HANDLING AND STORAGE.

Subpart 1. **Food source.** All ice and food supplies must come from an approved commercial source. No home prepared food or food stored at home is allowed. Food may be kept in a licensed commissary, stock truck, or within the unit. Ice must be cubed or crushed and be sealed in a bag at the point of manufacture. The ice must be held in these bags until it is dispensed in a way that protects it from contamination.

Subp. 2. **Temperatures.** Potentially hazardous food must be maintained at 40 degrees Fahrenheit (four degrees centigrade) or below, and 150 degrees Fahrenheit (66 degrees centigrade) or above. This includes periods when it is being transported.

Subp. 3. **Previously cooked foods.** Previously cooked food that is reheated must reach an internal temperature of at least 165 degrees Fahrenheit (74 degrees centigrade) throughout before being served. Heated food that is left over at the end of the day must be discarded.

Subp. 4. **Storage.** Food and single service disposable utensils such as paper plates and plastic eating utensils must be clean, dry, covered, and kept at least six inches off the floor. Storage of packaged food in contact with water of undrained ice is prohibited. Wrapped sandwiches must not be in direct contact with ice.

Subp. 5. **Single service items and condiment dispensing.** Single service utensils and self-service food, including condiments, like catsup, coffee whitener, or sugar, must be individually packaged or dispensed from an enclosed dispenser.

4625.6401 WATER SUPPLY.

Subpart 1. **General.** Potable water must be obtained from an approved public water supply system. Water must not come from a residential well.

Subp. 2. **Holding tanks.** Each mobile food service or pushcart must be equipped with a fresh water holding tank that can be drained and a hot water heater, both of which are sufficiently sized to meet water demand. The holding tank must be corrosion resistant, nontoxic, and free of seams. When in operation, a unit may be directly supplied with water from an external water system.

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Proposed Rules

The connecting hose must be capped and otherwise protected when it is disconnected so that it will not be contaminated by waste discharge, road dust, oil, or grease.

Subp. 3. **System sanitizing.** The total water system must be sanitized each year before the unit is put into service.

4625.6501 WASTEWATER AND REFUSE DISPOSAL.

Subpart 1. **Wastewater.** Wastewater must be discharged directly into an approved sanitary sewer system or to a holding tank which will subsequently be discharged into a sewer system. Discharge lines and connections must not be compatible with the water supply connections. The holding tank must be at least 15 percent larger than the fresh water storage tank. Ground surface discharge is not permitted.

Subp. 2. **Refuse and garbage disposal.** Refuse must be deposited and stored in a manner that will not tend to create a nuisance. Garbage containing food waste, if stored overnight or for extended periods of time, must be stored in tightly covered nonabsorbent containers.

4625.6601 INSECT CONTROL.

Effective insect control must be achieved through sanitation. If insecticides are to be used, they must be an approved type such as pyrethrins as the active ingredient, used according to the manufacturer's directions. They must not be used when food or utensils are exposed. Intermittent spray dispensers and vapona strips must not be used.

4625.6701 EMPLOYEE PRACTICES.

Employees must comply with the following requirements:

A. Employees must maintain their hands in a clean and sanitary condition and wash hands immediately after going to the toilet, handling raw food, smoking, or otherwise soiling their hands.

B. An employee must not engage in food preparation or service activities if that person has a communicable disease, gastrointestinal illness, sore throat, or discharging wound.

C. An employee must not use tobacco in any form while on duty.

D. An employee's outer garments must be clean.

E. An employee must wear effective hair restraints such as hairnets, headbands, and caps while engaged in food preparation and service.

4625.6801 SAFETY.

Subpart 1. **Electrical.** Electrical service must comply with the Minnesota State Building Code Electrical Code, chapter 1315. Electrical lines should not be located in or near water.

Subp. 2. **Carbon dioxide.** Carbon dioxide and bottled gas cylinders must be secured by chains or other types of restraints.

Subp. 3. **Fire extinguishers.** A fire extinguisher with a minimum 2A 10 B-C rating must be present if required by the fire marshal.

REQUIREMENTS FOR SPECIAL EVENT FOOD STANDS

4625.6901 SPECIAL EVENT FOOD STAND.

Subpart 1. **General.** Special event food stands must comply with all provisions of parts 4625.2401 to 4625.4701 which are applicable to their operation and must comply with parts 4625.6901 to 4625.7801. The commissioner may impose additional requirements to protect against health hazards related to the conduct of their operation and may prohibit the sale or giveaway of some or all potentially hazardous foods. When no health hazard is likely to result, the commissioner may grant a variance or modify specific requirements of parts 4625.6901 to 4625.7801.

Subp. 2. **Restricted operations.** This subpart applies whenever a special event food stand is approved under subpart 1 to operate without complying with all the requirements of parts 4625.6901 to 4625.7801.

A. The special event food stand must be located where it is not subject to flooding and is protected from possible contamination; for example toilets, animal pens, or garbage collection sites. It must be protected from dust and windblown particulates by location, treatment of ground surfaces, or by having the food stand enclosed.

B. The commissioner may restrict the type of food served or the method of food preparation based on equipment limitations.

4625.7001 CONSTRUCTION.

Subpart 1. **Work spaces.** Work spaces must be sized to permit unobstructed work activity. Equipment must be located to permit easy cleaning.

Subp. 2. **Floors.** The interior floor must be constructed of concrete, asphalt, tight wood, or other similar cleanable material kept

in good repair. Dirt or gravel, when graded to drain, may be used as subflooring when covered with clean, removable platforms or duckboards, or covered with wood chips, shavings, or other suitable materials effectively treated to control dust.

Subp. 3. **Walls or enclosures.** The stand must provide protection during adverse weather by its construction or location. If it does not, then food activities must cease during periods of adverse weather. Interior surfaces must be finished with smooth, durable, nonabsorbent, easily cleanable material that resists the wear and abuse to which the surfaces are subjected. High gloss paint is the minimum, acceptable finish.

4625.7101 EQUIPMENT.

Subpart 1. **General.** Food service equipment must be appropriately designed and sized for its use.

Subp. 2. **Refrigeration.** Mechanical refrigeration is required for potentially hazardous foods such as meat, fish, poultry, milk and milk products, and eggs. A metal stem product thermometer with a range from zero degrees Fahrenheit (minus 18 degrees centigrade) to 220 degrees Fahrenheit (104 degrees centigrade) is required for measuring temperature of this food. Electricity must be provided to refrigeration units 24 hours a day when the special event food stand has been set in place for service. Insulated chests containing dry ice or frozen refrigerant packs may be used for items such as hot dogs and precooked sausages as long as required temperatures are maintained. A thermometer is required for each refrigerator and insulated chest.

Subp. 3. **Cooking equipment.** Electric skillets, roasters, propane stoves, and charcoal grills equipped with lids are acceptable for cooking food as long as safe food temperatures are maintained. Crock pots may not be used.

Subp. 4. **Utensils.** Commercial food grade utensils must be used. Galvanized or soft plastic containers, wooden spoons, enamelware, paintbrushes, and similar materials are not acceptable. Garbage bags and garbage receptacles must not be used for covering or storing food.

Subp. 5. **Customer safety.** To help provide customer safety and prevent possible contamination by customers, food preparation and cooking areas must be protected by an impervious shield or by separation distances.

Subp. 6. **Handwashing facilities.** Handwashing facilities shall be provided within the stand. They shall consist of:

- A. soap, paper towels, and a water faucet or spigot that discharges into a waste line or holding vessel; or
- B. paper towels and a spray bottle containing a germicidal solution, using one teaspoon of household bleach to a gallon of water; or
- C. moist towelettes when there is little or no food preparation.

Subp. 7. **Lighting.** All interior lights must be shielded or enclosed to prevent breakage. Lights used at night must not attract flying insects.

4625.7201 DISHWASHING FACILITIES, PROCEDURES, AND EQUIPMENT CLEANING.

Subpart 1. **General.** Single service, disposable eating and drinking utensils must be used unless approved permanent dishwashing facilities are available. Utensils are to be washed and sanitized immediately before the special event and as often as necessary during the event. Utensils may be washed off the site if approval is granted. When this is done, the clean utensils must be suitably covered with plastic wrap or placed in a covered container when transported. When utensils are not washed at the site, enough utensils must be provided so that if one becomes soiled or contaminated, a clean one is available.

Subp. 2. **Drying.** Space must be provided for air drying utensils. Towel drying is not permitted.

Subp. 3. **Manual utensil washing.** The procedure for manual utensil washing is:

- A. wash in warm, soapy water;
- B. rinse in clean water;
- C. sanitize for at least one minute in a sanitizing solution of sufficient concentration, using one tablespoon of household bleach per two gallons of water; and
- D. allow to air dry.

Subp. 4. **Cleaning equipment.** Food contact equipment that must be cleaned in place, like meat slicers or soft serve ice milk dispensers, must be sanitized using a solution equal to that listed in subpart 3, item C.

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Proposed Rules

Subp. 5. **Wiping cloths.** Cloths used to wipe equipment and counters must be stored in a sanitizing solution between uses. The solution must equal that listed in subpart 3, item C.

Subp. 6. **Sanitizer test kits.** Test kits or strips for analyzing sanitizer strength must be available and used.

4625.7301 FOOD, BEVERAGE, AND UTENSIL HANDLING AND STORAGE.

Subpart 1. **Food source.** All ice and food supplies must come from an approved commercial source. No home prepared food or food storage at home is permitted. Ice must be obtained only in chipped, crushed, or cubed form and in single-use safe plastic or wet-strength paper bags filled and sealed at the point of manufacture. The ice must be held in these bags until it is dispensed in a way that protects it from contamination. When preparation or hot and cold holding equipment are not adequate for the volume of food prepared, food preparation activities must take place in a facility which is in compliance with parts 4625.2401 to 4625.4701, such as a restaurant, school, fraternal organization kitchen, or church.

Subp. 2. **Temperature.** Potentially hazardous food must be maintained at 40 degrees Fahrenheit (four degrees centigrade) or below and 150 degrees Fahrenheit (66 degrees centigrade) or above, including periods when it is being transported.

Subp. 3. **Previously cooked foods.** Previously cooked food that is reheated must reach an internal temperature of at least 165 degrees Fahrenheit (74 degrees centigrade) throughout before being served. Any heated food that is left over at the end of the day must be discarded.

Subp. 4. **Storage.** Food and single service disposable utensils such as paper plates and plastic eating utensils must be clean, dry, covered, and kept at least six inches off the floor. Storage of packaged food in contact with water or undrained ice is prohibited. Wrapped sandwiches must not be stored in direct contact with ice. Canned, bottled, and other containerized beverages except milk may be chilled in ice.

Subp. 5. **Single service items and condiment dispensing.** Single service utensils and self-service food including condiments such as catsup, mustard, coffee whitener, and sugar must be individually packaged or be dispensed from an enclosed dispenser.

4625.7401 WATER SUPPLY.

Potable water must be obtained from an approved public water supply system. Water must not come from a residential well. If water is not provided under pressure at the establishment, it may be transported and stored in approved, cleanable, covered containers such as five- or ten-gallon coffee urns or nongalvanized beverage coolers containing spigots.

4625.7501 WASTEWATER AND REFUSE DISPOSAL.

Subpart 1. **Wastewater.** Wastewater must be discharged into an approved sanitary sewer system or a holding tank. Ground surface discharge is not permitted.

Subp. 2. **Refuse and garbage disposal.** Refuse and garbage must be deposited and stored in a manner that will not tend to create a nuisance. Garbage containing food waste if stored overnight or for extended periods of time must be stored in tightly covered nonabsorbent containers.

4625.7601 INSECT CONTROL.

Effective insect control is to be achieved through sanitation. If insecticides are to be used, they must be an approved type such as pyrethrins as the active ingredient, used according to the manufacturer's directions. They must not be used when food or utensils are exposed. Intermittent spray dispensers and vapon strips must not be used.

4625.7701 EMPLOYEE PRACTICES.

Employees must comply with the following requirements:

A. Employees must maintain their hands in a clean and sanitary condition and wash hands immediately after going to the toilet, handling raw food, smoking, or otherwise soiling their hands.

B. Employees must not engage in food preparation or service activities if that person has a communicable disease, gastrointestinal illness, sore throat, or discharging wound.

C. An employee must not use tobacco in any form while on duty.

D. An employee's outer garments must be clean.

E. An employee must wear effective hair restraints such as hairnets, headbands, and caps while engaged in food preparation and service.

F. An adult shall be responsible for the operation of the stand and shall supervise children working in the stand.

4625.7801 SAFETY.

Subpart 1. **Electrical.** Electrical service must comply with the Minnesota State Building Code Electrical Code, chapter 1315. Electrical lines should not be located in or near water.

Subp. 2. **Carbon dioxide.** Carbon dioxide and bottled gas cylinders must be secured by chains or other types of restraints.

Subp. 3. **Fire extinguishers.** A fire extinguisher with a minimum 2A 10 B-C rating must be present if required by the fire marshal.

REPEALER. Parts 4625.2400, 4625.2500, 4625.2600, 4625.2700, 4625.2800, 4625.2900, 4625.3000, 4625.3100, 4625.3200, 4625.3300, 4625.3400, 4625.3500, 4625.3600, 4625.3700, 4625.3800, 4625.3900, 4625.4000, 4625.4100, 4625.4200, 4625.4300, 4625.4400, 4625.4500, 4625.4600, 4625.4700, 4625.4800, and 4625.4900, are repealed.

Department of Human Services

Proposed Permanent Rules Relating to Maintenance Payments and Difficulty of Care Payments for Children in Foster Care

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Department of Human Services intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without as public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes*, section 256.82, subdivisions 3 and 4.

All persons have 30 days or until 4:30 p.m. on October 27, 1988 in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

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

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

Marian Eisner
Minnesota Department of Human Services
444 Lafayette Road
St. Paul, MN 55155-3832.

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

The proposed permanent rule amends *Minnesota Rules*, parts 9560.0650 to 9560.0656 [Emergency] which established a uniform statewide system of difficulty of care payments to child foster care providers. The difficulty of care payment is an additional payment, over the basic foster care maintenance rate, to a foster parent for the care of a child who requires additional care, supervision, or attention because of the child's physical, mental or behavioral characteristics.

The proposed permanent rule maintains the system established in the emergency rule and includes an index which is the basis for annual adjustment of the payment rates. The rule modifies the criteria for assessing difficulty of care levels for children on the basis of county social service agency input and reflect current practice in services to children. The proposed rules, if adopted, will repeal the present *Minnesota Rules*, parts 9560.0650 to 9560.0656 [Emergency] and are necessary in order to comply with *Minnesota Statutes*, 256.82, subdivision 4. The proposed rule affects children placed in foster care, foster care providers and county governments.

A free copy of the rule is available upon request from Marian Eisner, Minnesota Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3832. A copy of the rule may also be viewed at any of the 87 county welfare or human services agencies in the State of Minnesota.

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

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Proposed Rules

Marian Eisner
Minnesota Department of Human Services
444 Lafayette Road
St. Paul, MN 55155-3832.

Adoption of these rules will increase aggregate local public body spending by over \$100,000 in either of the first two years following the rule's adoption. See the fiscal note attached to this notice which contains the Department's reasonable estimate of the total cost to all local public bodies in the state to implement the rule for the two years immediately following adoption of the rule.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to: David Nelson, Minnesota Department of Human Services, Rules Division, 444 Lafayette Road, St. Paul, MN, 55155-3816.

Sandra S. Gardebring
Commissioner

Fiscal Note Proposed *Minnesota Rule*, Parts 9560.0650 to 9560.0656 Child Foster Care Difficulty of Care Payments

<u>Projected Increased Costs</u>	1989	1990
Projected Local Agency Increases under the Rule	\$298,881	\$298,881
Projected Local Agency Savings under the Rule	<u>81,708</u>	<u>81,708</u>
Net Increase	\$217,173	\$217,173

This fiscal note projects the increases (and decreases) in local agency costs as compared to the permanent child foster difficulty of care payments rule that was in effect prior to January 1, 1988.

This proposed rule will replace an emergency rule that has been in effect since January 1, 1988. There is no direct state participation in difficulty of care payments, although CSSA block grants may be used.

Background

The proposed rule does not impose new terms, conditions or costs above those in the emergency rule. In gathering data for this fiscal note, the Department updated the written information received from 57 counties on projected costs of the 1988 emergency rule, with a telephone survey of counties to determine their actual costs after two quarters of experience with the emergency rule.

Counties reported that the most significant factor in determining costs is the number of children in foster care and their difficulty of care (DOC) ratings based on individual assessments.

Telephone Survey Responses

On the basis of two quarters of experience with the emergency rule, the sample counties reported the following:

1. Nineteen counties projected no increased costs because of the proposed rule (includes Hennepin and Ramsey).
2. Twenty-nine counties projected annual increased costs totaling \$298,881 under the proposed rule.
(\$ 50-100 monthly increase per child) 5 counties
(\$101-300 monthly increase per child) 13 counties
(\$301-500 monthly increase per child) 7 counties
(\$501-600 monthly increase per child) 4 counties
3. Nine counties projected annual savings totaling \$81,708 under the proposed rule.
(\$301-500 monthly decrease per child) 3 counties
(\$501-600 monthly decrease per child) 6 counties

Calculations

Increase

Based on the telephone sample, the projected annual net increase in local agency costs is \$217,173, calculated as follows:

	1989	1990
Gross Increase in Costs	\$355,476	\$355,476
Less Title IV-E reimbursement:	<u>56,595</u>	<u>56,595</u>

Proposed Rules

30% of substitute care population
x 53.07% federal reimbursement (FY89 rate)

Total Projected Increase	\$298,881	\$298,881
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Savings

Potential decrease for new children in care in local agencies reporting a decrease in payment under the new rate:

	1989	1990
Gross Decrease (estimate assumes constant number of children in care for 1989)	\$ 97,180	\$ 97,180
Less Title IV-E (53.07% for 1989)	<u>15,472</u>	<u>15,472</u>
Projected Decrease	\$ 81,708	\$ 81,708
Net Projected Increase	\$217,173	\$217,173

Totals

	1989	1990
Total Projected Increase	\$298,881	\$298,881
Projected Decrease	<u>81,708</u>	<u>81,708</u>
Net Projected Increase	<u>\$217,173</u>	<u>\$217,173</u>

The effect of the annual rate adjustment will not be known until the United States Department of Agriculture releases its "USDA Estimates of the Cost of Raising a Child" for the current year.

Dated: 8 September 1988

Sandra S. Gardebring
Commissioner

Rules as Proposed

9560.0650 MAINTENANCE STANDARDS.

Subpart 1. [Unchanged.]

Subp. 2. [See Repealer.]

Subp. 3. **Agency contract care.** When foster care is provided for a child by a provider licensed under parts 9545.0010 to 9545.0260 through contract with ~~another~~ a public or private agency, foster care maintenance payments and difficulty of care payments shall be determined according to the rate ~~schedule~~ schedules in subparts subpart 1 and 2 parts 9560.0653 to 9560.0655. If the local social ~~service~~ services agency is contracting for administrative or social ~~service~~ services costs, ~~the~~ payments to the ~~cooperating~~ contracting agency shall be in ~~an amount which is additional~~ addition to the ~~maintenance rate~~ rates established in ~~subparts subpart 1 and 2 parts 9560.0653 to 9560.0655~~.

Subp. 4. and 5. [Unchanged.]

Subp. 6. Reassessment. The agency shall reassess a child:

- A. at the end of 12 months;
- B. at the request of a foster parent;
- C. when a child is placed in a different facility; or
- D. if a child's level of need changes.

Rules as Proposed (all new material)

9560.0651 DIFFICULTY OF CARE ASSESSMENTS AND PAYMENTS.

Parts 9560.0652 to 9560.0656 provide criteria for assessing the difficulty of care and the payment rate for a child in foster care.

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Proposed Rules

9560.0652 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 9560.0653 to 9560.0656 have the meanings given them in this part.

Subp. 2. **Activities of daily living.** "Activities of daily living" means activities of basic self-care, including eating, dressing, grooming, hygiene, and toileting.

Subp. 3. **Mental retardation.** "Mental retardation" means the condition of a person with mental retardation as defined in part 9525.0015, subpart 20.

Subp. 4. **Mental illness.** "Mental illness" has the meaning given in Minnesota Statutes, section 245.462, subdivision 20.

9560.0653 DIFFICULTY OF CARE PAYMENTS.

The local social services agency shall make payments in addition to the basic maintenance standards of part 9560.0650, subpart 1, for children with mental, physical, or emotional handicaps who require additional supervision or assistance in behavior management, activities of daily living, management of medical problems, or interaction with the natural parents and the community. The local social services agency shall assess each child under this part and the difficulty of care levels in part 9560.0654.

9560.0654 DIFFICULTY OF CARE ASSESSMENTS.

Subpart 1. **General.** Within the highest appropriate level and the respective point range of subparts 2 to 7, a single point value shall be assigned based on the age of the child, the number of conditions requiring special care, and the degree of difficulty of caring for each condition.

Subp. 2. **Level A.** A child eligible for difficulty of care payments under part 9560.0653:

A. shall be assessed at level A if the child requires a moderate amount of additional supervision or assistance, including that required by:

- (1) dependency, passivity, or lack of responsiveness and ability to relate to others;
- (2) abnormal seeking of affection or attention;
- (3) problems with separation from the natural parents or attachment to the foster parents;
- (4) psychosomatic complaints;
- (5) night terrors;
- (6) stress reactions, such as minor destructiveness;
- (7) chemical abuse;
- (8) immaturity or poor social skills;
- (9) problems with authority figures;
- (10) chronic disorders with some physical incapacity;
- (11) a physical handicap, although the child is self sufficient;
- (12) presence of long-term infections;
- (13) delayed development;
- (14) need for help with hygiene, eating, toileting, and dressing beyond that normally required at the child's age level;
- (15) need for a special diet prescribed by a physician;
- (16) need for weekly therapy for medical, physical, or emotional problems, truancy or behavior problems, in which the foster parent participates with the child;
- (17) need for home tutoring provided by the foster parent if the child is learning disabled or requires remedial education;
- (18) need for supervision of family visits;
- (19) other conditions or behaviors that are equivalent to the requirement for additional supervision appropriate to subitems (1) to (18); and

B. within level A, shall be assigned no fewer than one and no more than 35 difficulty of care points.

Subp. 3. **Level B.** A child eligible for difficulty of care payments under part 9560.0653:

A. shall be assessed at level B if the child requires a significant amount of additional supervision or assistance, including that required by:

- (1) need for a structured behavioral program;

- (2) difficulty with peers;
- (3) lack of verbal responsiveness;
- (4) fear of or hostility to adults or authority figures;
- (5) infrequent running away overnight;
- (6) lying or stealing;
- (7) chemical abuse;
- (8) expression of suicidal thoughts or gestures;
- (9) chronic medical disorders or developmental delay, including mental retardation, with significant incapacity and need for motivation or skill development;
- (10) a program of physical therapy prescribed by a professional for up to one hour per day to be provided by a foster parent;
- (11) speech and hearing problems, such as those that require a communication board or sign language;
- (12) presence of infections, which present a risk to the family;
- (13) need for help with eating, toileting, hygiene, and dressing significantly beyond that normally required of the child's age level;
- (14) need for help with braces, prosthetics, or casts;
- (15) truancy, school performance, or behavior problems requiring increased contact by the foster parents with the school, court, or other agencies;
- (16) sexual acting out;
- (17) need to assist the child in relating to the natural parents;
- (18) need to supervise family visits in the foster home;
- (19) attention deficit disorder;
- (20) other conditions or behaviors that are equivalent to the requirement for additional supervision appropriate to subitems (1) to (19); and

B. within level B, shall be assigned no fewer than 36 and no more than 70 difficulty of care points.

Subp. 4. **Level C.** A child eligible for difficulty of care payments under part 9560.0653:

A. shall be assessed at level C if the child requires an extensive amount of additional supervision or assistance, including that required by:

- (1) unsocialized or withdrawn behavior;
- (2) self destructive or self-defeating behavior with suicidal expressions and gestures;
- (3) attention deficit disorder;
- (4) frequent running away;
- (5) sexual or physical abuse inflicted upon the child;
- (6) destructive acting-out, either physically or sexually;
- (7) repeated violations of law concerning persons or property;
- (8) chemical abuse;
- (9) problems with authority figures;
- (10) chronic medical disorders or severe developmental delay including mental retardation, with incapacity which may require frequent hospitalizations;
- (11) a severe physical handicap, and the child is not ambulatory or is oppositional;

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Proposed Rules

- (12) feeding problems, including swallowing or vomiting after meals;
- (13) a program of physical therapy prescribed by a professional for between one and two hours per day to be provided by a foster parent;
- (14) need for help in hygiene, eating, toileting, dressing, and diapering, beyond that normally required for the child's age;
- (15) need for therapy for medical, physical, or emotional problems, which the foster parent attends with the child at least twice weekly;
- (16) truancy, behavior, or school performance problems requiring extensive contact by the foster parents with the school, court, or other agencies;
- (17) need for parenting education for the natural parents by the foster parents during visitations;
- (18) need to protect child from threatening natural parents;
- (19) other conditions or behaviors that are equivalent to the requirement for additional supervision appropriate to subitems (1) to (18); and

B. within level C, shall be assigned no fewer than 71 and no more than 105 difficulty of care points.

Subp. 5. **Level D.** A child eligible for difficulty of care payments under part 9560.0653:

A. shall be assessed at level D if the child requires an exceptional amount of additional supervision or assistance, including that required by:

- (1) phobic or compulsive behaviors;
- (2) inappropriate sexual aggressiveness, self-mutilation, or extreme vulnerability;
- (3) self-destructive or self-defeating behavior with suicidal expressions and gestures;
- (4) assaultive behavior;
- (5) antisocial personality disorder;
- (6) chemical abuse;
- (7) a recent suicidal attempt;
- (8) a severe disability with multiple handicaps;
- (9) developmental delay including mental retardation;
- (10) attention deficit disorder with hyperactivity;
- (11) need for frequent supervision of an appliance, such as a shunt or ilial conduit;
- (12) lack of bowel or bladder control, if child is over 12 years of age;
- (13) a program of physical therapy prescribed by a professional for between two and three hours per day to be provided by a foster parent;
- (14) uncontrollable seizures;
- (15) a tracheotomy with need for suctioning;
- (16) a gastrostomy;
- (17) heavy weight, needing lifting;
- (18) disabilities requiring feeding and diapering or dressing and hygiene performed by a foster parent;
- (19) need for therapeutic visits for physical, mental, or emotional problems, attended by a foster parent more often than twice weekly;
- (20) need for relief of the foster parent by another adult;
- (21) other conditions or behaviors that are equivalent to the requirement for additional supervision appropriate to subitems (1) and (20); and

B. within level D, shall be assigned no fewer than 106 and no more than 140 difficulty of care points.

Subp. 6. **Level E.** A child eligible for difficulty of care payments under part 9560.0653:

A. shall be assessed at level E if the child requires an extraordinary amount of supervision or assistance, including that required by:

- (1) frequent and recent suicide attempts;
- (2) frequent and recent arsonist behavior;
- (3) high risk of danger to the child or others by the child;
- (4) life threatening illness with a guarded prognosis or expectation of death, which may require frequent hospitalization;
- (5) need for a heart monitor;
- (6) need for tracheotomy suctioning;
- (7) need for gavage feeding;
- (8) need for intravenous feeding or intestinal massage;
- (9) need for extensive burn care;
- (10) a program of physical therapy prescribed by a professional for between three and four hours per day to be provided by a foster parent; or
- (11) other conditions or behaviors that are consistent with the requirement for additional supervision appropriate to subitems (1) to (10); and

B. within level E, shall be assigned no fewer than 141 and no more than 175 difficulty of care points.

Subp. 7. **Level F.** A child eligible for difficulty of care payments under part 9560.0653:

A. shall be assessed at level F if the child requires supervision or assistance in excess of that of Level E under subpart 6; and

B. within level F, shall be assigned no fewer than 176 and no more than 225 difficulty of care points.

9560.0655 DIFFICULTY OF CARE PAYMENT RATE.

Subpart 1. **Payment rate.** Except as provided by subpart 2, the local social services agency shall make payments to the foster care provider at the rate of \$3.70 per month for each point assessed under part 9560.0654.

Subp. 2. **Existing placements.** In a placement for which a difficulty of care payment was established and was being made prior to the effective date of parts 9560.0650 to 9560.0656, and the payment is greater than the payment which would be made under subpart 1, the local social services agency shall continue to pay the greater amount until the child's difficulty of care changes or the placement terminates.

Subp. 3. **Annual revision of payment rate.** By November 1 of each year following the effective date of parts 9560.0650 to 9560.0656, the commissioner shall review and revise the difficulty of care payment rate in subpart 1 based on USDA Estimates of the Cost of Raising a Child, published by the United States Department of Agriculture, Agricultural Resources Service, Publication 1411. The revision shall be the average percentage by which costs increase for the age ranges represented in the USDA Estimates of the Cost of Raising a Child. The USDA Estimates of the Cost of Raising a Child is subject to annual revision.

9560.0656 DOCUMENTATION.

Subpart 1. **Assessment instrument.** The local social services agency shall document the assessment of the difficulty of care under parts 9560.0653 and 9560.0654 using a written assessment instrument consistent with parts 9560.0653 and 9560.0654. The case record shall include a description of each condition on which the assessment is based.

Subp. 2. **Approval of assessment instrument.** The assessment instrument required by subpart 1 must be approved by the commissioner.

EFFECTIVE DATE. Parts 9560.0651 to 9560.0656 and the amendments to part 9560.0650, are effective December 25, 1988.

REPEALER. Minnesota Rules, part 9560.0650, subpart 2, is repealed.

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Proposed Rules

Board of Pharmacy

Proposed Permanent Rules Relating to License Renewal and Reciprocity Fees

Notice of Intent to Amend Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Pharmacy (hereinafter "Board") proposes to amend *Minnesota Rules* pts. 6800.1150, 6800.1300 and 6800.2800. A copy of the proposed amendments is attached to this Notice. One additional free copy is available from the Board upon request. Procedures for the adoption of noncontroversial rules found in *Minnesota Statutes* 14.22 to 14.28 (1986) will be used.

THE PUBLIC IS HEREBY ADVISED that:

1. They have 30 days in which to submit comment in support of or in opposition to the proposed amendments, and comment is encouraged.
2. Each comment should identify the portion of the proposed amendment addressed, the reason for the comments, and any change proposed.
3. In addition to submitting comments, interested persons may request in writing during the 30 day comment period that a hearing be held on the proposed rule amendment.
4. All comments, including requests for a public hearing, shall be submitted to David E. Holmstrom, Executive Director, Minnesota Board of Pharmacy, Room 107, Colonial Office Building, 2700 University Avenue West, St. Paul, Minnesota 55114-1079.
5. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed.
6. The proposed amendments may be modified if the modifications are supported by the data and views submitted and do not result in a substantial change in the proposed language.
7. A public hearing will be held only if 25 or more persons submit in writing requests for a hearing on the proposed rule amendment or a portion thereof within 30 days of this notice. If a hearing is required, it will be held in accordance with the provisions of *Minnesota Statutes* 14.131 to 14.20 (1986).
8. Under the procedure for adopting noncontroversial rules, the Board must submit any action on its rules to the Attorney General for review of the form and legality of the rule change. Notice of the date of submission of the proposed amendments to the Attorney General for review will be mailed to any person requesting to receive the notice. Requests to receive notice must be submitted to Mr. Holmstrom at the above address.
9. Authority to amend *Minnesota Rules* pts. 6800.1150, 6800.1300 and 6800.2800 is contained in *Minnesota Statutes* sections 151.06 sub. 1 (7) and (9), and 214.06. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of the proposed amendments has been prepared and is now available. Anyone wishing to receive a copy of this document may contact Mr. Holmstrom at the above address.
10. The approval of the Commissioner of Finance for amendments or rules relating to fees is required by *Minnesota Statutes* section 214.06, subd. 1. A document entitled "Commissioner of Finance Approval" in which the Commissioner has approved the proposed amendments to *Minnesota Rules* pt. 6800.1150 and 6800.1300 is available. Anyone wishing to receive a copy of this document may contact Mr. Holmstrom at the above address.
11. Promulgation of the proposed fee changes will not result in the expenditure of public monies by local public bodies and will not affect agricultural land in the state. Likewise, it is not believed that the changes will have a quantitative or qualitative impact on any small business. Persons representing small businesses are nevertheless invited to participate in the rulemaking process.
12. Any rule change made pursuant to this proceeding shall be effective five working days after publication in the *State Register* of a notice of the adoption of the change.

Dated: 13 September 1988

David E. Holmstrom
Executive Director

Rules as Proposed

6800.1150 ANNUAL RENEWAL, FEES, AND POSTING.

Each pharmacist license shall expire on March 1 of each year and shall be renewed annually by filing an application for license renewal on or before February 1 of each year, together with a fee of ~~\$50~~ \$65. Any pharmacist license renewal application submitted after March 1 shall be subject to a late filing fee of \$25 in addition to the renewal fee.

Each pharmacist shall post his or her license or renewal thereof in a conspicuous place within the pharmacy in which he or she is practicing his or her profession. For community pharmacies, this place shall be a place which is readily visible to the public.

6800.1300 RECIPROCITY.

Subpart 1. **Applications.** Applications for reciprocal licensure (licensure as a pharmacist on the basis of licensure as a pharmacist in another state) together with a fee of ~~\$150~~ \$165 shall be filed with the secretary of the board at least 30 days ~~prior to~~ before the date ~~said~~ the application is to be considered by the board. The board will consider applications for reciprocity in at least January and June of each calendar year.

Subp. 2. **Eligibility.** To be found eligible for consideration by the board:

A. Applicant must have practiced in the profession for at least one year after licensure in another state which is an active member of the National Association of Boards of Pharmacy before ~~he~~ the applicant will be deemed eligible to reciprocate to Minnesota.

B. Applicant, if examined and licensed ~~prior to~~ before January 1, 1973, shall show that he or she has acquired 2,080 hours of practical pharmacy experience under the instruction of a licensed pharmacist.

C. Applicant, if examined and licensed after January 1, 1973, shall show that ~~he~~ the applicant has acquired 1,500 hours of practical pharmacy experience under the instruction of a licensed pharmacist; said 1,500 hours to be acquired after the successful completion of the third year of the standard five-year pharmacy curriculum, 400 hours of which may be acquired: concurrently with college attendance, in clinical pharmacy programs, or in demonstration projects which have been approved by the Tripartite Committee on Internship and the board of the active member state from which ~~he~~ the applicant applies.

Subp. 3. **Substitution for internship.** Defects in internship experience will not preclude an applicant from being deemed eligible provided that ~~said~~ the applicant shall have practiced as a licensed pharmacist for one year, plus one week at 40 hours per week for each week or portion thereof that ~~he~~ the applicant is deficient in internship experience, (~~i.e.~~ for example, the number of weeks in excess of one year the applicant has practiced as a licensed pharmacist ~~prior to~~ before applying for reciprocity must be equal to or greater than the number of weeks or portions thereof that ~~he is~~ the applicant is deficient in internship experience).

Subp. 4. to 6. [Unchanged.]

REPEALER. Minnesota Rules, part 6800.2800, is repealed.

Department of Public Safety

Proposed Permanent Rules Relating to School Bus Driver Endorsement

Notice of Intent to Adopt Rules Without a Hearing

NOTICE IS HEREBY GIVEN that the State Department of Public Safety is proposing to adopt the above entitled rules without a public hearing. The Commissioner of Public Safety has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow procedures set forth in *Minnesota Statutes* Sections 14.22 through 14.28.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules. Public comments are encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for comment, and any change proposed. The proposed rules may be modified prior to final adoption if modifications are supported by the data and views submitted to the Department of Public Safety and do not result in a substantial change in the proposed language.

If 25 or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will be held. The written request must be specific on which rule(s) a hearing is desired. Identification of the portion of the proposed rule addressed, the particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are requested. Any person requesting a public hearing should state his or her name and address. In the event a public hearing is required, the department will proceed according to the provisions of *Minnesota Statutes* Sections 14.131 through 14.20.

Persons who wish to submit comments or a written request for a public hearing, or persons who wish to receive a free copy of this notice and/or a free copy of the proposed rules, should address their correspondence to the address below and include the name of the rulemaking:

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

Proposed Rules

Department of Public Safety
211 Transportation Building
St. Paul, MN 55155

The Department's authority to adopt the proposed rules is contained in *Minnesota Statutes*, sections 171.321 and 14.06. A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available free from the Department of Public Safety upon request to the above address.

You are hereby advised, pursuant to *Minnesota Statutes* Section 14.115, "Small business consideration in rulemaking," that the proposed rules will not have a direct impact on small businesses in Minnesota.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the date of submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written request to the above address.

Please be advised that *Minnesota Statutes* Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. *Minnesota Statutes* Section 10A.01, Subd. 11 defines a lobbyist as any individual: (a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or (b) who spends more than \$250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101, telephone (612) 296-5615.

The department estimates that there will be no cost to local public bodies in the state to implement the rules for the two years immediately following their adoption, within the meaning of *Minnesota Statutes* Section 14.11, Subd. 1. Any costs incurred by local jurisdictions in the permit issuance process can be recovered through imposition of a fee authorized by the rules.

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

Rules as Proposed

7414.0200 BASIC REQUIREMENT.

Satisfactory completion of a school bus driver's examination ~~shall be~~ is required of every person who is required by Minnesota Statutes, section 171.321 to have a school bus driver's endorsement to operate a motor vehicle used in the transportation of children to or from public, private, or parochial schools and school-related activities, and that is owned by a government agency, a private or parochial nonpublic school corporation or agency, or a private person, firm, association, or corporation, and that is used to transport children to and from public or nonpublic schools and school-related activities.

7414.0400 DRIVER BACKGROUND CHECK.

Subpart 1. Scope. Before issuing a school bus driver's endorsement or renewing a driver's license with a school bus driver's endorsement, the Department of Public Safety shall determine whether the applicant has been convicted of a crime involving moral turpitude and shall also conduct a background check on to investigate the applicant's criminal and driving record records. The department shall use the criteria listed in subparts 2 and 3 when issuing or denying an application for a new school bus driver's endorsement or when renewing or canceling an existing endorsement.

Subp. 2. Denial, cancellation of endorsement. The department shall not issue or renew a school bus driver's endorsement and shall cancel an existing endorsement if the applicant's criminal or driving record shows that the applicant has been convicted of any one of the following:

A. selling a controlled substance, and five years have not elapsed since the applicant's conviction or release from a correctional facility, whichever event occurred last;

B. a felony or gross misdemeanor against another, and five years have not elapsed since the applicant's conviction or release from a correctional facility, whichever event occurred last;

C. two or more felony convictions not against another and five years have not elapsed since the applicant's conviction or release from a correctional facility, whichever event occurred last;

D. two or more convictions for driving while under the influence of alcohol or a controlled substance; two or more driver's license revocations under the implied consent law; or, in combination, one or more convictions of driving while under the influence

of alcohol or a controlled substance and one or more driver's license revocations under the implied consent law, which do not arise out of the same factual circumstances or behavioral incident, and five years have not elapsed since the applicant's conviction, revocation, or release from a correctional facility, whichever event occurred last;

E. four or more moving violations within a three-year period and one year has not elapsed since the last conviction; or

F. criminal sexual conduct under Minnesota Statutes, section 609.342, 609.343, 609.344, 609.345, or 609.3645, without regard that the conviction may have been deemed a misdemeanor or gross misdemeanor under Minnesota Statutes, section 609.13 or other law, and five years have not elapsed since the applicant's conviction or release from a correctional facility, whichever event occurred last.

For purposes of this part, a crime solely against property is not considered a crime against another.

Subp. 3. Felony charges. The department shall not consider the application for an initial school bus driver's endorsement of an individual charged with a felony against another until that individual is found not guilty of the charge.

A driver with a school bus driver's endorsement who is charged with a felony against another shall notify the employer within seven days of the charge. If the driver fails to notify the employer, the department shall revoke the endorsement. If the endorsement is revoked under this paragraph, the department shall not reinstate the endorsement until the driver is found not guilty of the charge or until five years have elapsed since the final disposition of the case or the applicant's release from a correctional facility, whichever event occurs last.

Subp. 4. Letter required for issuance. If a conviction or a withdrawal of driving privileges based on a situation listed in items A to I of this subpart appears on the applicant's record, or the applicant has a B-card, and the applicant is not barred from obtaining an endorsement by reason of subpart 2, the department shall issue or renew an endorsement only if the applicant submits with the application a letter recommending that the endorsement be renewed or issued to the applicant. The letter may be either from the superintendent of schools or the superintendent's agent of the school district in which the applicant is employed or will be employed, or from the contractor employing the applicant. If the letter is from the contractor, a copy must be sent to the superintendent of schools. If the conviction is for criminal sexual conduct described in item F, a copy of the recommending letter must be sent to the applicant's probation officer if the applicant is under the supervision of the court.

The letter must contain the first, middle, and last name of the applicant; the applicant's driver's license number; and an acknowledgment of the applicant's criminal or driving record.

These provisions relate to any one of the following:

A. conviction for possession of a controlled substance within five years preceding application;

B. conviction for driving while under the influence of alcohol or a controlled substance within five years preceding application;

C. conviction for selling a controlled substance within five years preceding application;

D. conviction of a felony or gross misdemeanor not against another within five years preceding application;

E. conviction of a felony or gross misdemeanor against another under Minnesota Statutes, sections 609.221 to 609.265, more than five years but less than ten years preceding application;

F. criminal sexual conduct under Minnesota Statutes, section 609.342, 609.343, 609.344, 609.345, or 609.3645, without regard that the conviction may have been deemed a misdemeanor or gross misdemeanor under Minnesota Statutes, section 609.13 or other law, and more than five years but less than ten years have elapsed since the applicant's conviction or release from a correctional facility, whichever event occurred last;

G. three convictions for moving traffic violations within two years preceding application;

H. conviction for a moving traffic violation resulting in a revocation or suspension within three years preceding application;
and

I. revocation under Minnesota Statutes, section 169.123, the implied consent statute, within three years preceding application.

7414.1200 DISQUALIFICATION.

Any school bus driver An applicant for an initial school bus driver's endorsement or for renewal of a school bus driver's endorsement whose physical examination discloses communicable diseases, or mental or physical conditions of an intermittent or

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Proposed Rules

continuing nature that might reasonably affect his ~~the~~ ability to operate a school bus, ~~shall~~ must be denied a school bus driver's endorsement. One or more of the deficiencies specified in items A to M ~~will~~ disqualify the applicant for a school bus driver's endorsement:

A. visual acuity less than 20/40 (~~Snellen~~) Snellen in either eye without lenses or by correction with lenses; total form field of vision in the horizontal meridian less than 140 degrees in either eye (drivers ~~requiring correction by~~ required to wear corrective lenses shall wear properly prescribed lenses at all times when driving);

B. hearing less than 30 db (10/20) in the better ear, with or without a hearing aid;

C. ~~inebriates~~ abusers of alcohol or users of narcotics or drugs that may impair driving ability;

D. ~~any indication of~~ coronary or heart ailment likely to interfere with safe driving, electrocardiogram is required when other findings indicate desirability;

E. blood pressure over 160/90;

F. failure to have a satisfactory Mantoux or chest x-ray as required by Minnesota Department of Health, parts 4605.3400 and 4605.3500;

G. ~~any~~ a communicable disease as listed in Minnesota Department of Health rules, parts 4605.0200 to 4605.0600, 4605.1700 to 4605.3300, and 4605.3600 to 4605.5100;

H. loss or impairment of foot, leg, hand, or arm, or ~~other structural defect or limitation of movement likely to interfere with safe driving unless the commissioner grants a waiver after determining that the loss or impairment will not interfere with the applicant's ability to transport students safely;~~

I. ~~any~~ a mental, nervous, organic, or functional disease likely to interfere with safe driving;

J. diabetes unless controlled by diet or oral medication only;

K. epilepsy or other episodic (Paroxysmal) periods of unconsciousness;

L. use of ~~any~~ medication that the examining physician determines is likely to interfere with safe driving; or

M. ~~applicant not~~ lack of good general health.

Department of Trade and Economic Development

Proposed Permanent Rules Relating to Independent Wastewater Treatment Grants Program

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Commissioner of Trade and Economic Development proposes to adopt the above entitled rules without a public hearing following the procedures set forth in the Administrative Procedures Act for adopted rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. Authority for the adoption of these rules is contained in *Minnesota Statutes*, section 446A.06, subd. 2.

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

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

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

Terry Kuhlman
Acting Executive Director
Public Facilities Authority
800 American Center Building
150 East Kellogg Boulevard
St. Paul, MN 55101

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

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

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

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

David Speer
Commissioner of Trade and Economic Development

Rules as Proposed (all new material)

7380.0500 SCOPE OF RULES.

Parts 7380.0500 to 7380.0582 provide for the awarding of grants by the Minnesota Public Facilities Authority under Minnesota Statutes, chapter 446A, to municipalities for wastewater treatment projects certified by the commissioner of the Minnesota Pollution Control Agency, as provided in Minnesota Statutes, sections 116.16 to 116.181, and chapter 7075.

The executive director of the authority shall assist municipalities in determining which grants or loans to apply for to finance eligible projects and the manner in which the municipality shall pay for its portion of the project cost.

Municipalities making application to the authority must comply with the requirements of the Pollution Control Agency independent grant program rules in chapter 7075 in order to receive the required certification of the commissioner of the agency before any determination by the authority on the municipality's application.

The authority shall, as provided in Minnesota Statutes, section 446A.051, review the proposed project financing for a municipal project certified by the commissioner to determine if the municipality has demonstrated in its application that:

- A. the total financing of the project is assured; and
- B. the municipality's financial plan to pay for its portion of the project is feasible.

7380.0510 DEFINITIONS.

The definitions in Minnesota Statutes, section 116.16, subdivision 2, and part 7380.0410, apply to parts 7380.0500 to 7380.0582.

7380.0520 STATE INDEPENDENT GRANTS PROGRAM.

Subpart 1. **Grants for certified projects.** The authority shall award state independent grants to municipalities for projects certified by the commissioner as provided in Minnesota Statutes, section 116.18, subdivisions 3a to 3d. The amount to be awarded by the authority must be equal to 50 percent of the eligible project cost as provided in the agency rules, or if the population of the municipality is 25,000 or less, 80 percent of the eligible project cost, as provided in the agency rules.

Subp. 2. **Grant limitation.** Until December 31, 1990, the authority shall award not more than 20 percent of the total amount of grants awarded under this part to any municipality in any fiscal year.

Subp. 3. **Economic development set-aside.** The authority shall set aside up to ten percent of the money to be awarded as grants under this part in any fiscal year for municipalities having substantial economic development projects that cannot come to fruition without municipal wastewater treatment improvements.

After the authority has allocated the first 90 percent of the total available money for the fiscal year to municipalities in accordance with agency priorities, the set-aside must be used by the authority to award grants to the remaining municipalities that have been identified by the authority.

Subp. 4. **Reimbursement.** The authority may award grants under this part to reimburse municipalities willing to proceed with projects and be reimbursed in a later year if an appropriation of sufficient funds has been made under Minnesota Statutes, section 116.18, subdivision 1, for that year.

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Proposed Rules

Subp. 5. **Reimbursement grant percentages.** A municipality awarded a state independent grant for reimbursement for a project shall receive an additional five percent of the total eligible project construction cost beyond the percentage to which the municipality is entitled under subpart 1.

7380.0530 ELIGIBLE COSTS.

Eligible costs for grant applications are the eligible costs provided in the agency independent grant program rules and certified by the commissioner.

7380.0540 CAPITAL COST COMPONENT GRANT PROGRAM.

Subpart 1. **Grants for certified projects.** The authority shall award capital cost component grants to municipalities for projects certified by the commissioner.

Subp. 2. **Amount set aside.** The authority may set aside up to \$1,500,000 of the funds to be awarded as grants under part 7380.0520, subpart 1, in any fiscal year for capital cost component grants.

Subp. 3. **Project amount.** The amount of the award granted by the authority shall be as provided in the agency rules.

7380.0550 INDIVIDUAL ON-SITE TREATMENT SYSTEMS PROGRAM.

Subpart 1. **Grants for certified projects.** The authority shall award individual on-site treatment systems grants to municipalities for projects certified by the commissioner.

Subp. 2. **Amount set aside.** The authority may set aside up to ten percent of the funds to be awarded as grants as provided in part 7380.0520, subpart 1, in any fiscal year, up to a maximum of \$1,000,000, for the award of grants to municipalities to reimburse owners of individual on-site wastewater treatment systems for 50 percent of the costs of upgrading or replacing the systems, as provided in part 7075.1250, subpart 2.

7380.0560 CORRECTIVE ACTION GRANTS.

The authority shall award corrective action grants to municipalities for projects certified by the commissioner.

7380.0570 APPLICATION PROCESS.

Subpart 1. **In general.** To apply for state independent grants or the other grants programs as provided under parts 7380.0520, 7380.0530, 7380.0540, 7380.0550, and 7380.0560, applications by municipalities shall be made to the authority on forms provided by the agency which require information prescribed by the agency rules.

Subp. 2. **Notice of taking applications.** Applications must be taken as provided by the agency independent grant program rules. The application period for any of the grants programs shall be established by the commissioner.

Subp. 3. **Application processing.** The authority shall forward an application to the agency within ten days of receipt of an application by the authority. The agency will accept and review applications as provided in the program rules in chapter 7075.

Subp. 4. **Certified applications.** When an application certified by the commissioner is returned to the authority on or before the first business day of the month, the authority shall consider the application at the authority meeting that month. If a certified application is received after the first business day of the month and can be reviewed by the executive director before the authority agenda deadline, the authority may consider the application at the meeting in that month.

Subp. 5. **Complete applications.** A loan application is complete for the authority's purposes when the executive director receives all documentation and exhibits required for the authority to make the determinations required by Minnesota Statutes, section 446A.051.

Subp. 6. **Incomplete applications.** If the executive director determines, relative to the authority's requirements, that an application is incomplete, the executive director shall notify the applicant of the specific deficiencies in the application. The applicant has 30 days from the date of mailing of the executive director's notification to complete the application. If the application is not completed and received by the executive director within 30 days from the date of mailing, the application is considered rejected and the applicant, subject to agency rules, shall reapply to be further considered.

Subp. 7. **Applications not receiving certification.** An application not certified by the commissioner will not be considered for financial assistance by the authority. The executive director of the authority shall notify the applicant of the rejection of the application by the authority within ten days of the rejection of the application by the authority.

Subp. 8. **Rejection of applications by the authority.** An application for financial assistance may be rejected by the authority for the following reasons:

A. failure to develop and document that other project-required funding commitments have been secured, as provided in Minnesota Statutes, section 446A.051;

B. failure to submit a completed application using the procedure provided in subpart 6; and

C. failure to demonstrate that the municipality's financial plan to pay for its portion of the project is feasible, as provided in Minnesota Statutes, section 446A.051.

7380.0580 AWARD OF GRANTS AND LOANS.

Subpart 1. **In general.** Upon certification of an application by the agency and the review and approval of the application by the authority, the authority shall make the award and notify the municipality that it is to receive a grant or loan and prepare and advise the municipality of the grant or loan forms or other documents that must be executed to complete the grant or loan.

Subp. 2. **Amendments to grant award.** A municipality that seeks an amendment to a previously awarded grant or loan shall follow the procedure in part 7380.0570 for applying to the authority.

7380.0581 RELEASE OF FUNDS.

Subject to the availability of funds, payments to a municipality, which have been certified by the commissioner, will be made in accordance with applicable federal and state laws governing those payments. However, payments will not be made until the authority has determined the total estimated cost of the project and ascertained that financing of the project is assured by:

A. a grant to the municipality by an agency of the federal government within the amount of funds then appropriated to that agency and allocated by it to projects within the state;

B. a grant of funds appropriated by state law;

C. a loan authorized by state law;

D. the appropriation of proceeds of bonds or other funds of the municipality to a fund for the construction of the project; or

E. any or all of the means referred to in items A to D; and

F. an irrevocable undertaking, by resolution of the governing body of the municipality, to use all funds made available exclusively for the construction of the project, and to pay any additional amount by which the cost of the project exceeds the estimate, by the appropriation to the construction fund of additional municipal funds or the proceeds of additional bonds to be issued by the municipality; and

G. conformity of the project and of the grant or loan application with the state water pollution control plan as certified to the federal government and with all other conditions under applicable state and federal law for a grant of state or federal funds of the nature and in the amount involved.

7380.0582 REPORTS.

During the term of the grant or loan agreement, the municipality shall make written reports to the executive director of the authority on forms provided by the authority on a schedule determined by the executive director.

Department of Trade and Economic Development

Proposed Permanent Rules Relating to the Public Facilities Authority

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Commissioner of Trade and Economic Development proposes to adopt the above entitled rules without a public hearing following the procedures set forth in the Administrative Procedures Act for adopted rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. Authority for the adoption of these rules is contained in *Minnesota Statutes*, section 446A.06, subd. 2.

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

Any person may make a written request for a public hearing within the 30 day comment period. If 25 or more persons submit a written request for a public hearing within the 30 day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a hearing should state his or her name and address, and is encouraged to

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Proposed Rules

identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the Department will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

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

Terry Kuhlman
Acting Executive Director
Public Facilities Authority
800 American Center Building
150 East Kellogg Boulevard
St. Paul, MN 55101

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

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

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

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

David Speer
Commissioner of Trade and Economic Development

Rules as Proposed (all new material)

7380.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms defined in this part apply to parts 7380.0100 to 7380.0130.

Subp. 2. **Meetings.** Regular meetings and special meetings of the authority, and notice of such meetings, shall be as provided in the Minnesota Open Meeting Law, Minnesota Statutes, section 471.705.

Subp. 3. **Statute.** "Statute" means Minnesota Statutes, section 471.705, cited as the Minnesota Open Meeting Law.

7380.0110 REGULAR MEETINGS.

Regular meetings of the authority are held as provided in the notice of meeting schedule issued by the authority and on file at the office of the authority at 900 American Center Building, 150 Kellogg Boulevard, Saint Paul, Minnesota. If the authority decides to hold a regular meeting at a time or place different from the time or place stated in its schedule of regular meetings, it shall do so as provided by Minnesota Statutes, section 471.705, subdivision 1c.

7380.0120 SPECIAL MEETINGS.

Special meetings of the authority may be called by the chair or by a majority of the members of the authority, provided the notice is given as required by statute. The purpose of the meeting shall be only as provided in the notice, and shall be held at the office of the authority in Saint Paul, Minnesota, unless another place of meeting is designated by resolution.

7380.0130 AGENDA.

A proposed agenda of business to be conducted at any regular or special meeting of the authority must be included with the notice of meeting to all members of the authority. Any citizen, group, or organization that has requested to be included on the Public Facilities Authority mailing list shall receive an agenda. The mailing list will be updated every two years. Any member of the authority who wishes to add an item on the agenda of a regular meeting may do so with the concurrence of the majority of the members.

Department of Trade and Economic Development

Proposed Permanent Rules Relating to District Heating Loans and Energy Conservation Investment Loans

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Public Facilities Authority proposes to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedures Act for adopted rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. Authority for the adoption of these rules is contained in *Minnesota Statutes*, section 446A.11, subdivision 2.

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

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

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

Terry Kuhlman
Acting Executive Director
Public Facilities Authority
800 American Center Building
150 East Kellogg Boulevard
St. Paul, MN 55101

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

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

David Speer
Commissioner of Trade and Economic Development

Rules as Proposed (all new material)

DISTRICT HEATING LOANS

7380.0600 DEFINITIONS.

Subpart 1. **Scope.** The terms defined in this part and in Minnesota Statutes, section 116J.36, subdivision 2, apply to parts 7380.0600 to 7380.0650.

Subp. 2. **Construction loan.** "Construction loan" means a loan to fund construction costs.

Subp. 3. **Design loan.** "Design loan" means a loan made to fund those activities required to be completed during the final design phase of a district heating system in order to finance and construct the system. These activities include conducting economic feasibility analyses, obtaining heat source commitments and customer contracts, structuring financing, and related district heating project tasks.

Subp. 4. **District heating project or project.** "District heating project" or "project" means a district heating design or construction project for a new or existing district heating system.

Subp. 5. **Existing system.** "Existing system" means a district heating system that has at least one customer and has been operational for more than one year.

Subp. 6. **Financial consultant.** "Financial consultant" means a reputable person or firm experienced in working with complex revenue-supported financial plans and qualified to assess the financial condition and operation of the district heating project.

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.

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Subp. 7. **Gross revenues.** "Gross revenues" means all revenues, fees, user charges, rents, franchise fees, special assessments, and other income and receipts derived from the ownership or operation of the district heating project, the proceeds of any insurance that insures against the loss of gross revenues, any investment income from money or securities derived from the state loan under Minnesota Statutes, section 116J.36, and any other income and receipts attributable to the ownership or operation of the project from whatever source derived, calculated on an annual basis.

Subp. 8. **New system.** "New system" means a district heating system that has at least one customer and has been operational for less than one year.

Subp. 9. **Operating expenses.** "Operating expenses" means the expenses directly and properly attributable to the operation of the project on an annual basis, including: expenses for operation, maintenance, repairs, ordinary replacement, ordinary acquisition of equipment, fuel and heat, labor and fringe benefits, lease rental payments, insurance premiums, administration, legal services, engineering services, payments of all indebtedness, and any other current expenses or obligations required to be paid by the municipality or owner of the district heating project, all to the extent properly and directly attributable to the operation of the district heating project. Operating expenses do not include any costs or expenses for new construction or any allowance for depreciation.

7380.0610 CONTENTS OF APPLICATION FOR NEW SYSTEM.

A completed application for a construction loan to a new system must contain:

A. The name, address, and telephone number of the responsible official of the municipality.

B. Complete engineering design of the district heating project, including:

(1) an analysis of the proposed piping layout that must address optimum service to the total designated area, reliability of service, system temperatures and pressure requirements, thermal and hydraulic operability for normal and emergency conditions, and optimum piping configuration to provide service and flexibility for future expansion;

(2) an analysis of the proposed piping design that must address reliability of service, ease of construction, ease of maintenance, installation methods, and specifications and standards; and

(3) an analysis of the heat source design that must define the proposed roles of the following heat sources in the development and future operation of the system: base load heating plant, peaking plants, large boiler plants in existing buildings, mobile boilers, accumulators, and future heat sources such as solid waste, solar, and industrial waste heat.

C. A market study of customers who represent 90 percent of the proposed thermal load of the district heating system. This study must show detailed information on present fuel consumption or heating demand and the present heating system in each building.

D. A preliminary expansion plan showing how the system could be expanded to serve other parts of the community.

E. A complete economic analysis, including:

(1) a preliminary financing and development plan for the district heating system prepared by a financial consultant;

(2) cash flow, income, and balance sheets for the time period of the loan;

(3) a cost estimate and expenditure schedule for all transmission and distribution piping, heat source conversion, purchase or rental, operating and maintenance costs excluding fuel costs, and building heating conversion costs; and

(4) a statement showing the source of all funds to be used by the applicant for the design or construction of the system, and the amount of funds from each of those sources.

F. A certification by the municipality that a bid package for the construction of the project has been completed and is available to the department of public service if requested.

G. A copy of the standard contract entered into with customers of the project and a list of customers already under contract, listing the thermal load of each customer presently under contract and comparing the total of the thermal load already contracted with the total load of the district heating project.

H. Where applicable, a copy of any contract for the furnishing of heat and fuel for the district heating project.

I. A resolution in support of the project from the governing body of the municipality that must include the pledges the municipality proposed to make to guarantee prepayment of the loan and evidence of the municipality's capability to sponsor the district heating project.

J. Identification of all licenses, permits, zoning regulations, and other requirements of federal, state, or local governments with which the project would be expected to comply and the present status of compliance with each.

K. A list of key personnel and their qualifications as they relate to the district heating project.

L. An estimate of the type and amount of fuel to be saved per year from the full operation of the district heating system compared to the type and amount of fuel used by the existing system.

M. A copy of a completed environmental impact statement or a negative declaration of the need for an environmental impact statement from a completed environmental assessment worksheet, or in those cases where no environmental assessment worksheet is required, a statement as to the environmental effects of the project.

7380.0620 CONTENTS OF APPLICATION FOR EXISTING SYSTEM.

A completed application for a construction loan to an existing system must contain:

- A. The name, address, and telephone number of the responsible official of the municipality.
- B. Background information on the existing system, including: ownership, type and size of heat source, heat source capacity, backup heat boilers, and customer base, including information on process loads.
- C. A complete engineering design of the expansion project, including:
 - (1) an analysis of the proposed piping layout, system temperatures and pressure requirements, and flexibility for future expansion; and
 - (2) an analysis of the heat source, including the capacity available and information concerning the backup heat source.
- D. A discussion of proposed customer loan including information on present fuel consumption or heating demand and the present heating system in each building for new customers.
- E. A complete discussion of how the loan is to be secured, the current outstanding debt of the applicant, and the cash flow for the term of the loan. This discussion must also contain a cost estimate and expenditure schedule for all transmission and distribution piping, heat source conversion, purchase or rental, operating and maintenance costs excluding fuel costs, and building heating conversion costs.
- F. A certification by the municipality that a bid package for the construction of the project has been completed and is available to the department of public service if requested.
- G. A copy of the standard contract entered into with the customers of the project and a list of customers already under contract and the total loan it represents.
- H. A copy of any contract for the furnishing of heat.
- I. A copy of any contract for the furnishing of fuel for the district heating project if this is a waste-to-energy project.
- J. A resolution in support of the project from the governing body of the municipality that must include the pledges the municipality proposes to make to guarantee repayment of the construction loan and evidence of the municipality's capability to sponsor the district heating project.
- K. Identification of all licenses, permits, zoning regulations, and other requirements of federal, state, or local governments with which the district heating project would be expected to comply and the present status of compliance with each.

7380.0630 APPLICATION PROCEDURE.

Subpart 1. **Submitting.** The applicant shall submit ten copies of a complete application to the chair of the authority on a form provided by the authority.

Subp. 2. **Review by Department of Public Service.** When an application is received by the chair, copies of the application shall be sent to the commissioner of the Department of Public Service for review. The commissioner of public service shall prepare and submit to the authority a technical evaluation and a recommendation on the application.

7380.0640 AUTHORITY REVIEW AND EVALUATION.

The authority will review the application for compliance with Minnesota Statutes, section 116J.36, and the rules of this part in conjunction with the recommendation of the commissioner of public service on the application. The authority shall also review the commissioner of public service priority list for funding district heating loans that must be based on the requirements under Minnesota Statutes, section 116J.36, subdivisions 3, 4, 5, 6, and 7. The authority shall give higher priority to a project as provided in Minnesota Statutes, section 116J.36, subdivision 4.

The commissioner of finance shall sell bonds and the authority shall make loans for district heating projects only upon the recommendation of the commissioner of public service.

If the authority disapproves the application, the chair shall notify the applicant in writing.

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7380.0650 REPORTS AND MONITORING.

Subpart 1. **Quarterly project status report.** The municipality shall submit to the authority, on forms provided by the authority, a quarterly project status report. This report is due within 30 days of the end of each calendar quarter until the design or construction of the district heating project is completed. Projects begun part way through a quarter must submit a quarterly report for the portion of the quarter during which the project was active. The project status report must indicate the progress of the implementation of the district heating project funded, problems encountered, the effect of the problems on the project, and the corrective action taken. The authority shall, in consultation with the commissioner of public service, declare the entire loan amount due and payable if the authority determines that a project does not substantially conform to the construction schedule or if there has been substantial noncompliance with reporting requirements. The executive director of the authority shall inform the municipality in writing of any noncompliance with the construction schedule or reporting requirements and of the time in which the municipality must correct the deficiencies to the authority's satisfaction. If the deficiencies are not corrected to the authority's satisfaction the authority shall declare the entire amount of the loan due and payable.

Subp. 2. **Quarterly financial report.** The municipality shall submit to the authority, on forms provided by the authority, a quarterly financial status report that indicates expenditures of loan funds through the last date of each quarter. This report is due within 30 days of the end of each calendar quarter until the design or construction of the district heating project is completed and all expenses applicable to the loan are paid. Projects begun part way through a quarter must submit a quarterly report for the portion of the quarter during which the project was active.

Subp. 3. **Final report.** Within 60 days of the completion of the project, the municipality shall submit to the authority, on forms provided by the authority, a final financial status report that gives expenditures of the district heating project. The final financial report shall give actual expenditures for the costs incurred.

Subp. 4. **Failure to comply with provisions of part.** If the municipality fails to comply with any of this part, the municipality may, with the advice and consent of the authority, be declared ineligible for further contracts with the state under the district heating loan program.

ENERGY CONSERVATION INVESTMENT LOANS

7380.0700 DEFINITIONS.

Subpart 1. **Scope.** The terms defined in this part and in Minnesota Statutes, section 116J.37, subdivision 1, apply to parts 7380.0710 to 7380.0780.

Subp. 2. **Applicant.** "Applicant" means an eligible municipality.

Subp. 3. **Municipality.** "Municipality" means any county, statutory or home rule charter city, town, school district, or any combination of those units under an agreement to jointly undertake projects authorized in this section.

Subp. 4. **Authority.** "Authority" means the Minnesota Public Facilities Authority.

Subp. 5. **Project.** "Project" means all proposed work set forth in an application for a loan to a municipality.

Subp. 6. **Maxi-audit.** "Maxi-audit" means a detailed analysis of energy-saving improvements to existing buildings or stationary energy-using systems, including:

- A. modifications to building structures;
- B. heating, ventilating, and air conditioning systems;
- C. operation practice;
- D. lighting; and
- E. other factors that relate to energy use.

The primary purpose of the engineering analysis is to quantify the economic and engineering feasibility of energy-saving improvements that require capital expenditures or major operational modifications.

A maxi-audit must be performed by or under the direction of and signed by a professional mechanical or electrical engineer or by an architect registered in Minnesota.

Subp. 7. **Conservation measure.** "Conservation measure" means an energy conservation measure that is an installation to a building or stationary energy-using system, and that is primarily intended to reduce energy consumption or allow the use of an alternate energy source including solar, wind, peat, wood, and agricultural residue.

Subp. 8. **Building.** "Building" means an existing building owned and operated by a municipality.

Subp. 9. **Stationary energy-using system.** A "stationary energy-using system" means any permanent structure or system owned and operated by a municipality that requires energy consumption for its function.

Subp. 10. **Payback.** "Payback" means the simple payback that is equal to the design, acquisition, and installation costs of a conservation measure divided by the estimated first year energy cost savings attributable to that measure.

7380.0710 MUNICIPAL ENERGY LOAN ELIGIBILITY CRITERIA.

Subpart 1. **In general.** The authority shall approve energy loans to municipalities to cover the costs of capital expenditures that are conservation measures that have paybacks of ten years or less as specified in a maxi-audit in compliance with Minnesota Statutes, section 116J.37, and parts 7380.0710 to 7380.0740.

Loans are available to municipalities that have not previously received or been offered loan funds under this program, for new projects in municipalities that previously received or were offered loan funds under this program, and as amendments to loans for conservation measures in progress that are experiencing cost overruns or for previously unidentified but related work necessary to successful implementation of a previously approved conservation measure if the payback remains at ten years or less. With the exception of amendments as described above, the authority shall not approve more than one loan for the same conservation measure in the same building or stationary energy-using systems.

Subp. 2. **Prior approval required.** Except for a loan amendment under subpart 1, projects that have been contracted for or begun before the authority notifies the municipality that the loan application is approved are not eligible. This prior approval requirement applies to the acquisition and installation costs as identified in the maxi-audit.

Subp. 3. **New construction.** Only projects for existing buildings and energy-using systems are eligible. New construction is not eligible except if it is a necessary part of successful implementation of a conservation measure for an existing building or energy-using system.

7380.0720 MAXIMUM LOAN AMOUNT.

To assure equitable statewide distribution of loan funds, given that loans will be issued on a first-come, first-served basis, the authority shall establish maximum loan amounts for each type of municipality.

A. School districts with fewer than 900 students and four classroom buildings or less are eligible for up to \$250,000 per district. School districts with greater than 5,000 students or more than ten classroom buildings are eligible for up to \$1,000,000 per district. All other districts are eligible for up to \$500,000 per district. Cooperative vocational centers and any other eligible educational facilities that are not included in school districts are limited to \$250,000.

B. Cities of the first class, as defined in Minnesota Statutes, section 410.01, are eligible for up to \$1,000,000 per city. Cities of the second class, as defined in Minnesota Statutes, section 410.01, are eligible for up to \$500,000 per city. All other cities are eligible for up to \$250,000 per city.

C. Counties containing a city of the first class, as defined in Minnesota Statutes, section 410.01, are eligible for up to \$1,000,000 per county. All other counties are eligible for up to \$500,000 per county.

D. Towns are eligible for up to \$100,000 per town.

7380.0730 MUNICIPAL ENERGY LOAN APPLICATION CONTENTS AND PROCEDURES.

Subpart 1. **In general.** A municipality shall submit an application to the authority on a form provided by the authority. An application must be completed, dated, and signed in ink by a duly authorized official of the applicant and must include the authorized official's title.

Subp. 2. **Contents.** The application must contain:

- A. the municipality name or school district or vocational center number;
- B. the complete mailing address of the applicant, including the county;
- C. the contact person's name, title, and telephone number;
- D. the federal employer identification number;
- E. a list of buildings and stationary energy-using systems included in the request and the dollar amount requested per building or system;
- F. the name and address of each building or system, including the county;
- G. the total floor area in square feet for each building;

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Proposed Rules

H. the original construction date for each system, building, and building additions;

I. the state legislative district;

J. a summary description of each conservation measure, its maxi-audit item number, its estimated cost, the loan amount requested, its estimated annual energy-cost savings, its estimated annual fuel and electric savings, its estimated payback, and the estimated dates the conservation measure will be started and completed; and

K. a certification to assure proper and efficient operation of the building or system once the project is completed.

An application must also contain an irrevocable resolution of the governing body of the municipality to annually levy or otherwise collect sufficient funds to guarantee loan repayment and a maxi-audit for each building and energy-using system involved in the project. One copy of the application is required.

7380.0740 MUNICIPAL ENERGY LOAN APPLICATION REVIEW.

Subpart 1. **Administrative review.** The authority shall examine the loan application to verify that the applicant is eligible, that the required forms and reports are included and are correctly completed, that an irrevocable resolution of the governing body of the municipality is included, and that the estimated start and end dates of the conservation measures included in the project are reasonable.

Subp. 2. **Technical review.** The authority shall forward a copy of the application to the commissioner of public service. The commissioner of public service shall prepare and submit to the authority a technical evaluation of the application. The technical evaluation must be on the forms provided by the authority.

Conservation measures with paybacks of ten years or less that are identified and described in maxi-audits are eligible. The minimum requirements for maxi-audits are as provided in Code of Federal Regulations, title 10, section 455.42 (May 21, 1981). Loans may not be awarded to buildings or systems with a remaining useful life less than or equal to the payback of the conservation measures proposed. Loans may not be awarded for a conservation measure if the payback of the conservation measure proposed is greater than or equal to the useful life of the measure.

The commissioner of public service shall examine a maxi-audit that accompanies a loan application to verify that conservation measures requested are analyzed with adequate details of the existing conditions and proposed changes using appropriate calculation procedures, and that the proposed measures are eligible.

Subp. 3. **Review results.** The commissioner of public service shall forward the technical evaluation of an application to the authority. The authority shall accept, reject, or modify a loan application request as necessary based on the administrative and the technical review. The authority shall give to an applicant whose application is rejected a notice of problems encountered in the review process and options available to correct them for resubmission of the application.

7380.0750 LOAN APPROVAL; DISBURSEMENT OF FUNDS.

Subpart 1. **Authority approval; priority.** The authority shall approve loans that comply with Minnesota Statutes, section 116J.37, and with parts 7380.0710 to 7380.0740, on a first-come, first-served basis based on the order in which eligible and complete loan applications are received by the authority. If eligible and complete loan applications received at the same time cannot all be funded due to a lack of available funds, the authority shall first approve loans to school districts. If funds are not available for all eligible applications from school districts, the authority shall approve loans so that each affected district receives an equal percentage of the eligible loan amount request. If the available funds are adequate to fully fund all eligible applications from school districts, but not all other eligible applications, the authority shall approve loans to school districts for the full eligible loan amount request and approve loans to other eligible municipalities so that each affected applicant receives an equal percentage of the eligible loan amount request.

Subp. 2. **Execution of loan contract and disbursement of funds.** Upon approval of a municipal energy loan, the authority shall send a loan contract to the applicant. The authority shall attach to a loan contract a loan repayment schedule based on the approved loan application according to Minnesota Statutes, section 116J.37, subdivision 4, paragraph (b). The applicant shall have a duly authorized official execute and return the loan contract to the authority for execution of the loan contract by state officials and for disbursement of the loan funds. Loan funds must be disbursed upon execution of and according to the terms of the loan contract.

7380.0760 REPORTS AND MONITORING FOR MUNICIPAL ENERGY LOAN PROGRAM.

Subpart 1. **In general.** A municipality that receives a loan from the authority shall submit the reports listed in subparts 2 to 5.

Subp. 2. **Annual project status report.** The municipality shall submit to the authority, on forms provided by the authority, an annual project status report covering the period from July 1 to June 30. This report is due each July 31 until the project is completed. The project status report must indicate the progress of the implementation of the measures funded, problems encountered, the effect of the problems on the project, and the corrective action taken. If at any time the municipality fails to substantially comply with the start and end dates given in the loan application as approved, and if the municipality cannot reasonably justify to the authority its lack of progress, the entire loan amount may become due and payable at the discretion of the authority.

Subp. 3. **Quarterly financial report.** A municipality shall submit to the authority, on forms provided by the authority, a quarterly financial status report that indicates expenditures of loan funds through the last date of each quarter. This report is due within 30 days of the end of each calendar quarter until the project is completed.

Subp. 4. **Final report.** Within 60 days of the completion of the project, the municipality shall submit to the authority, on forms provided by the authority, a final project status report and a financial status report that gives actual expenditures of the measures implemented.

Subp. 5. **Annual energy report.** The municipality shall submit to the commissioner of public service, on forms provided by the authority, an annual energy use and energy expenditure report by fuel type. The report is due each October 31 for the duration of the loan contract period, or for a minimum of three years after project completion if the loan is paid in less than three years, unless the authority cancels this requirement before the end of the loan contract period.

7380.0770 MUNICIPAL ENERGY LOAN PROGRAM EVALUATION.

The authority shall evaluate the program's effectiveness in reducing the energy costs of participating municipalities. The municipalities shall provide the authority with information that is reasonably needed to conduct an evaluation of the loan program, including the reports required in part 8300.2507.

7380.0780 CLOSURE OF MUNICIPAL ENERGY LOAN ACCOUNT.

If the authority determines that the project that was approved for loan funds has been implemented, it shall authorize closure of the loan account upon full repayment.

REPEALER. Minnesota Rules, parts 8300.2500 to 8300.2509 and 8300.4500 to 8300.5100, are repealed.

Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under § 14.18.

Board of Teaching

Adopted Permanent Rules Relating to Teachers of American Indian Language and American Indian History and Culture

The rule proposed and published at *State Register*, Volume 12, Number 48, pages 2620-2621, May 30, 1988 (12 S.R. 2620) is adopted as proposed.

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Errata

Department of Public Service

Correction to Adopted Permanent Rules Relating to Thermal Insulation Standards

Correction to Department of Public Service rules proposed on May 2, 1988 at 12 *State Register*, page 2378. On page 2391 the repealer should have included *Minnesota Rules*, part 4155.0150. Also in part 4155.0130, subpart 2, item B, subitem 1, on page 2382, the range reference to "parts 4155.0130 to 4155.0150", should be corrected to read "parts 4155.0130 to 4155.0155".

These rules were adopted at 13 *State Register*, page 532, on September 5, 1977.

Department of Health

Correction to Proposed Emergency Rules Relating to Social Worker Licenses

The following lines which appeared in the *State Register*, September 12, 1988, Vol. 13 #11, page 607, were inadvertently repeated from page 603 and were listed out of order. The subparts that were mistakenly listed appeared under the paragraph "Subp. 4. Code of personal conduct." The error does not effect the emergency rules as proposed, nor their proposed effective date.

Subp. 7. **Supervisor.** "Supervisor" means a person who meets the educational and experience requirements for licensing as a social worker under *Minnesota Statutes*, section 148B.21, or another qualified professional whom the board deems appropriate when a social work supervisor, as required, is unobtainable.

Subp. 8. **Variance.** "Variance" means board authorized permission to comply with a rule in a manner other than that generally specified in the rule.

4740.0120 [Emergency] PROCEDURES FOR APPLICATION.

Subpart 1. **Information required.** A person seeking a license by the board must submit to the board:

A. An application completed, signed, and notarized on the forms provided by the board. The applicant must furnish all documentation requested on the application.

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.

Department of Commerce

Bulletin of Pending Applications Under the Reciprocal Interstate Banking Act *Minnesota Statutes* § 48.98, Subdivision 2, (2)

The following listing of applications are pending with the Commissioner of Commerce subject to criteria for approval as set out in *Minnesota Statutes* § 48.93 and shall be disapproved if:

(1) The financial condition of any acquiring person is such as might jeopardize the financial stability of the bank or prejudice the interests of the depositors of the bank;

(2) The competence, experience, integrity of any acquiring person or if any of the proposed management personnel indicates that it would not be in the interest of the depositors of the bank, or in the interest of the public to permit the person to control the bank;

(3) The acquisition will result in undue concentration of resources or substantial lessening of competition in this area;

(4) The application failed to adequately demonstrate that the acquisition proposal would bring net new funds into Minnesota;

(5) A subsidiary of the acquiring bank holding company has failed to meet the requirements set forth in the federal Community Reinvestment Act; or

(6) The acquisition will result in over 30 percent of Minnesota's total deposits in financial institutions as defined in section 13A.01, subdivision 2, being held by banks located in this state owned by reciprocating state bank holding companies. This limitation does not apply to consideration for approval pursuant to section 48.99, special acquisitions.

In addition, the Commissioner has determined by rule that applicants must describe its plan of compliance in providing an acceptable level of development loans or developmental investments in the community affected.

Current List of Pending Applications:

- The First Wisconsin Corporation, 777 Wisconsin Avenue, Milwaukee, Wisconsin 53202, proposes to acquire the St. Anthony Bancorporation, Inc., Omaha, Nebraska 68114, and thereby indirectly acquire control of the St. Anthony National Bank, 2401 Lowry Avenue Northeast, St. Anthony, Minnesota 55018.

NOTICE

The Commissioner shall accept public comment on an application for a period of not less than 30 days from the date of the final publication in a newspaper of general circulation within the county in which the bank to be acquired or a proposed new bank is located; or 30 days after the date of the availability of the bulletin of Pending Applications which includes the listing of the acquisition.

Public Information

Copies of bulletins of pending applications prepared and updated with each new application filed with the Commissioner is available without charge to any person upon request by writing to Department of Commerce, Bulletin of Pending Applications, Reciprocal Interstate Banking Act, 500 Metro Square Building, Seventh and Robert Streets, St. Paul, Minnesota 55101.

Dated: 19 September 1988

Michael A. Hatch
Commissioner of Commerce

Department of Commerce

Notice of Activation of the Minnesota Joint Underwriting Association to Insure Specified Classes of Business and Public Hearing

NOTICE IS HEREBY GIVEN that, pursuant to *Minnesota Statutes*, section 62I.21, the Minnesota Joint Underwriting Association (MJUA) and the Market Assistance Plan (MAP) are activated to provide assistance to the following classes of business unable to obtain insurance from private insurers:

- **Babysitting Service**
- **Juvenile Diversion Program**
- **Hospitals**

The MJUA and MAP are activated to provide assistance to the above classes of business for a period of 180 days following publication of this notice. A public hearing will be held, for the purpose of determining whether activation should continue beyond 180 days, at the Office of Administrative Hearings, 310 4th Avenue South, 5th Floor, Flour Exchange Building, Minneapolis, Minnesota 55415 on November 17, 1988 at 9:00 a.m. and continuing until all interested persons and groups have had an opportunity to be heard. The hearing shall be governed by *Minnesota Statute* Sections 14.57-14.69 and by *Minnesota Rules* Parts 1400.5100-1400.8400, (1985). Questions regarding procedure may be directed to Administrative Law Judge, Peter Erickson, 310 4th Avenue South, 4th Floor Summit Bank Building, Minneapolis, Minnesota 55415, telephone (612) 341-7606. The authority for this proceeding is found in Chapter 62I of *Minnesota Statutes*, specifically sections 62I.21 and 62I.22. (A copy of those sections follows this notice.)

Prior to the hearing a pre-hearing conference will be held at 10:00 a.m. on November 1, 1988, at the Office of Administrative Hearings, 310 4th Avenue South, 5th Floor Flour Exchange Building, Minneapolis, Minnesota 55415.

Minnesota Statutes, Chapter 62I, which governs the Minnesota Joint Underwriting Association provides for temporary activation for 180 days by the Commissioner of Commerce. To extend the Minnesota Joint Underwriting Association's authority beyond the 180 day period a hearing must be held. Those classes of business for which the Minnesota Joint Underwriting Association was temporarily activated, by this notice and by previously published notices, must prove, at that hearing, that they meet the statutory requirements for coverage by the Minnesota Joint Underwriting Association.

Among those requirements are:

- (1) That members of those classes are unable to obtain insurance through ordinary means;

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.

Official Notices

(2) That the insurance being sought is required by statute, ordinance, or otherwise required by law, or is necessary to earn a livelihood or conduct a business; and

(3) That the classes of business serve a public purpose.

The classes of business specified in this notice and previously published notices must be shown to meet the statutory requirements or the Minnesota Joint Underwriting Association's authority to provide coverage to them will end after 180 days from the date the notice of activation was published in the *State Register*.

Activation of a class of business does not guarantee coverage to any class member. Coverage of individual class members is determined by the Minnesota Joint Underwriting Association on a case by case basis once the class has been activated. The MJUA's address is: Pioneer Post Office Box 1760, St. Paul, MN 55101. Their phone number is (612) 222-0484.

The Department strongly suggests that any persons affected by this hearing or otherwise interested in the proceedings familiarize themselves with the requirements of Chapter 62I and the contested case procedures prior to the hearing, that they take such other steps as are appropriate to protect their interests and that any questions they may have as to how to proceed or how to participate at the hearing be directed to the Administrative Law Judge prior to the hearing.

All interested or affected persons will have an opportunity to participate at the hearing. Questioning of agency representatives or witnesses, and of interested persons making oral statements will be allowed in the manner set forth in the Rules pertaining to contested cases (*Minnesota Rules* Parts 1400.5100-1400.8400).

Anyone wishing to oppose activation beyond 180-days for any particular class, must file a petition to intervene with the administrative law judge at least 10 days before the hearing date. If no notice to intervene is filed for a class then the class is activated beyond the 180-day period without further action.

Minnesota Statutes, chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes*, Section 10A.01, subdivision 11 as an individual:

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

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

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert St., St. Paul, Minnesota, 55101-2520, telephone (612) 296-5148.

Dated: 14 September 1988

Michael A. Hatch
Commissioner of Commerce

62I.21 ACTIVATION OF MARKET ASSISTANCE PLAN AND JOINT UNDERWRITING ASSOCIATION.

At any time the commissioner of commerce deems it necessary to provide assistance with respect to the placement of general liability insurance coverage on Minnesota risks for a class of business, the commissioner shall by notice in the *State Register* activate the market assistance plan and the joint underwriting association. The plan and association are activated for a period of 180 days from publication of the notice. At the same time the notice is published, the commissioner shall prepare a written petition requesting that a hearing be held to determine whether activation of the market assistance plan and the joint underwriting association is necessary beyond the 180-day period. The hearing must be held in accordance with section 62I.22. The commissioner by order shall deactivate a market assistance program and the joint underwriting association at any time the commissioner finds that the market assistance program and the joint underwriting association are not necessary.

62I.22 HEARING.

Subdivision 1. ADMINISTRATIVE LAW JUDGE. The commissioner shall forward a copy of the petition to activate the market assistance plan and the joint underwriting association with respect to a class of business to the chief administrative law judge. The chief administrative law judge shall, within three business days of receipt of the copy of the petition, set a hearing date, assign an administrative law judge to hear the matter, and notify the commissioner of the hearing date and administrative law judge assigned to the matter. The hearing date must be no less than 60 days nor more than 90 days from the date of receipt of the petition by the chief administrative law judge.

Subd. 2. NOTICE. The commissioner of commerce shall publish notice of the hearing in the *State Register* at least 30 days before the hearing date. The notice should be that used for rulemaking under chapter 14. Approval by the administrative law judge of the notice prior to publication is not required. The notice must contain a statement that anyone wishing to oppose activation

beyond 180 days for any particular class, must file a petition to intervene with the administrative law judge at least ten days before the hearing date. If no notice to intervene is filed for a class then the class is activated beyond the 180-day period without further action.

Subd. 3. CONTESTED CASE; REPORT. The hearing and all matters after the hearing are a contested case under chapter 14. Within 45 days from the commencement of the hearing and within 15 days of the completion of the hearing the administrative law judge shall submit a report to the commissioner of commerce. The parties, or the administrative law judge, if the parties cannot agree, shall adjust all time requirements under the contested case procedure to conform with the 45-day requirement.

Subd. 4. DECISION. The commissioner shall make a decision within ten days of the receipt of the administrative law judge's report.

Subd. 5. WAIVER OR MODIFICATION. If all parties to the proceeding agree, any of the requirements of this section may be waived or modified.

Subd. 6. CASE PRESENTATION. The department of commerce, upon request by small businesses as defined by section 14.115, subdivision 1, shall assist small businesses in any specific class requesting continuation of coverage beyond the 180-day period, in coordinating the class and presenting the case in the contested hearing.

Department of Commerce

Notice to Solicit Outside Opinion Regarding Proposed Amendments to Rules Regarding the Scope and Application of Securities Rules and Certain Exemptions from Registration Including the Impact of the Rules on Small Business

NOTICE IS HEREBY GIVEN that the Department of Commerce is seeking information or opinions from persons outside the agency in preparing to amend current rules to enhance uniformity with regulations promulgated by the Securities and Exchange Commission and to modify the scope of rules pertaining to real estate limited partnerships. Promulgation of these rules is authorized by *Minnesota Statutes* 80A.25 and 45.023.

Outside opinion is also being solicited as to how these rules will affect small businesses as defined by *Minnesota Statutes* 14.115, subdivision 1.

The Department of Commerce requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing to:

Kristine L. Eiden
Department of Commerce
500 Metro Square Building
St. Paul, MN 55101
(612) 296-6325

Oral statements will be received during regular business hours over the telephone at (612) 296-6325.

All statements of information and comment shall be accepted until November 2, 1988. Any written material received by the Department of Commerce shall become part of the record in the event that the rules are promulgated.

Michael A. Hatch
Commissioner of Commerce

Minnesota Department of Education

Management Effectiveness Division

Announcement of the Availability of Tape Format for Integrated Data Base

The Minnesota Department of Education (MDE) announced that the tape format for the essential data elements included in the statewide Integrated Data Base (IDB) is available upon request.

This document specifies the only acceptable tape layout/format which can be used to submit IDB data from the ESV Regions to the MDE, as well as, the only authorized file format for transfer of district data to the ESV Regional Computer Centers as related to *Minnesota Statutes*, Section 121.932, Subdivision 5. The tape format will be distributed upon written request only. Requests for this document should be sent to Mark Manning, Minnesota Department of Education, 848 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota, 55101.

State Board of Investment

Meeting Notice for the State Board of Investment Administrative Committee

The State Board of Investment Administrative Committee will meet on Thursday, October 6, 1988, from 9:00-11:00 a.m., in the MEA Building, 41 Sherburne Avenue, Conference Room A, St. Paul, Minnesota.

Minnesota Pollution Control Agency

Ground Water and Solid Waste Division

Notice of Permanent List of Priorities Among Releases or Threatened Releases of Hazardous Substances, Pollutants, or Contaminants

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) is publishing for public comment a proposed update of the Permanent List of Priorities (PLP) among releases or threatened releases of hazardous substances, pollutants, or contaminants for which the MPCA may take removal or remedial actions. The statutory basis for, and an explanation of, the MPCA's PLP is discussed below.

Pursuant to the Minnesota Environmental Response and Liability Act (MERLA), *Minnesota Statutes* § 115B.17 (1986), the MPCA is authorized to take any removal or remedial action which the MPCA deems necessary to protect the public health, welfare, or environment whenever there is a release, or substantial threat of release, from a facility of any pollutant or contaminant which presents an imminent and substantial danger to the public health, welfare, or environment; or whenever a hazardous substance is released or there is a threatened release of a hazardous substance from a facility.

Minnesota Statutes § 115B.17, subd. 13 (1986) requires the MPCA to establish priority rules among releases or threatened releases of hazardous substances, pollutants, or contaminants. The priority rules, *Minnesota Rules* ch. 7044, became effective on July 10, 1984.

Minnesota Statutes § 115B.17, subd. 13 (1986) also requires the MPCA to adopt a permanent priority list and to update the list annually according to the criteria set forth in the priority rules. Before any update of the PLP is adopted by the MPCA, it must be published in the *State Register* to allow for a 30-day public comment period. This notice is therefore published to inform the public that the MPCA is proposing to update its December 1987 PLP and to solicit public comments *only* on the proposed modifications.

The proposed modifications to the December 1987 PLP are hereinafter referred to as the "proposed December 1988 Update of the PLP." The proposed December 1988 Update of the PLP was developed according to the process set forth in *Minnesota Rules* pt. 7044.0400 (1987). Each site listed has been ranked using the modified Hazard Ranking System (HRS) method as required by *Minnesota Rules* pt. 7044.1000. Each site has also passed the prescreening test of *Minnesota Rules* pt. 7044.1200 (1987) for eligibility.

The numerical scores generated by the HRS scoring process should not be interpreted as exact number priorities. The scores shown indicate the relative ranking and general classification of sites, but sites with scores within approximately ten points of each other may be considered roughly equivalent in terms of a known or possible public health or environmental threat. Generally, the cleanup of a hazardous waste site involves a three-phase program:

1. Remedial Investigation/Feasibility Study—investigation of the extent, magnitude, and nature of the release or threatened release, and identification and selection of the most cost-effective removal or remedial action(s);
2. Remedial Design—detailed design of the selected cost-effective removal or remedial action(s); and
3. Response Action—implementation of the selected cost-effective removal or remedial action(s).

All sites listed on the proposed December 1988 Update of the PLP have been assigned to one or more response action classes as required by *Minnesota Rules* pt. 7044.0300. (The terms response action, removal action, and remedial action are defined in *Minnesota Statutes* § 115B.02.) The proposed December 1988 Update of the PLP is presented by response action class. All sites within each class are presented in order of their HRS score. Each of the four response action classes is defined as follows:

CLASS A—Declared Emergencies. This class includes all sites at which an emergency has been declared by the MPCA Commissioner pursuant to MERLA. According to *Minnesota Rules* pt. 7044.0200, an "emergency" means that there is an imminent risk of fire or explosion, that a temporary water supply is needed where an advisory has been issued, or that immediate adverse human health effects may be anticipated due to direct contact or inhalation and an advisory has been issued. An "advisory" means a warning by the MPCA Commissioner, Minnesota Department of Health, Minnesota Department of Natural Resources, or the Minnesota Department of Agriculture issued to the public concerning a hazardous substance, pollutant, or contaminant at or near a site.

CLASS B—Response Actions Completed and Operation and Maintenance/Long-term Monitoring Ongoing. This class includes all sites where response actions have been completed and long-term monitoring of these completed response actions is in progress. This class also includes all sites where activities are necessary to operate and maintain response actions that have previously been completed. Examples include continued operation of a ground water pump out system, long-term monitoring, and work necessary to maintain the integrity of the site such as maintaining cover or closure.

CLASS C—Response Actions Necessary or in Progress or First Year Operation and Maintenance at a Site. This class includes all sites where remedial design and implementation of response actions (other than Class A or B) such as barrel removal, soil decontamination, first year ground water pump out or monitoring are necessary to effect a permanent remedy or cleanup of a site.

CLASS D—Remedial Investigations and Feasibility Studies (RI/FS) Necessary or in Progress. This class includes all sites which require a remedial investigation (RI) to determine the extent, magnitude, and nature of the release or threatened release, and a feasibility study (FS) to determine the alternatives and selection of the most cost-effective response action(s).

Funding sources for removal or remedial actions at a site include federal Superfund (CERCLA), state Superfund (MERLA), and funding by responsible parties. These sources of funding are noted in each of the class listings. In cases where site activities are funded by responsible parties, Request for Response Actions, Consent Orders, and Stipulation Agreements are noted.

Proposed changes to the December 1987 PLP, which are reflected in the proposed December 1988 update of the PLP, include the following: site additions and deletions; changes in HRS score; and changes in response action classification.

The MPCA proposes the following 19 sites be added to the December 1987 PLP (HRS scores are in parentheses): American Hoist and Derrick, St. Paul (13); Anchor Glass Container, Shakopee (16); Ashland Refinery, St. Paul Park (46); Baytown Township Ground Water Contamination, Washington County (38); Burlington Northern Car Shops, Brainerd (38); Central Cooperative Oil Association, Medford (16); Fergus Falls Sanitary Landfill, Otter Tail County (25); Foot, S.B. Tanning Sludge Disposal Area, Red Wing (25); Glidden, Minneapolis (11); Gopher Oil—Delaware, Minneapolis (3); Gopher Oil—Thornton, Minneapolis (3); Kanabec County Sanitary Landfill, Arthur Township (21); Kaplan, H.S. Scrap Iron and Metal Company, St. Paul (4); Lund's Farmer Seed and Nursery, St. Cloud (14); Portec—Pioneer Division, Minneapolis/St. Paul (2); Robbinsdale Development Site, Robbinsdale (36); Salol Sanitary Landfill, Roseau County (22); Sheldahl, Northfield (21); and Valentine-Clark, St. Paul (4).

The MPCA proposes the following site be deleted from the December 1987 PLP: Polymetal Products, Inc. The MPCA staff approved the Remedial Investigative and Corrective Action Plan (RAP) submitted by the Small Business Administration for the removal of wastes and building decontamination. Waste removal and cleanup began in January 1986 and was completed in the summer of 1987 in accordance with the RAP.

The MPCA proposes the HRS score for Greater Morrison Sanitary Landfill be changed from 10 to 29. The HRS score for the Greater Morrison Sanitary Landfill site has undergone a change due to additional data collected at the site. The new data shows that a release of contaminants to the ground water has occurred, whereas, the earlier HRS score reflected the potential for release of contaminants.

The MPCA proposes that changes in response action classification be made to 21 sites listed on the December 1987 PLP. Changes in response action classification come as a result of completion of certain tasks required for a site, or reassessment of the cleanup tasks required at a site following acquisition of additional site information. The proposed changes in response action classification are as follows: Agate Lake Scrapyard (C, D to C); Burlington Northern (C to B); DM&IR Car and Locomotive Shops (C, D to C); Duluth Former City Dump (C, D to A, C, D); Electric Machinery (A, C, D to A, C); Electronic Industries (C, D to C); Faribault Coal Gasification Plant Site (C, D to C); Hopkins Sanitary Landfill (C to C, D); Ironwood Sanitary Landfill (Advance Transformer) (C, D to B); Jackson Municipal Well Field (C, D to B); Long Prairie Ground Water Contamination (C, D to C); NL Industries/Taracorp/Golden Auto (C, D to C); Northwest Refinery, Former (C, D to C); Nutting Truck and Caster Company (C to B); St. Regis Paper (C to B); Spring Grove Municipal Well Field (C, D to C); Tonka Main Plant (C, D to C); University of Minnesota—Rosemount Research Center (C, D to C); Waite Park Ground Water Contamination Site (A, C, D to B, C, D); Waste Disposal Engineering (C, D to C); and Weisman Scrap (C to B).

The December 1987 PLP listed 139 sites. As a result of the 19 proposed site additions and the one proposed site deletion, the proposed December 1988 update of the PLP lists a total of 157 sites.

The PLP will be updated annually as required by *Minnesota Rules* pt. 7044.0600 according to the criteria set forth in *Minnesota Rules* ch. 7044. Notice of any future updates of the PLP will be published in the *State Register* for the purpose of soliciting public comments.

Based on the above considerations, the proposed December 1988 Update of the PLP is offered for public comment. Additional information regarding specific sites on the proposed December 1988 Update of the PLP may be obtained by writing the Public Information Office, Minnesota Pollution Control Agency, 520 Lafayette Road North, St. Paul, Minnesota 55155, or phoning (612) 296-7283.

Official Notices

The MPCA invites members of the public to submit written comments on the proposed December 1988 Update of the PLP. To be considered, all comments must be received no later than 4:30 p.m., October 25, 1988. Written comments should be submitted to: Shawn Ruotsinoja, Program Development Section, Ground Water and Solid Waste Division, Minnesota Pollution Control Agency, 520 Lafayette Road North, St. Paul, Minnesota 55155.

All written comments received by the above deadline will be considered by the MPCA in establishing the December 1988 Update of the PLP.

Gerald L. Willet
Commissioner

Environmental Response and Liability Act Proposed December 1988 Permanent List of Priorities

CLASS A SITES

Declared Emergencies

Site	Score	Comments
Electric Machinery, St. Cloud	38	ERLA funded
Lakeland Ground Water Contamination	38	ERLA funded
St. Paul Park Ground Water Contamination	36	ERLA funded
Atwater Municipal Well Field	31	ERLA funded
Duluth Former City Dump	28	ERLA funded
Askov Ground Water Contamination	18	ERLA funded
Lansing Ground Water Contamination	17	ERLA funded
Lund's Farmer Seed and Nursery, St. Cloud	14	ERLA funded

CLASS B SITES

Response Actions Completed and Operation and Maintenance/Long-Term Monitoring Ongoing

Site	Score	Comments
FMC Corp.—Fridley Plant (vault)	66	Consent Order 10/28/86
Boise Cascade/Medtronic, Fridley	59	Consent Decree 1/24/84
Boise Cascade/Onan, Fridley	59	Consent Decree 12/28/84
Oakdale Dump	59	Consent Order 7/26/83
St. Regis Paper, Cass Lake	53	Consent Order 2/26/85
PCI, Inc., Shakopee	52	Consent Order 6/25/85
Burlington Northern, Brainerd	47	Consent Order 3/26/85
Whittaker Corporation, Minneapolis	40	Request for Response Action 4/23/85
General Mills, Minneapolis	39	Consent Order 10/24/84
Perham Arsenic Site, Otter Tail County	38	ERLA funded
Nutting Truck and Caster, Faribault	38	Consent Order 4/26/84
Winona County Sanitary Landfill	34	Request for Response Action 3/26/85
Ironwood Sanitary Landfill (Advance Transformer), Spring Valley	34	Consent Order 8/26/86
Waite Park Ground Water Contamination Site	32	Request for Response Action 10/22/85
Kurt Manufacturing, Fridley	31	Consent Order 8/24/84
Atwater Municipal Well Field	31	ERLA funded
Hastings Former City Dump	31	
Jackson Municipal Well Field	26	ERLA funded
Wadena Arsenic Site	25	ERLA funded
Weisman Scrap, Winona	25	Request for Response Action 3/25/86
Boise Cascade Paint Waste Dump, Ranier	17	Consent Order 6/25/85
West Duluth Industrial Site	11	Stipulation Agreement 9/8/86
DNR-Duxbury Pesticide Site	11	Request for Response Action 12/18/84
3M Kerrick Disposal Site, Kerrick	9	Consent Order 1/25/84
Hutchinson Technology, Inc.	9	
Tonka/Woyke Site, Annandale	9	Consent Order 11/25/86
Minneapolis Community Development Agency/FMC	1	Consent Order 11/26/85

CLASS C SITES

**Response Actions Necessary or in Progress
First Year Operation and Maintenance**

Site	Score	Comments
FMC Corp.-Fridley Plant	66	Consent Order 10/28/86
U.S. Naval Industrial Reserve Ordnance Plant (NIROP), Fridley	63	Request for Response Action 5/22/84
Twin Cities Army Ammunition Plant/New Brighton/Arden Hills/St. Anthony Site	59	Federal Facility Agreement 7/28/87
Reilly Tar, St. Louis Park	59	Consent Decree 9/22/86
Koppers Coke, St. Paul	55	Request for Response Action 3/25/86
Pine Bend Sanitary Landfill/Crosby American Demolition Landfill, Inver Grove Heights	52	Consent Order 4/23/85
Anoka Municipal Sanitary Landfill, Ramsey	51	Consent Order 5/30/85
Waste Disposal Engineering, Andover	51	Consent Order 3/21/84
MacGillis & Gibbs, Co., New Brighton	51	Consent Order 3/21/84
Bell Lumber & Pole, Co., New Brighton	48	ERLA funded; CERCLA funded
Ashland Refinery, St. Paul Park	48	Consent Order 5/30/85
Faribault Coal Gasification Plant Site	46	
Freeway Sanitary Landfill, Burnsville	46	Consent Order 7/26/88
University of Minnesota-Rosemount Research Center	46	Request for Response Action 2/25/86
Joslyn Mfg. & Supply Co., Brooklyn Center	46	Consent Order 5/30/85
Burnsville Sanitary Landfill	44	Consent Order 5/30/85
Oak Grove Sanitary Landfill, Anoka County	43	Request for Response Action 4/28/87
Union Scrap Iron and Metal Co., Minneapolis	43	CERCLA funded
Kummer Sanitary Landfill, Beltrami County	43	CERCLA funded
LeHillier/Mankato	42	CERCLA funded
Minnegasco, Minneapolis	42	CERCLA funded
Washington County Landfill, Lake Elmo	42	Request for Response Action 6/24/86
Conoco, Inc.-Wrenshall Refinery	42	Consent Order 10/24/84
Kandiyohi County Sanitary Landfill	41	Request for Response Action 6/23/87
Shafer Metal Recycling, Minneapolis	41	
Arrowhead Refinery Co., Hermantown	41	
Dakhue Sanitary Landfill, Dakota County	40	CERCLA funded
Flying Cloud Sanitary Landfill, Eden Prairie	40	Consent Order 6/23/87
NL Industries/Taracorp/Golden Auto, St. Louis Park	40	Consent Order 9/25/85
Kluver Sanitary Landfill, Douglas County	40	Consent Order 2/26/85
Baytown Township Ground Water Contamination, Washington County	39	
Burlington Northern Car Shops, Brainerd	38	
Electric Machinery, St. Cloud	38	
Lakeland Ground Water Contamination	38	Request for Response Action 3/23/86
Sauk Centre Sanitary Landfill	38	ERLA funded
Sibley County Sanitary Landfill	38	
Windom Dump	38	
Faribault Municipal Well Field	38	Request for Response Action 6/24/86
Robbinsdale Development Site	36	
St. Paul Park Ground Water Contamination	36	
South Andover, Andover	36	ERLA funded
Adrian Municipal Well Field	35	CERCLA funded
Ashland Oil-Cottage Grove	34	CERCLA funded
Battle Lake Area Sanitary Landfill, Otter Tail County	34	Request for Response Action 3/26/85
Chisago-Isanti County Sanitary Landfill	34	
La Grande Sanitary Landfill, Douglas County	34	Request for Response Action 6/16/88
Olmsted County Sanitary Landfill	34	CERCLA funded
Pickett Sanitary Landfill, Hubbard County	34	
St. Augusta Sanitary Landfill/Engen Dump, Stearns County	34	Request for Response Action 4/26/88

Official Notices

Twin Cities Air Force Reserve Base, Minneapolis	34	
3M Chemolite Disposal Site, Cottage Grove	33	Consent Order 5/30/85
Ashland Oil/Park Penta/Sonford Products Site, St. Paul Park	32	
Long Prairie Ground Water Contamination	32	ERLA funded, CERCLA funded
St. Louis River/Interlake/Duluth Tar, Duluth	32	CERCLA funded
St. Louis River/U.S. Steel, Duluth	32	Consent Order 3/26/85
Waite Park Ground Water Contamination Site	32	Request for Response Action 10/22/85
Atwater Municipal Well Field	31	ERLA funded
East Bethel Demolition Landfill	31	Consent Order 4/28/87
Honeywell, Inc.—Golden Valley Plant	31	Consent Order 11/19/85
Koch Refining/N-ReN Corp., Rosemount	31	Consent Order 10/22/85
Tonka Main Plant, Mound	31	Request for Response Action 7/22/86
White Bear Township Dump	31	Request for Response Action 7/22/86
Agate Lake Scrap Yard, Brainerd	30	Request for Response Action 1/28/86
Isanti Solvent Site, Isanti County	30	Consent Decree 11/12/87
Ritari Post and Pole, Wadena County	30	CERCLA funded
Greater Morrison Sanitary Landfill, Morrison County	29	
Louisville Sanitary Landfill, Jordan	29	Request for Response Action 9/23/86
Western Lake Superior Sanitary District Landfill/Duluth Dump, St. Louis County	29	
Becker County Sanitary Landfill	28	
Duluth Former City Dump	28	Request for Response Action 8/23/88
Spring Grove Municipal Well Field	28	Consent Order 3/23/88
Yonak Sanitary Landfill, Wright County	28	
Koochiching County Sanitary Landfill	27	
Pipestone County Sanitary Landfill	27	
Electronic Industries, Inc., New Hope	26	Stipulation Agreement 1/24/84
Gofer Sanitary Landfill, Martin County	26	
Buekers Sanitary Landfill, Stearns County	25	
Dodge County Sanitary Landfill	25	
Elk River Sanitary Landfill	25	
Fergus Falls Sanitary Landfill	25	
Foot, S.B. Tanning Sludge Disposal Area, Red Wing	25	
Houston County Sanitary Landfill	25	
Pine Lane Sanitary Landfill, Chisago County	25	
Ponderosa Sanitary Landfill, Blue Earth County	25	
Wadena Sanitary Landfill	25	
Andersen Corporation, Bayport	24	Consent Order 1/27/87
HWK Enterprises/Meeker Mfg./Design Classics/Litchfield Municipal Well Site, Litchfield	24	
Owatonna City Dump	23	
Ashland Oil Co.—Pine County	22	Request for Response Action 12/18/84
Salol Sanitary Landfill, Roseau County	22	
Wabasha County Sanitary Landfill	22	
Duluth Air Force Base	21	
Kanabec County Sanitary Landfill	21	
Sheldahl, Northfield	21	
Trio Solvent Site, New Brighton	21	Request for Response Action 8/26/86
McGuire Wire Salvage Site, Mora	20	
Askov Ground Water Contamination	18	Request for Response Action 10/28/86, 12/16/86
Northwoods Sanitary Landfill, St. Louis County	18	
Clay County Sanitary Landfill	17	
Lansing Ground Water Contamination	17	ERLA funded
Tellijohn Sanitary Landfill, LeSueur County	17	
Anchor Glass Container, Shakopee	16	
Central Cooperative Oil Association, Medford	16	

Woodlake Sanitary Landfill, Hennepin County	16	
Hopkins Sanitary Landfill	15	
Meeker County Sanitary Landfill	15	
Redwood County Sanitary Landfill	15	
Crow Wing County Sanitary Landfill	14	
East Mesaba Sanitary Landfill, St. Louis County	14	
Lund's Farmer Seed and Nursery, St. Cloud	14	
American Hoist and Derrick (Amhoist), St. Paul	13	
Isanti Rumpel, Isanti County	13	Consent Decree 11/12/87
Waseca County Sanitary Landfill	13	
DM&IR Car and Locomotive Shops, Duluth	11	
Glidden, Minneapolis	11	
West Duluth Industrial Site	11	Stipulation Agreement 9/8/86
Bassett Creek/Irving Avenue Dump, Minneapolis	10	
Karlstad Sanitary Landfill, Kittson County	10	
Schnitzer Iron and Metal Co., St. Paul	10	Consent Order 7/28/87
Northwest Refinery, Former, New Brighton	9	Request for Response Action 4/22/86
Ford-Twin Cities Assembly Plant, St. Paul	8	
Fritz Craig Salvage Operation, Park Rapids	8	
Superior Plating Inc., Minneapolis	6	
Control Data Corporation—Printed Circuits Operation, St. Louis Park	6	Consent Order 4/26/88
Kaplan, H.S. Scrap Iron and Metal Company, St. Paul	4	
McLaughlin Gormley King Co., Minneapolis	4	Consent Order 11/19/85
Valentine-Clark, St. Paul	4	
Ecolotech, Inc.—St. Paul	3	
Gopher Oil—Delaware, Minneapolis	3	
Gopher Oil—Thornton, Minneapolis	3	
Hopkins Ag. Chem./Allied Chem., Minneapolis	3	Request for Response Action 6/25/85
Isanti Martin, Isanti County	3	Consent Order 11/12/87
Metals Reduction, St. Paul	2	
Portec-Pioneer Division, Minneapolis/St. Paul	2	

CLASS D SITES

Remedial Investigations/Feasibility Studies Necessary or in Progress

Site	Score	Comments
U.S. Naval Industrial Reserve Ordnance Plant (NIROP), Fridley	63	Request for Response Action 5/22/84
Twin Cities Army Ammunition Plant/New Brighton/Arden Hills/St. Anthony Site	59	Federal Facility Agreement 7/28/87
Reilly Tar, St. Louis Park	59	Consent Decree 9/22/86
Koppers Coke, St. Paul	55	Request for Response Action 3/25/86
Pine Bend Sanitary Landfill/Crosby American Demolition Landfill, Inver Grove Heights	52	Consent Order 4/23/85
Anoka Municipal Sanitary Landfill, Ramsey	51	Consent Order 5/30/85
MacGillis & Gibbs Co., New Brighton	48	ERLA funded; CERCLA funded
Bell Lumber & Pole Co., New Brighton	48	Consent Order 5/30/85
Ashland Refinery, St. Paul Park	46	
Freeway Sanitary Landfill, Burnsville	46	Request for Response Action 2/25/86
Ashland Oil/Park Penta/Sonford Products Site	45	
Joslyn Mfg. & Supply Company, Brooklyn Center	44	Consent Order 5/30/85
Burnsville Sanitary Landfill	43	Request for Response Action 4/28/87
Oak Grove Sanitary Landfill, Anoka County	43	CERCLA funded
Union Scrap Iron and Metal Co., Minneapolis	43	CERCLA funded
Kummer Sanitary Landfill, Beltrami County	42	CERCLA funded
Minnegasco, Minneapolis	42	Request for Response Action 6/24/86
Conoco, Inc.—Wrenshall Refinery	41	Request for Response Action 6/23/87
Kandiyohi County Sanitary Landfill	41	

Official Notices

Shafer Metal Recycling, Minneapolis	41	
Arrowhead Refinery Co., Hermantown	40	CERCLA funded
Dakhue Sanitary Landfill, Dakota County	40	Consent Order 6/23/87
Flying Cloud Sanitary Landfill, Eden Prairie	40	Consent Order 9/25/85
Kluver Sanitary Landfill, Douglas County	39	
Baytown Township Ground Water Contamination, Washington County	38	
Burlington Northern Car Shops, Brainerd	38	
Lakeland Ground Water Contamination	38	ERLA funded
Sauk Centre Sanitary Landfill	38	
Sibley County Sanitary Landfill	38	
Windom Dump	38	Request for Response Action 6/24/86
Faribault Municipal Well Field	36	
Robbinsdale Development Site	36	
St. Paul Park Ground Water Contamination	36	ERLA funded
South Andover, Andover	35	CERCLA funded
Adrian Municipal Well Field	34	CERCLA funded
Ashland Oil-Cottage Grove	34	Request for Response Action 3/26/85
Battle Lake Area Sanitary Landfill, Otter Tail County	34	
Chisago-Isanti County Sanitary Landfill	34	Request for Response Action 6/16/88
La Grande Sanitary Landfill, Douglas County	34	CERCLA funded
Olmsted County Sanitary Landfill	34	
Pickett Sanitary Landfill, Hubbard County	34	Request for Response Action 4/26/88
St. Augusta Sanitary Landfill/Engen Dump, Stearns County	34	
Twin Cities Air Force Reserve Base, Minneapolis	34	
Ashland Oil/Park Penta/Sonford Products Site, St. Paul Park	32	
St. Louis River/Interlake/Duluth Tar, Duluth	32	CERCLA funded
St. Louis River/U.S. Steel, Duluth	32	Consent Order 3/26/85
Waite Park Ground Water Contamination Site	32	Request for Response Action 10/22/85
East Bethel Demolition Landfill	31	Consent Order 4/28/87
Koch Refining/N-ReN Corp., Rosemount	31	Consent Order 10/22/85
White Bear Township Dump	31	Request for Response Action 7/22/86
Isanti Solvent Site, Isanti County	30	Consent Decree 11/12/87
Ritari Post and Pole, Wadena County	30	CERCLA funded
Greater Morrison Sanitary Landfill, Morrison County	29	
Louisville Sanitary Landfill, Jordan	29	Request for Response Action 9/23/86
Western Lake Superior Sanitary District Landfill/Duluth Dump, St. Louis County	29	
Becker County Sanitary Landfill	28	
Duluth Former City Dump	28	Request for Response Action 8/23/88
Yonak Sanitary Landfill, Wright County	28	
Koochiching County Sanitary Landfill	27	
Pipestone County Sanitary Landfill	27	
Gofer Sanitary Landfill, Martin County	26	
Buekers Sanitary Landfill, Stearns County	25	
Dodge County Sanitary Landfill	25	
Elk River Sanitary Landfill	25	
Fergus Falls Sanitary Landfill	25	
Foot, S.B. Tanning Sludge Disposal Area, Red Wing	25	
Houston County Sanitary Landfill	25	
Pine Lane Sanitary Landfill, Chisago County	25	
Ponderosa Sanitary Landfill, Blue Earth County	25	
Wadena Sanitary Landfill	25	
Andersen Corporation, Bayport	24	Consent Order 1/27/87
HWK Enterprises/Meeker Mfg./Design Classics/Litchfield Municipal Well Site, Litchfield	24	
Owatonna City Dump	23	

Ashland Oil Co.-Pine County	22	Request for Response Action 12/18/84
Salol Sanitary Landfill, Roseau County	22	
Wabasha County Sanitary Landfill	22	
Duluth Air Force Base	21	
Kanabec County Sanitary Landfill	21	
Sheldahl, Northfield	21	
Trio Solvent Site, New Brighton	21	Request for Response Action 8/26/86
McGuire Wire Salvage Site, Mora	20	
Askov Ground Water Contamination		Request for Response Action 10/28/86, 12/16/86
Northwoods Sanitary Landfill, St. Louis County	18	
Clay County Sanitary Landfill	17	
Lansing Ground Water Contamination	17	ERLA funded
Tellijohn Sanitary Landfill, LeSueur County	17	
Anchor Glass Container, Shakopee	16	
Central Cooperative Oil Association, Medford	16	
Woodlake Sanitary Landfill, Hennepin County	16	
Hopkins Sanitary Landfill	15	
Meeker County Sanitary Landfill	15	
Redwood County Sanitary Landfill	15	
Crow Wing County Sanitary Landfill	14	
East Mesaba Sanitary Landfill, St. Louis County	14	
Lund's Farmer Seed and Nursery, St. Cloud	14	
American Hoist and Derrick (Amhoist), St. Paul	13	
Isanti Rumpel, Isanti County	13	Consent Decree 11/12/87
Waseca County Sanitary Landfill	13	
Glidden, Minneapolis	11	
Bassett Creek/Irving Avenue Dump, Minneapolis	10	
Karlstad Sanitary Landfill, Kittson County	10	
Schnitzer Iron and Metal Co., St. Paul	10	Consent Order 7/28/87
Ford-Twin Cities Assembly Plant, St. Paul	8	
Fritz Craig Salvage Operation, Park Rapids	8	
Superior Plating Inc., Minneapolis	6	
Control Data Corporation-Printed Circuits Operation, St. Louis Park	6	Consent Order 4/26/88
Kaplan, H.S. Scrap Iron and Metal Company, St. Paul	4	
Valentine-Clark, St. Paul	4	
Gopher Oil-Delaware, Minneapolis	3	
Gopher Oil-Thornton, Minneapolis	3	
Isanti Martin, Isanti County	3	Consent Decree 11/12/87
Metals Reduction, St. Paul	2	
Portec-Pioneer Division, Minneapolis/St. Paul	2	

NOTES:

Score—Hazard Ranking System score.

COMMENTS:

If a Consent Order, Consent Decree, Request for Response Action, or Stipulation Agreement is indicated, a Responsible Party is undertaking the necessary response actions pursuant to an enforceable document.

If CERCLA or ERLA funding is indicated, the MPCA is using federal or state Superfund monies, respectively, to finance the necessary response actions being conducted by an MPCA contractor.

Minnesota Pollution Control Agency

Notice of Intent to Issue a Variance to the North Koochiching Sanitary Sewer Board from *Minnesota Rules* Part 7075.0409, Subpart 2(D), for Release from June 1, 1988 Resolution Requirement

PLEASE TAKE NOTICE that the Minnesota Pollution Control Agency (MPCA) proposes to issue the North Koochiching Sanitary Sewer Board (NKSSB) a variance from the requirement in *Minnesota Rules* Part 7075.0409, Subpart 2(D), which requires submittal of a resolution, by June 1, 1988, agreeing to submit by September 1, 1988, project plans and specifications.

The Fiscal Year 1989 Municipal Project List was adopted by the MPCA on August 23, 1988. The NKSSB was not listed as a fundable project on that Project List because it did not comply with *Minnesota Rules* Part 7075.0409, Subpart 2(D) in that the required resolution was not submitted to the MPCA by June 1, 1988. All remaining requirements for inclusion as a fundable project on the Fiscal Year 1989 Municipal Project List have been met. On August 2, 1988, the NKSSB submitted a variance application to the MPCA, requesting an exclusion from the above-cited portion of the Rule.

The NKSSB has explained that the reason the resolution was not submitted was that a Failed Technology Determination was not issued by the MPCA until May 31, 1988 and not received by the NKSSB until June 2, 1988. This determination was necessary for the NKSSB to apply for inclusion on the Municipal Needs List which is a prerequisite for inclusion on a Municipal Project List. Not being on the Municipal Needs List precluded the NKSSB from receiving specific notification of the requirements for inclusion as a fundable project on the Municipal Project List. Consequently, the NKSSB was not listed on the Fiscal Year 1989 Municipal Project List. However, as of this date, all requirements, including submittal of project plans and specifications by September 1, 1988, have been met.

The MPCA Commissioner has made a preliminary decision to grant the variance and place the NKSSB as a fundable project on the Fiscal Year 1989 Municipal Project List. The Commissioner is of the view that the denial of the variance would cause financial hardship on the NKSSB. Denial of the variance would result in the NKSSB not being eligible for a grant until 1990. The NKSSB is seeking a Modification/Replacement Grant. This type of grant is reserved for those projects that have received a Failed Technology Determination on their original project from the MPCA. The Commissioner believes that granting the NKSSB a variance is in accordance with the goals and guidelines of the MPCA. The estimated amount of federal grant dollars necessary for the project is \$350,000.

Interested persons have 30 days to submit written comments on the proposed variance. Comments must be delivered to the MPCA by 4:00 p.m. on Friday, October 28, 1988. Comments should be submitted to:

Joel Marquardt
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, Minnesota 55155
Telephone: (612) 296-9286

Interested persons may also request a contested case hearing or a public informational meeting pursuant to *Minnesota Rules* Parts 7000.1000, Subpart 2 and 7000.1500, Subpart 2. A contested case hearing is a formal hearing presided over by an administrative law judge. A public informational meeting is an informal proceeding in which the public is provided an opportunity to make oral statements about the variance request.

Persons may request a contested case hearing or a public informational hearing in their written comments or before the MPCA Board at the Board meeting at which this matter is considered. It is the present intent to bring this matter before the MPCA Board at its regular monthly meeting on November 22, 1988.

Persons requesting a contested case hearing must state reasons for requesting a hearing, the manner in which the person(s) would be affected if the variance is granted, and what action the person(s) wants the MPCA to take. Pursuant to *Minnesota Rules* Part 7000.1000, Subpart 3, the MPCA will order that a contested case hearing be held only if there is a material issue of fact, the MPCA has jurisdiction to decide the factual issue, and a hearing would aid the MPCA in making a final decision on the variance. Persons requesting a public informational meeting should describe how the meeting would help the MPCA resolve issues affecting a final decision on the variance.

Please bring this matter to the attention of persons who you know would be interested in this matter.

Gerald R. Willet, Commissioner
Minnesota Pollution Control Agency

Office of the Secretary of State

Notice of Vacancies in Multi-Member State Agencies

NOTICE IS HEREBY GIVEN to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* 15.0597, subdivision 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul, MN 55155-1299; (612) 296-2805. Specific information about these vacancies may be obtained from the agencies listed below. The application deadline is October 18, 1988.

ADVISORY COUNCIL ON UNIFORM FINANCIAL ACCOUNTING AND REPORTING STANDARDS

1 member—employee of the Dept. of Education to be appointed by the Commissioner of Education.

BOARD OF TEACHING

1 public member—past or present member of a local school board.

BOARD OF PRIVATE DETECTIVE AND PROTECTIVE AGENT SERVICES

1 member, professional.

COUNCIL ON BLACK MINNESOTANS

2 public members with strong sensitivity to issues and problems affecting and effecting Black Minnesotans, 1 member to be a resident of Olmsted County, Congressional District 1, 1 member to be a resident of Ramsey County, Congressional District 4.

MN COUNCIL FOR THE BLIND

2 members, knowledgeable of issues concerning services for blind and visually handicapped Minnesotans. The appointments will expire on December 31, 1988.

SUBCOMMITTEE ON CHILDREN'S MENTAL HEALTH

2 members, 1 provider of children's mental health services, 1 to be a parent of a child who has mental illness or emotional or behavioral disorders.

INDIAN ADVISORY COUNCIL ON CHEMICAL DEPENDENCY

2 members, 1 member to represent the chemical dependency concerns of the White Earth Band of Chippewa Indians, 1 member to represent the chemical dependency concerns of the Upper Sioux Indian Reservation.

Advisory Council on Uniform Financial Accounting and Reporting Standards

Room 938, Capitol Square Bldg., St. Paul 55101. 612-296-8640.

Minnesota Statutes 121.901

APPOINTING AUTHORITY: Bd. Education/Comm. Education/Dir. Bd. Voc Tech/St COMPENSATION: None.

The council provides uniform accounting and reporting standards for school districts and recommends rules, statute changes, modifications of financial accounting codes, manuals, procedures and reporting forms. Thirteen members, include two employees of the dept. of education, one licensed certified public accountant, eight school district employees whose responsibilities include school financing and accounting; one employee appointed by state board of vocational and technical education, and one member of the state auditor's office. Approximately six meetings per year.

Board of Teaching

608 Capitol Square Bldg., 550 Cedar St., St. Paul 55101. 612-296-2415.

Minnesota Statutes 125.183

APPOINTING AUTHORITY: Governor. COMPENSATION: \$35 per diem plus expenses.

The board establishes rules governing education, licensing and relicensing of teachers. Fifteen members, include three elementary teachers, three secondary teachers, one other teacher (librarian, psychologist, remedial reading, speech therapy or vocational), one school administrator, one higher education teacher educator, and six public members (two of whom shall be present or former members of local school boards). Members shall be fully licensed for the position he or she holds and have at least five years teaching experience in Minnesota. Monthly meetings. Members must file with the Ethical Practices Board.

Board of Private Detective and Protective Agent Services

1246 University Ave., St. Paul 55104. 612-642-0775.

Minnesota Statutes 326.32-326.339.

Official Notices

APPOINTING AUTHORITY: Commissioner of Public Safety. COMPENSATION: \$35 per diem plus expenses.

The board licenses private detectives and protective agents. Five members include the superintendent of the bureau of criminal apprehension or designee, a licensed protective agent, a licensed private detective and two public members. Monthly meetings. Members must file with the Ethical Practices Board.

Council on Black Minnesotans

289 E. 5th St., Suite 210, St. Paul 55101. 612-297-3708.

Minnesota Statutes 3.9225

APPOINTING AUTHORITY: Governor. COMPENSATION: None

The council makes recommendations to the governor and legislation on improving the economic and social conditions of black Minnesotans. The governor appoints seven public members who will represent the black community and must include at least three males and three females. The legislature appoints two senators and two representatives who serve as ex-officio, non-voting members.

MN Council for the Blind

Dept. of Jobs and Training, 1745 University Ave., St. Paul 55104. 612-642-0508.

Minnesota Statutes 248.10

APPOINTING AUTHORITY: Commissioner of Jobs and Training. COMPENSATION: \$35 per diem plus expenses.

The council advises the commissioner on the development of policies, programs and services affecting the blind and visually impaired; to provide the commissioner with a review of ongoing services. The council includes seven members of whom four must be blind or visually handicapped. Terms are staggered.

Subcommittee on Children's Mental Health

444 Lafayette Rd., St. Paul 55155-3828. 612-296-4497.

Laws of 1988 Chapter 689

APPOINTING AUTHORITY: Chairman, State Advisory Council on Mental Health. COMPENSATION: None.

The subcommittee must make recommendations to the advisory council on policies, law, regulations, and services relating to children's mental health. Members to include: commissioners or designee of commerce, corrections, education, health, human services. 1 member children's mental health advocacy group, 3 service providers: preadolescent, adolescent, hospital based; parents of emotionally disturbed children, consumer of adolescent mental health services, educators of emotionally disturbed children, people who worked with emotionally disturbed minority children, or with emotionally disturbed juvenile status offenders, social service representatives, county commissioners, advisory council members. Meeting schedule not determined.

Indian Advisory Council on Chemical Dependency

Space Center, 444 Lafayette Rd., St. Paul 55101. 612-296-8941.

Minnesota Statutes 254A.03

APPOINTING AUTHORITY: Commissioner of Human Services. COMPENSATION: \$35 per diem plus expenses.

The council establishes policies and procedures for American Indian chemical dependency programs, and reviews and recommends proposals for funding. Members include one member from each of eleven reservations, two members from Mpls., two members from St. Paul, one member from Duluth, and one member from International Falls. Quarterly meetings.

Department of Trade and Economic Development

Community Development Division

Report Available to the Public on the 1988 Small Cities Development Program Performance Evaluation

NOTICE IS HEREBY GIVEN that the 1988 Small Cities Development Program (SCDP) Performance Evaluation Report (PER) is available for public review and comment. Section 104(a)(2)(D) and (E) of the Housing and Community Development Act requires the state to make the mandatory PER available to the public in conjunction with its submission to the U. S. Department of Housing and Urban Development. The PER consists of a listing of all of the funded SCDP projects, including proposed and accomplished goals. Inquiries and comments about the PER should be directed to:

State Contracts and Advertised Bids

Louis Jambois
Minnesota Department of Trade and Economic Development
9th Floor, American Center Building
150 East Kellogg Boulevard
St. Paul, MN 55101
612/297-3172

Board of Water and Soil Resources

Notice of Board/Staff Meeting and Retreat

NOTICE IS HEREBY GIVEN that the Board of Water & Soil Resources will hold a special board/staff meeting and retreat on September 28-29, at the Cloquet Forestry Center, 175 University Road Cloquet. The meeting will start at 8:30 a.m. on the 28th of Sept. and will adjourn at 1:30 p.m. on Sept. 29. The meeting is open to the public. For more information, contact the board office at (612) 296-3767.

State Contracts and Advertised Bids

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

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

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

Department of Administration: Materials Management Division

Contracts and Requisitions Open for Bid

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

Commodity: Rainwear
Contact: Linda Parkos 612-296-3725
Bid due date at 2pm: September 27
Agency: DNR Service Center
Deliver to: St. Paul
Requisition #: 29008 80242

Commodity: YSI monitor (oxygen sampler)
Contact: Joe Gibbs 612-296-3750
Bid due date at 2pm: September 28
Agency: MN Pollution Control Agency
Deliver to: St. Paul
Requisition #: 32100 18710

Commodity: Lafayette operant system
Contact: Joe Gibbs 612-296-3750
Bid due date at 2pm: September 28
Agency: State University
Deliver to: Winona
Requisition #: 26074 12318

Commodity: Rental of geodetic instruments
Contact: Joseph Gibbs 612-296-3750
Bid due date at 2pm: September 28
Agency: Transportation
Deliver to: St. Paul
Requisition #: 79000 92160

Commodity: Rubbish contract
Contact: Juanita Steffen 612-297-3830
Bid due date at 2pm: September 28
Agency: Minnesota Correctional Facilities
Deliver to: St. Cloud
Requisition #: 78830 09373

Commodity: Trucks
Contact: Bernie Vogel 612-296-3778
Bid due date at 2pm: September 29
Agency: Public Service
Deliver to: St. Paul
Requisition #: 80300 03861

Commodity: Rubbish disposal contract
Contact: Juanita Steffen 612-297-3830
Bid due date at 2pm: October 4
Agency: State University
Deliver to: St. Cloud
Requisition #: 26073 20674

Commodity: Interactive call processing system
Contact: Joseph Gibbs 612-296-3750
Bid due date at 2pm: October 4
Agency: Transportation
Deliver to: St. Paul
Requisition #: 79000 92837

Commodity: Sound system
Contact: Pam Anderson 612-296-1053
Bid due date at 2pm: October 5
Agency: State University
Deliver to: Winona
Requisition #: 26074 12348

State Contracts and Advertised Bids

Contract Awards—Materials Management Division

Item: Electric lamp and bulb
Req. #: 02307 91250 01
Awarded to: Kennedy Webster Electric,
Chicago, IL
Awarded amount: \$6,292.80
Awarded date: September 14, 1988
Expir/deliv date: October 10, 1988
Shipped to: Plant Management
Operations

Item: Janitorial and refuse disposal
service
Req. #: 02307 91209 01
Awarded to: Minnesota Assoc.
Rehabilitation, St. Paul, MN
Awarded amount: \$91,728.00
Awarded date: September 14, 1988
Expir/deliv date:
Shipped to: Various Locations

Item: Laboratory supplies
Req. #: 26071 18310 01
Awarded to: Skatron Inc., Sterling, VA
Awarded amount: \$5,010.00
Awarded date: September 14, 1988
Expir/deliv date: September 27, 1988
Shipped to: Mankato State University

Item: Laboratory supplies
Req. #: 26071 18303 01
Awarded to: Fisher Scientific Company,
Eden Prairie, MN
Awarded amount: \$10,278.00
Awarded date: September 14, 1988
Expir/deliv date: October 21, 1988
Shipped to: Mankato State University

Item: Laboratory supplies
Req. #: 26071 18306 01
Awarded to: Fisher Scientific Company,
Eden Prairie, MN
Awarded amount: \$6,105.00
Awarded date: September 14, 1988
Expir/deliv date: September 28, 1988
Shipped to: Mankato State University

Item: Computer equipment
Req. #: 26073 20658 01
Awarded to: Digital Equipment
Corporation, Minneapolis, MN
Awarded amount: \$40,479.20
Awarded date: September 14, 1988
Expir/deliv date: October 14, 1988
Shipped to: St. Cloud State University

Item: Janitorial and refuse disposal
service
Req. #: 27152 46556 01
Awarded to: Gallaghers Service Inc.,
Minneapolis, MN
Awarded amount: \$6,078.00
Awarded date: September 14, 1988
Expir/deliv date:
Shipped to: Anoka-Ramsey Community
College

Item: Furniture, office
Req. #: 32200 18622 01
Awarded to: Mid American Business
System, Minneapolis, MN
Awarded amount: \$16,708.00
Awarded date: September 14, 1988
Expir/deliv date: October 30, 1988
Shipped to: Minnesota Pollution Control
Agency

Item: Yarn and thread
Req. #: 78830 09476 01
Awarded to: Airtex Industries Inc.,
Cokato, MN
Awarded amount: \$24,500.00
Awarded date: September 14, 1988
Expir/deliv date: October 15, 1988
Shipped to: Minnesota Correctional
Facility

Item: Fixture—indoor electric lighting
Req. #: 02310 16268 01
Awarded to: Norcostco, Minneapolis,
MN
Awarded amount: \$30,026.89
Awarded date: September 15, 1988
Expir/deliv date: October 20, 1988
Shipped to: Minneapolis Community
College

Item: Auto HD truck and van
Req. #: 02307 91761 01
Awarded to: Rathert Chevrolet Inc.,
Duluth, MN
Awarded amount: \$17,118.00
Awarded date: September 15, 1988
Expir/deliv date: January 20, 1989
Shipped to: Plant Management Division
(Automation)

Item: Automobile
Req. #: 07300 52362 01
Awarded to: National Fleet Sales, Edina,
MN
Awarded amount: \$21,200.00
Awarded date: September 15, 1988
Expir/deliv date: September 30, 1988
Shipped to: Department of Public Safety

Item: Laboratory supplies
Req. #: 26071 18302 01
Awarded to: Baxter Biotechnology,
Round Lake, IL
Awarded amount: \$15,000.00
Awarded date: September 15, 1988
Expir/deliv date: October 16, 1988
Shipped to: Mankato State University

Item: Computer equipment
Req. #: 26073 20650 01
Awarded to: Arrow Electric, Edina, MN
Awarded amount: \$16,326.00
Awarded date: September 15, 1988
Expir/deliv date: September 23, 1988
Shipped to: St. Cloud State University

Item: Laboratory supplies
Req. #: 27152 46563 01
Awarded to: Baxter Company,
Minneapolis, MN
Awarded amount: \$18,455.00
Awarded date: September 15, 1988
Expir/deliv date: October 12, 1988
Shipped to: Anoka-Ramsey Community
College

Item: Computer equipment
Req. #: 27149 48219 01
Awarded to: Hallmark Electric, Eden
Prairie, MN
Awarded amount: \$5,179.00
Awarded date: September 15, 1988
Expir/deliv date: September 29, 1988
Shipped to: Northland Community
College

Item: Sound level meters
Req. #: 32200 18621 01
Awarded to: Larson Davis Laboratory,
Pleasant Grove, VT
Awarded amount: \$6,480.00
Awarded date: September 15, 1988
Expir/deliv date: October 30, 1988
Shipped to: Minnesota Pollution Control
Agency

State Contracts and Advertised Bids

Item: Gas mixers, automatic
Req.#: 32200 18613 01
Awarded to: Envirionics Inc.,
Marlborough, MA
Awarded amount: \$5,950.00
Awarded date: September 15, 1988
Expir/deliv date: September 30, 1988
Shipped to: Minnesota Pollution Control,
Agency

Item: Auto HD truck and van
Req.#: 37001 90137 01
Awarded to: Superior Ford,
Minneapolis, MN
Awarded amount: \$14,678.00
Awarded date: September 15, 1988
Expir/deliv date: November 30, 1988
Shipped to: Minnesota Academy for the
Deaf

Item: Service other purchased
Req.#: 55101 09181 01
Awarded to: Stoa Plumbing and
Heating, Fergus Falls, MN
Awarded amount: \$5,500.00
Awarded date: September 15, 1988
Expir/deliv date: September 15, 1988
Shipped to: Fergus Falls Regional
Treatment Center

Item: Mineral construction material
Req.#: 55304 07976 01
Awarded to: Floor to Ceiling Store,
Brainerd, MN
Awarded amount: \$331,851.60
Awarded date: September 15, 1988
Expir/deliv date: September 16, 1988
Shipped to: Brainerd Regional Human
Services

Item: Computer equipment—supplies
Req.#: 79000 92009 01
Awarded to: Corvallis Microtech Inc.,
Corvallis, OR
Awarded amount: \$9,810.00
Awarded date: September 15, 1988
Expir/deliv date: October 3, 1988
Shipped to: Minnesota Department of
Transportation

Item: Paint, varnish, thinner, solvent
Req.#: 79100 08958 01
Awarded to: Ennis Paint Manufacturing,
Inc., Ennis, TX
Awarded amount: \$7,474.50
Awarded date: September 15, 1988
Expir/deliv date: October 17, 1988
Shipped to: Minnesota Department of
Transportation

Item: Computer equipment
Req.#: 79000 91843 01
Awarded to: Entre Computer Center, St.
Paul, MN
Awarded amount: \$11,190.00
Awarded date: September 15, 1988
Expir/deliv date: September 30, 1988
Shipped to: Mn/DOT, Aeronautics

Item: Paint, traffic, twenty second dry
Req.#: 79500 03165 01
Awarded to: Ennis Paint Manufacturing,
Inc., Ennis, TX
Awarded amount: \$14,157.00
Awarded date: September 15, 1988
Expir/deliv date: October 17, 1988
Shipped to: Minnesota Department of
Transportation

Item: Paint, traffic, three minute dry
alkyd
Req.#: 79900 03722 01
Awarded to: Ennis Paint Manufacturing,
Inc., Ennis, TX
Awarded amount: \$9,966.00
Awarded date: September 15, 1988
Expir/deliv date: October 17, 1988
Shipped to: Minnesota Department of
Transportation

Item: Paint, traffic, twenty second dry
Req.#: 79900 03723 01
Awarded to: Ennis Paint Manufacturing,
Inc., Ennis, TX
Awarded amount: \$7,078.50
Awarded date: September 15, 1988
Expir/deliv date: October 17, 1988
Shipped to: Minnesota Department of
Transportation

Item: Computer equipment
Req.#: 04111 91417 01
Awarded to: Data Source, Bloomington,
MN
Awarded amount: \$13,524.00
Awarded date: September 16, 1988
Expir/deliv date: September 30, 1988
Shipped to: Minnesota Department of
Agriculture

Item: Fatigue testing machines
Req.#: 26071 18228 01
Awarded to: Fatigue Dynamics, Inc.,
Dearborn, MI
Awarded amount: \$11,260.00
Awarded date: September 16, 1988
Expir/deliv date: October 24, 1988
Shipped to: Mankato State University

Item: Video CRT equipment
Req.#: 27154 46827 01
Awarded to: Sound Technology,
Bloomington, MN
Awarded amount: \$8,767.48
Awarded date: September 16, 1988
Expir/deliv date: November 1, 1988
Shipped to: Lakewood Community
College

Item: Janitorial supplies
Req.#: 55101 09155 01
Awarded to: National Purity Soap and
Chemical, Minneapolis, MN
Awarded amount: \$32,700.00
Awarded date: September 16, 1988
Expir/deliv date: September 20, 1988
Shipped to: Fergus Falls Regional
Treatment Center

Item: Repair to other equipment
Req.#: 75250 40271 01
Awarded to: Hilton Firebrick Service,
Inver Grove Heights, MN
Awarded amount: \$13,870.00
Awarded date: September 16, 1988
Expir/deliv date:
Shipped to: Minnesota Veterans Home

State Contracts and Advertised Bids

Item: Switch electronic
Req.#: 02410 90057 01
Awarded to: Telenex Corporation,
Oakbrook, IL
Awarded amount: \$5,775.00
Awarded date: September 19, 1988
Expir/deliv date: October 20, 1988
Shipped to: Information Management
Bureau

Item: Copying equipment
Req.#: 07300 52293 01
Awarded to: Xerox Corporation, Edina,
MN
Awarded amount: \$8,441.00
Awarded date: September 19, 1988
Expir/deliv date: October 14, 1988
Shipped to: Department of Public Safety

Item: Appliance, refrigeration unit,
commercial
Req.#: 21200 19159 01
Awarded to: Minnesota Food Service
Equipment, Brainerd, MN
Awarded amount: \$7,895.00
Awarded date: September 19, 1988
Expir/deliv date: October 30, 1988
Shipped to: Various Locations

Item: Laboratory supplies
Req.#: 26071 18238 01
Awarded to: Lab Quir, Minooks, IL
Awarded amount: \$28,920.00
Awarded date: September 19, 1988
Expir/deliv date: December 20, 1988
Shipped to: Mankato State University

Item: Sound reproduction equipment
Req.#: 26072 01642 01
Awarded to: Erickson Music Center,
Hibbing, MN
Awarded amount: \$9,750.00
Awarded date: September 19, 1988
Expir/deliv date: October 20, 1988
Shipped to: Moorhead State University

Item: Video equipment and systems
Req.#: 26073 20642 01
Awarded to: Alpha Video and Audio,
Bloomington, MN
Awarded amount: \$14,664.00
Awarded date: September 19, 1988
Expir/deliv date: November 1, 1988
Shipped to: St. Cloud State University

Item: Video camera, recorder and
accessories
Req.#: 26073 20633 01
Awarded to: EPA Audio Visual,
Rockford, MN
Awarded amount: \$6,048.84
Awarded date: September 19, 1988
Expir/deliv date: October 20, 1988
Shipped to: St. Cloud State University

Item: Microwave signal generators
Req.#: 27139 89019 01
Awarded to: KSMQ-TV, Austin, MN
Awarded amount: \$10,000.00
Awarded date: September 19, 1988
Expir/deliv date: September 28, 1988
Shipped to: Austin Community College

Item: Video equipment and systems
Req.#: 27144 44148 01
Awarded to: Alpha Video and Audio,
Bloomington, MN
Awarded amount: \$5,132.00
Awarded date: September 19, 1988
Expir/deliv date: October 20, 1988
Shipped to: Itasca Community College

Item: Dental instrument and equipment
Req.#: 27156 10380 01
Awarded to: HU Friedy Inc., Chicago,
IL
Awarded amount: \$6,572.80
Awarded date: September 19, 1988
Expir/deliv date: October 5, 1988
Shipped to: Normandale Community
College

Item: Repair alteration to building and
Req.#: 27000 55063 01
Awarded to: North Minnesota Paving
Inc., International Falls, MN
Awarded amount: \$18,995.20
Awarded date: September 19, 1988
Expir/deliv date:
Shipped to: Rainy River Community
College

Item: Microwave signal generators
Req.#: 27148 50289 01
Awarded to: KSMQ-TV, Austin, MN
Awarded amount: \$10,000.00
Awarded date: September 19, 1988
Expir/deliv date: September 20, 1988
Shipped to: Rochester Community
College

Item: Material handling equipment,
miscellaneous
Req.#: 78830 09495 01
Awarded to: Action Pak Equipment
Sales, Edina, MN
Awarded amount: \$8,339.55
Awarded date: September 19, 1988
Expir/deliv date: September 25, 1988
Shipped to: Minnesota Correctional
Facility

Item: Radio communication equipment:
mobile/portable
Req.#: 79000 91836 01
Awarded to: Melby Communications,
Minneapolis, MN
Awarded amount: \$17,140.00
Awarded date: September 19, 1988
Expir/deliv date: December 1, 1988
Shipped to: Various Locations

Item: Appliance, kitchen, restaurant,
large commercial
Req.#: 01000 05596 01
Awarded to: St. Cloud Restaurant, St.
Cloud, MN
Awarded amount: \$41,070.00
Awarded date: September 20, 1988
Expir/deliv date: November 5, 1988
Shipped to: Facilities Management
Office

State Contracts and Advertised Bids

Item: Asbestos removal
Req.#: 02310 16306 01
Awarded to: Valley Contracting, White Bear Lake, MN
Awarded amount: \$13,700.00
Awarded date: September 20, 1988
Expir/deliv date: October 1, 1988
Shipped to: Minnesota Academy for the Deaf

Item: Computer equipment
Req.#: 07900 51621 02
Awarded to: Boffin Limited, Burnsville, MN
Awarded amount: \$8,391.00
Awarded date: September 20, 1988
Expir/deliv date: September 26, 1988
Shipped to: Office of Pipeline Safety

Item: Video equipment and systems
Req.#: 26072 01631 01
Awarded to: Erickson Music Center, Hibbing, MN
Awarded amount: \$6,450.00
Awarded date: September 20, 1988
Expir/deliv date: October 20, 1988
Shipped to: Moorhead State University

Item: Fabrics
Req.#: 55106 07000 01
Awarded to: VIS Drapery, Marshall, MN
Awarded amount: \$7,357.50
Awarded date: September 20, 1988
Expir/deliv date: October 24, 1988
Shipped to: Willmar Regional Treatment Center

Item: Scaffolding equipment and ladder
Req.#: 79382 01515 01
Awarded to: Metroquip Inc., Minneapolis, MN
Awarded amount: \$10,182.35
Awarded date: September 20, 1988
Expir/deliv date: October 20, 1988
Shipped to: Minnesota Department of Transportation

Item: Scaffolding equipment and ladder
Req.#: 79382 01516 01
Awarded to: Metroquip Inc., Minneapolis, MN
Awarded amount: \$10,182.35
Awarded date: September 20, 1988
Expir/deliv date: October 20, 1988
Shipped to: Minnesota Department of Transportation

Item: Lumber and related basic wood
Req.#: 79050 21107 01
Awarded to: Itasca Lumber Company, Grand Rapids, MN
Awarded amount: \$15,127.05
Awarded date: September 20, 1988
Expir/deliv date: October 20, 1988
Shipped to: Various Locations

Item: Service other purchased
Req.#: 79000 91845 01
Awarded to: Publicity Central, Minneapolis, MN
Awarded amount: \$8,000.00
Awarded date: September 20, 1988
Expir/deliv date: October 1, 1988
Shipped to: Minnesota Department of Transportation

Department of Administration: Printing & Mailing Services

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

Commodity: Report of arrest, 500 books, 20 tickets per book, 8" x 4", negs finished, preprinted numbering, 2-stitches
Contact: Printing Buyer's Office
Bids are due: September 27
Agency: State Patrol
Deliver to: St. Paul
Requisition #: 1362

Commodity: Receipt books—business office (20 books of 50 pages per book), 2-parts 2¾" x 7", preprinted numbering; check blanks (8M) preprinted numbering, 8 x 3½" finished size, type to set, 1-sided, numbering; receipt books—residents' bank, (167) 1-sided, 50 pages, type to set, numbering
Contact: Printing Buyer's Office
Bids are due: September 27
Agency: Regional Treatment Center
Deliver to: St. Peter
Requisition #: 1420 1 2

Commodity: Water well record, 12½ M 3-part form, type to set + negs, 1 and 2-sided, preprinted numbering 8½" x 11" and 14"
Contact: Printing buyer's office
Bids are due: September 27
Agency: MN Health Department
Deliver to: Minneapolis
Requisition #: 1642

State Contracts and Advertised Bids

Commodity: Small operation identification stickers, 600M 1 $\frac{3}{8}$ " \times 1 $\frac{1}{8}$ " + $\frac{1}{8}$ " overlap liner, negs furnished, 2-sided
Contact: Printing buyer's office
Bids are due: September 27
Agency: Public Safety Department
Deliver to: St. Paul
Requisition #: 1793

Commodity: Fluoride report form, 4M 4-part forms, 6 $\frac{3}{4}$ " \times 4" overall, type to set + negs, 1-sided
Contact: Printing buyer's office
Bids are due: September 27
Agency: MN Department of Health
Deliver to: Minneapolis
Requisition #: 1844

Commodity: Letterhead bond paper, 7M 8 $\frac{1}{2}$ " \times 11", camera ready, 1-sided, union bug required
Contact: Printing buyer's office
Bids are due: September 27
Agency: Employee Relations Department
Deliver to: St. Paul
Requisition #: 1863

Commodity: Envelopes for state warrants, 10M 3 $\frac{3}{4}$ " \times 7 $\frac{3}{8}$ " with 4 $\frac{1}{2}$ " \times 1" window, 1-sided, type to set
Contact: Printing buyer's office
Bids are due: September 27
Agency: Department of Human Services
Deliver to: St. Paul
Requisition #: 1899

Commodity: School bus stickers, 15M yearly and 33M monthly, 1" \times 1 $\frac{1}{2}$ ", camera ready
Contact: Printing buyer's office
Bids are due: September 27
Agency: MN State Patrol
Deliver to: St. Paul
Requisition #: 1363

Commodity: Name tags, 5M pressure sensitive, with gold state seal, 65# cast coated
Contact: Printing buyer's office
Bids are due: September 27
Agency: Governor's residence
Deliver to: St. Paul
Requisition #: 1911

Commodity: Blank mailers, 7M 9 $\frac{1}{2}$ " \times 11" includes pinfeeds, continuous forms 3 per sheet
Contact: Printing buyer's office
Bids are due: September 29
Agency: PERA
Deliver to: St. Paul
Requisition #: 1858

Commodity: Training applications, 15M 8 $\frac{1}{2}$ " \times 6 $\frac{1}{4}$ " finished size, camera ready + negs, 2-sided, 4-part forms
Contact: Printing buyer's office
Bids are due: September 29
Agency: Employee Relations Department
Deliver to: St. Paul
Requisition #: 1959

Commodity: *Outlook*—university tabloid, 3 issues of 16 pages, 11 $\frac{1}{2}$ " \times 15 page size, quarterfold, 64M Dec; 53M March and June, 4-color process one sig.
Contact: Printing buyer's office
Bids are due: September 29
Agency: State University
Deliver to: St. Cloud
Requisition #: 1787

Commodity: Window envelopes #9, 50M, type to set, 1-sided
Contact: Printing buyer's office
Bids are due: September 29
Agency: Revenue Department
Deliver to: St. Paul
Requisition #: 2004

Commodity: 1988 forms W-2P, 4-part, (510 3-per sheet) 8" \times 11"; 1988 form W-2C 6-part, (500) 8" \times 11"
Contact: Printing buyer's office
Bids are due: September 29
Agency: PERA
Deliver to: St. Paul
Requisition #: 1857 & 59

Commodity: Permit status notice, 5M 5-part form, type to set, 1-sided, 8 $\frac{1}{2}$ " \times 5 $\frac{1}{2}$ "
Contact: Printing buyer's office
Bids are due: September 29
Agency: Agriculture Department
Deliver to: St. Paul
Requisition #: 2022

Commodity: Driver license receipt, 650M 4 $\frac{1}{4}$ " \times 5 $\frac{1}{2}$ ", preprinted numbering, type to set, 1-sided
Contact: Printing buyer's office
Bids are due: September 29
Agency: Public Safety Department
Deliver to: St. Paul
Requisition #: 1364

Commodity: Authorization, 75M 3-part forms, 9 $\frac{1}{2}$ " \times 11" includes pinfeeds, negs furnished, 1-sided
Contact: Printing buyer's office
Bids are due: September 29
Agency: Jobs & Training Department
Deliver to: St. Paul
Requisition #: 1641

Commodity: 1988-89 Winona State University class schedules, 80M 40pp, 8" \times 10 $\frac{1}{2}$ ", camera ready, 2-sided, newsprint
Contact: Printing buyer's office
Bids are due: October 3
Agency: State University
Deliver to: Winona
Requisition #: 1478

Commodity: 1986 MN health statistics, 1,700 books of 182pp + covers, 8 $\frac{1}{2}$ " \times 11", perfect bind with printing on spine, camera ready, 1 and 2-sided
Contact: Printing buyer's office
Bids are due: September 30
Agency: MN Health Department
Deliver to: Minneapolis
Requisition #: 1581

Contract Awards—Printing & Mailing Services

Item: Application for utility permit
Req.#: 1309
Awarded to: Royal Business Forms,
Brooklyn Center
Amount: \$296.00
Date: September 8
Deliver to: Transportation Department,
St. Paul
Delivery date: 30 days

Item: Notice of action
Req.#: 1327
Awarded to: Georgene Bergstrom
Company, Minneapolis
Amount: \$8,022.00
Date: September 7
Deliver to: Human Services
Department, St. Paul
Delivery date: 30 days

Item: Cash voucher
Req.#: 1344
Awarded to: Georgene Bergstrom
Company, Minneapolis
Amount: \$250.00
Date: September 7
Deliver to: Transportation Department,
St. Paul
Delivery date: 30 days

Item: Shipping tag
Req.#: 1339
Awarded to: ACME TAG Company,
Minneapolis
Amount: \$259.30
Date: September 9
Deliver to: Transportation Department,
St. Paul
Delivery date: 15 days

Item: Food stamp I.D. card
Req.#: 1328
Awarded to: Hawkenson Printing, Inc.,
St. Paul
Amount: \$225.00
Date: September 9
Deliver to: Human Services
Department, St. Paul
Delivery date: 10 days

Item: Economic development brochure
Req.#: 1353
Awarded to: Arrow Printing Company,
Bemidji
Amount: \$11,591.75
Date: September 14
Deliver to: IRRRB, Eveleth
Delivery date: 20 w/days

Item: Turkey lottery applications
Req.#: 1358
Awarded to: Standard Register, St. Paul
Amount: \$1,369.00
Date: September 9
Deliver to: DNR, St. Paul
Delivery date: 40 days

Item: Bear lottery applications
Req.#: 1359
Awarded to: Standard Register, St. Paul
Amount: \$4,107.00
Date: September 9
Deliver to: DNR, St. Paul
Delivery date: 40 days

Item: Brochure
Req.#: 1365
Awarded to: Twin City Litho, Roseville
Amount: \$1,459.00
Date: September 9
Deliver to: Public Safety Department,
St. Paul
Delivery date: As requested

Item: Employer's quarterly
unemployment tax report
Req.#: 1392
Awarded to: Standard Register, St. Paul
Amount: \$21,969.00
Date: September 14
Deliver to: Jobs and Training
Department, St. Paul
Delivery date: 38 days

Item: SCH file folders
Req.#: 1447
Awarded to: Ames Color File, Elmhurst,
IL
Amount: \$10,530.00
Date: September 9
Deliver to: Minnesota Health
Department, Minneapolis
Delivery date: 35 days

Item: Records transmittal and
classification
Req.#: 1449
Awarded to: Bann Division Stuart
Hooper Company, St. Paul
Amount: \$141.50
Date: September 14
Deliver to: Public Safety Department,
St. Paul
Delivery date: As Requested

Item: Application for license/
registration renewal
Req.#: 1318
Awarded to: Standard Register, St. Paul
Amount: \$3,691.92
Date: September 9
Deliver to: Minnesota Health
Department, Minneapolis
Delivery date: 35 days

Item: Application for license/
registration renewal
Req.#: 1319
Awarded to: Standard Register, St. Paul
Amount: \$615.32
Date: September 9
Deliver to: Minnesota Health
Department, Minneapolis
Delivery date: 35 days

Item: NDSL billings
Req.#: 1477
Awarded to: Standard Register, St. Paul
Amount: \$3,898.64
Date: September 19
Deliver to: Mankato State University
Delivery date: 35 days

Item: Snowmobile registration cards
Req.#: 0700
Awarded to: Standard Register, St. Paul
Amount: \$377.65
Date: September 9
Deliver to: DNR—St. Paul
Delivery date: 60 days

Item: All-terrain vehicle registration
cards without decals
Req.#: 0698
Awarded to: Standard Register, St. Paul
Amount: \$377.65
Date: September 9
Deliver to: DNR—St. Paul
Delivery date: 60 days

State Contracts and Advertised Bids

Department of Commerce

Notice of Request for Proposals for Services to Be Provided to the Minnesota Workers' Compensation Assigned Risk Plan on Behalf of the Minnesota Department of Commerce by Investment Management and Financial Service Organizations Qualified to Make Investments and/or Receive and Disburse Payments, and Prepare Reports

The Department of Commerce intends to contract with one or more organizations to provide the services according to the specifications issued. The contract period will begin as January 1, 1989 and continue through December 31, 1991.

Interested parties should call (612) 297-1119 to obtain the formal Request for Proposals (RFP).

And questions relating to the RFP, or the services to be provided, should be directed to:

Ms. Rose M. Ortiz
Department of Commerce
500 Metro Square Building
St. Paul, Minnesota 55101
(612) 297-4017

Proposals must be submitted by 4:30 p.m., November 1, 1988.

State Designer Selection Board

Request for Proposal for a Project at the University of Minnesota—Minneapolis

To Registered Professional in Minnesota:

The State Designer Selection Board has been requested to select designer for a project at the University of Minnesota. Design firms who wish to be considered for this project should submit proposals on or before 4:00 p.m., October 25, 1988, to George Iwan, Executive Secretary, State Designer Selection Board, Room G-10, Administration Building, St. Paul, Minnesota 55155-1495.

The proposal must conform to the following:

- 1) Six copies of the proposal will be required.
- 2) All data must be on 8½" × 11" sheets, soft bound.
- 3) The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 8 below, together with the designer's firm name, address, telephone number and the name of the contact person.
- 4) *Mandatory Proposal contents in sequence:*
 - a) Identity of firm and an indication of its legal status, i.e. corporation, partnership, etc. If the response is from a joint venture, this information must be provided for firms comprising the joint venture.
 - b) Names of the persons who would be directly responsible for the major elements of the work, including consultants, together with brief descriptions of their qualifications. If desired, identify roles that such persons played in projects which are relevant to the project at hand.
 - c) A commitment to enter the work promptly, if selected, by engaging the consultants, and assigning the persons named 4b above along with adequate staff to meet the requirements of work.
 - d) A list of State and University of Minnesota current and past commissions under contract or awarded to the prime firm(s) submitting this proposal during the three (3) years immediately preceding the date of this request for proposal. The prime firm(s) shall *list and total* all fees associated with these projects whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects listed pursuant to the above.
 - e) A section containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualification for the work. The graphic material must be identified. It must be work in which the personnel listed in "c" have had significant participation and their roles must be clearly described. It must be noted if the personnel named were, at the time of the work, employed by other than their present firms.

State Contracts and Advertised Bids

The proposal shall consist of no more than twenty (20) pages. Proposals not conforming to the parameters set forth in this request will be disqualified and discarded without further examination.

5) Statutory Proposal Requirements:

In accordance with the provisions of *Minnesota Statutes*, 1981 Supplement, Section 363.073; for all contracts estimated to be in excess of \$50,000.00, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted.

The proposal will not be accepted unless it includes one of the following:

- a) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
- b) A statement certifying that firm has a current certificate of compliance issued by the Commissioner of Human Rights; or
- c) A statement certifying that the firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months; or
- d) A statement certifying that the firm has an application pending for a certificate of compliance.

6) In accordance with the provisions of *Minnesota Statutes* 16B.19, Subdivision 6, at least 10% of the amount of any contract in excess of \$200,000.00 must be subcontracted to certified small businesses owned and operated by S/E/D persons as defined by *Minnesota Statutes* 645.445. Alternatively, the requirement may be met by purchasing materials or supplies from S/E/D businesses. Any combination of subcontracting and purchasing that meets the 10% requirements is acceptable. If there are not S/E/D persons able to perform subcontracting or provide supplies and materials, other small businesses as defined are to be utilized instead of small businesses owned and operated by S/E/D persons.

7) Design firms wishing to have their proposals returned after the Board's review must follow one of the following procedures:

- a) Enclose a self-addressed stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded; or
- b) Enclose a self-addressed stamped mailing envelope with the proposals. When the Board has completed its review, proposals will be returned using this envelope.

In accordance with existing statute, the Board will retain one copy of each proposal submitted.

Any questions concerning the Board's procedures or their schedule for the project herein described may be referred to George Iwan at (612) 296-4656.

8) PROJECT—23-88

Expansion and Renovation
University of Minnesota
Hospital and Clinic—Minneapolis

This project will provide new and/or renovated space for clinical, ancillary and support departments within the Hospital which were not incorporated in the Hospital's replacement facility (Unit J), completed and occupied in 1986. A facility planning effort has been underway for approximately eight months to compile program requirements and study various building use and new construction versus renovation options for meeting current program needs. The preliminary conclusions from this study indicate that the most likely planning concept will require:

1. Renovation of approximately 200,000 NSF of space in the Mayo Building. Scope of renovation in this building varies from full-scale demolition/reconstruction to finishes upgrade only. The major clinical components in this building are: (a) a Labor and Delivery unit capable of supporting 850-1,000 annual deliveries, (b) a five-procedure room Cystoscopy suite and Urology clinic, and (c) a 15 bed Physical Medicine and Rehabilitation inpatient unit with associated therapies. The remaining non-clinical renovation involves approximately 30 Hospital ancillary and support departments ranging from Autopsy, Pharmacy and Lab areas to standard office suites.

2. Vertical expansion of the new Hospital replacement building (Unit J) by two floors resulting in approximately 64,000 NSF of additional space. One of the additional floors (32,000 NSF) would accommodate a 60-70 bed inpatient Psychiatry program. The second additional floor would remain completely unfinished to accommodate future requirements.

3. A major central building systems upgrade for the Mayo Building to support current and future clinical departments in this building at present day utility standards. A preliminary study of required system upgrades has been completed. However, this requirement must be integrated into an overall building reuse plan.

4. Various minor renovation projects in the Boynton, Children's Rehabilitation, and Masonic Building totalling less than 25,000 NSF. The majority of space in these buildings will not be affected by this project.

State Contracts and Advertised Bids

The designer will study, test and refine the preliminary conclusions reached in the Master Planning Study, develop detailed design, engineering and construction documents on a schedule influenced by the project approval process. Initial design activities will include, but not be limited to:

1. A master zoning of the Mayo Building including all program elements,
2. schematic design of the proposed additional floors on the Unit J building,
3. development of design and construction schedules, as well as phasing schedules for all project(s) components, and
4. cost estimates for all project(s) components.

Later activities will include preparation of final construction documents from all phases of the project.

This project will require carefully considered phasing and creative construction techniques to accomplish the following:

1. Minimize the number of departmental relocations and temporary occupancies necessary to accomplish renovation in existing buildings,
2. protect existing patient care areas from construction noise, activity and debris,
3. plan utility outages to minimize inconvenience and risk to patients,
4. minimize the necessity to "take out of service" any areas or departments not directly involved in construction or remodeling, and
5. assure that construction dust contamination and outages in air handling/filtration systems do not compromise patient environment in any way.

Sophisticated engineering support will be required as a result of the building systems upgrade in the Mayo Building and the complexity of building systems involved in the Unit J expansion. In light of this, interested firms should provide indepth information and/or presentation of in-house engineering capability or the engineering firm anticipated to provide these services.

Preliminary project cost estimates place total escalated project cost at \$62,000,000.00. All costs are stated in total project dollars, including fees, furniture and equipment, and all other non-construction costs. The project designer will be required to design within the available budget.

Selection Criteria

Interested firms should demonstrate their ability to:

1. Successfully design and engineer a project of this nature, magnitude and complexity,
2. successfully integrate into a design/construction team of consultants, planners, health care professionals and contractors,
3. provide functional and aesthetically acceptable designs,
4. successfully design within a limited budget, and
5. develop phasing schedules and building design to minimize disruption to ongoing Hospital operations during construction.

Questions concerning this project may be referred to Clint Hewitt at (612) 625-7355.

Bernard Jacob, Chairman
State Designer Selection Board

Department of Health

Request for Proposals and Qualifications to Provide Temporary Management Services for Nursing Homes Operated Under the Provisions of the Involuntary Receivership Law

In the event that the Commissioner of Health exercises the authority, under *Minnesota Statutes* 144A. 15, to place a nursing home under involuntary receivership, the Commissioner intends to contract with individuals, corporations or other business entities to provide the necessary management services for such facilities. More than one nursing home may be subject to involuntary receivership at any one time.

The implementation of the involuntary receivership provisions is subject to the approval of District Court. If such authority is granted, the Commissioner will enter into a contract to provide for the management of the facility. The contractor will be responsible for the operation of the facility in a manner which assures compliance with all state licensure and federal certification requirements.

State Contracts and Advertised Bids

The powers and duties of the receiver are described in *Minnesota Statutes* 144A. 15 and will be specified in the contract between the State of Minnesota and the contractor. The duration of the contract will vary depending on individual circumstances but in no instance will the contract exceed a period of eighteen months. The contractor shall be paid a management fee amount on a per month/per bed basis. This fee shall be subject to the approval of the District Court.

The purpose of this notice is to identify potential parties that are willing and capable of providing the required management services and to establish a listing from which such parties can be selected by the Commissioner. Any party that would like to be considered as eligible for providing these services should submit the following information, in writing, to the Department:

1. Name and address.
2. Description of nursing home management experience which shall include:
 - a. A listing of the nursing home(s) currently managed or managed within the last 3 years;
 - b. Total length of time involved in nursing home management and the number and sizes of the managed homes;
 - c. Qualifications of the key personnel who would be or have been involved in the provision of temporary management services, the role of these individuals in the provision of temporary management services, verification of any required licenses to perform these services in the State of Minnesota, and the experience of these individuals in operating homes subject to the Minnesota licensure and reimbursement laws and regulations;
 - d. A description of any experience as a receiver of a health care facility or as a temporary manager of a health care facility; and
 - e. Information evidencing the ability to provide temporary management services which will not impede or interfere with the management of nursing homes currently operated or managed by the contractor.
3. A description of the geographic location where temporary management services can be provided.
4. A description of the number and size of nursing homes for which temporary management services can be provided.
5. Proposed management fee (amount per bed/per month) and the basis for this calculation.

The above material should be submitted to:

H. Michael Tripple, Director
Division of Health Resources
Central Medical Building
P.O. Box 64900
393 North Dunlap
Saint Paul, Minnesota 55164-0900

Additional information concerning the contracting process can be obtained by contacting Mr. Tripple at (612) 643-2149. The names of potential contractors will remain on file for use by the Department of Health until October 1, 1990.

Department of Health

Health Systems Development Division

Request for Proposals for a Study of Access to Health Care in Rural Minnesota

The Health Economics Program is seeking proposals from qualified firms or individuals to conduct a study of access to acute health services in rural Minnesota.

The study should identify trends in hospital utilization and payment which adversely affect the financial viability of rural hospitals; identify regions with current or potential problems of access to acute health care services if financial conditions force rural hospitals to close; and discuss and recommend state policy alternatives for addressing access issues. Information on the financial condition of rural hospitals will be supplied by the Department of Health.

The total cost of this contract is estimated not to exceed \$20,000. The formal Request for Proposals may be requested from and all inquiries should be directed to:

Marianne Miller, Director
Health Economics Program
Minnesota Department of Health

717 Delaware Street S.E.
P.O. Box 9441
Minneapolis, Minnesota 55440
(612) 623-5520

State Contracts and Advertised Bids

State Board of Vocational Technical Education and the Department of Jobs and Training, State Job Training Office

Notice of Request For Pre-Proposals for JTPA-Education Coordination Services For Special Needs Groups

The State Board of Vocational Technical Education and the State Job Training Office are seeking pre-proposals to provide job training services to individuals having identified special needs. These individuals include youth and/or adults who are handicapped (physically, mentally or emotionally including chemically dependent), minorities (including migrant workers), displaced homemakers, limited English speakers, single parents, offenders/ex-offenders, high school dropouts, public assistance recipients or farmers in crisis. All pre and full proposals should be jointly developed by local Job Training Partnership Act (JTPA) service delivery area agencies and local education agencies. Proposals must also include input from special needs, community agencies. The training services, which will be provided under contract, are outlined in the Request For Proposals (RFP). A two-stage process will be used to select programs for funding consideration. The first stage requires bidders to submit two-page pre-proposals for Committee consideration. The Committee will then select pre-proposals, and the appropriate agencies will then be invited to submit full proposals for funding consideration.

Bidder's Conferences will be conducted in October, 1988. The purpose of these meetings will be to discuss the RFP process and to answer any questions. For further information on these meetings or on the proposal application, contact Bruce Nauth (612/296-8493). The RFP application package should be requested from:

Art Vadnais
State Board of Vocational Technical Education
Suite 102, Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101
(612) 296-9591

Funds will be available statewide for these projects to operate from July 1, 1988 to June 30, 1989. Pre-proposals should be presented to the local JTPA service delivery area administrator no later than Friday, December 5, 1988 for review and approval by the local Private Industry Council. Pre-proposals **must** be received by Art Vadnais at the above address by **4:30 on Wednesday, January 4, 1989.**

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.

Department of Trade and Economic Development

Community Development Division

Notice is Hereby Given that the Celebrate Minnesota 1990 Grant Program Application Cycle has Begun

The Celebrate Minnesota 1990 grant program is a competitive program designed to provide financial assistance to communities to help prepare for the statewide celebration to be held in 1990. The Minnesota legislature appropriated \$700,000 for this program to be administered by the Minnesota Department of Trade and Economic Development (DTED) for undertaking cleanup, beautification and/or community improvement projects associated with locally sponsored celebrations planned as part of Celebrate Minnesota 1990.

For purposes of this grant program, communities are defined as a home rule charter or statutory city, a town, a local community improvement or local development organization, or an Indian tribe. An applicant, other than a local unit of government or an Indian tribe, would be a nonprofit, public service organization such as an organized neighborhood development group, an economic devel-

opment authority or a community development corporation. Ineligible applicants will be disqualified without benefit of project review, and the applications will be returned.

Grant funds awarded under this program must be used for community beautification, cleanup, or other community improvement projects, including, but not limited to, removing or repairing dilapidated buildings; landscaping community entrance areas; establishing public activity areas; preserving, displaying and interpreting historic structures or events; and beautifying roadsides. Applicants are encouraged to develop project components that involve a physical and/or permanent structure or change in the defined project area. Components that would meet the goals of the program include, but are not limited to, the following:

- demolition, clearance of material and debris
- site cleanup, preparation and grading
- seeding, sodding, planting trees and shrubs
- landscaping timbers, planting islands
- repair of roofs, foundations
- siding, windows, doors, paint, lighting
- sidewalk repair or construction
- exterior and interior rehabilitation of historic structures
- picnic tables and grills
- restrooms, walkways, parking
- fencing, signs
- drinking fountains
- outdoor lighting
- garbage receptacles
- cleanup of river banks
- flag posts and kiosks

Each project component must support one of the three goals (i.e. cleanup, beautification and/or community improvement projects) of the grant program and be coordinated with a planned, locally sponsored celebration to be held in 1990.

The grant program requires that a community provide three dollars for every one dollar of grant funds requested. These local match dollars cannot include other state program funds. Local match dollars could include federal, local and private funds or in-kind services such as volunteer labor, donation of equipment time, and materials and services. Grant funds may not replace or supplant funds already budgeted for a 1990 celebration. The amount of the grant request must be in addition to the amount originally budgeted for the project.

The maximum amount of grant funds that an applicant can request in the application is \$25,000. There is no minimum amount as each applicant's request will depend on the scope of the project and the amount of matched funds that they are able to raise and document.

The applicant must submit three copies of the application to DTED for the review process. Applications must be delivered no later than 4:30 p.m. on Friday, December 16, 1988 or postmarked December 16, 1988. Each copy of the application must contain an original signature by the primary contact person.

After the application has been submitted to DTED, additional information will not be accepted. Clarification of vague or ambiguous application materials may be requested by the DTED review team. Incomplete applications (i.e. missing supporting documents, etc.) will not be considered for funding.

Qualifying applications will be reviewed using three criteria that are each assigned a range of points. A score of zero would indicate non-compliance. In order for an application to be reviewed, it must contain the basic, minimal requirements as outlined in this manual. The Commissioner of DTED must approve applications for funding and may approve an application for funding in an amount less than requested.

The criteria to be used in reviewing and ranking applications are statutory requirements and are summarized as follows:

- | | |
|--|---------------------------------------|
| 1. Extent to which the proposed components meet at least one of the three goals of the grant program. | Maximum 20 points
Minimum 0 points |
| 2. Extent to which the proposed project is coordinated with a planned, locally sponsored 1990 Celebration. | Maximum 20 points
Minimum 0 points |

State Grants

3. Project components represent a physical and/or permanent structure or change in the defined project area. Maximum 20 points
Minimum 0 points

TOTAL MAXIMUM POINTS 60 POINTS

For application manuals, application forms and more information about the Celebrate Minnesota 1990 grant program, contact:

Louis Jambois
Minnesota Department of Trade and Economic Development
8th Floor, American Center Building
150 East Kellogg Blvd.
St. Paul, MN 55101
612/297-3172

Department of Trade and Economic Development

Community Development Division

Notice is Hereby Given that the Small Cities Development Program (SCDP) F.Y. 1989 Grant Cycle has Begun

The SCDP, which is funded by the U.S. Department of Housing and Urban Development, is a competitive grant program designed to meet critical social, economic, and environmental needs of communities throughout the state. Its purpose, as stated in federal law, is "the development of viable urban communities by providing decent housing and suitable living environment and expanding economic opportunities, principally for persons of low and moderate income." Eligible applicants include cities and townships of under 50,000 population and counties of under 200,000 population. The SCDP focuses on housing rehabilitation, public facility development (sewer, water, etc.) and comprehensive projects. Comprehensive projects may include housing, public facility and economic development components. It is anticipated that approximately \$15 million will be available for the SCDP in F.Y. 1989.

The deadline for receipt of completed 1989 Small Cities Development Program Application is January 27, 1989.

For application information or more information about the SCDP, contact:

Louis Jambois
Minnesota Department of Trade and Economic Development
8th Floor, American Center Building
150 East Kellogg Blvd.
St. Paul, MN 55101
612/297-3172

Supreme Court Calendar

Listed below are the cases scheduled to be heard by the Minnesota Supreme Court in the next few weeks. This listing has been compiled by the Minnesota State Law Library for informational purposes only. Cases may be rescheduled by the Court subsequent to publication in the *State Register*. Questions concerning dates, locations, cases, etc., should be directed to: Clerk of the Appellate Courts, Room 230 State Capitol, St. Paul, MN 55155 612-296-2581.

October 1988

Compiled by Dale A. Hansen, (612) 297-4050.

Listed below are the cases scheduled to be heard by the Minnesota Supreme Court in the next few weeks. This listing has been compiled by the Minnesota State Law Library for informational purposes only. Cases may be rescheduled by the Court subsequent to publication in the *State Register*. Questions concerning the time and location of hearings should be directed to: Clerk of the Appellate Courts, Room 230 State Capitol, St. Paul, MN 55155 (612) 296-2581.

Monday, October 3, 1988 9:00 a.m.

C5-88-643, C8-88-653 & C6-88-716 ROBERT JOHNSON, JR., Respondent (Attorneys: Donald L. DeVaughn and M. John Seward) vs. **CITY OF PLAINVIEW, MINNESOTA, and LEAGUE OF MINNESOTA CITIES INSURANCE TRUST/EMPLOYEE BENEFIT ADMINISTRATION, Respondent (C5-88-643), Relator (C8-88-653)** (Attorney: Pustorino, Pederson, Tilton & Parrington), and **COMMISSIONER OF LABOR AND INDUSTRY AS ADMINISTRATOR OF PEACE OFFICER BENEFIT FUND, Relator (C5-88-643), Respondent (C8-88-653)** (Attorney: Amy L. Borgeson, Department of Employee Relations), and **ETHEL HARDEL, Respondent (C6-88-716)** (Attorney: Jensen Law Office) vs. **STATE OF MINNESOTA, PEACE OFFICERS BENEFIT FUND, Relator (C6-88-716)** (Attorney: Amy L. Borgeson). Orders Workers' Compensation Court of Appeals

Did the Minnesota Legislature intend to exclude all peace officer deaths not resulting from external force or violence from benefit coverage when it passed the natural causes exclusionary amendment to the Peace Officer Benefit Act in 1984?

Did the lower courts correctly calculate decedent's weekly wage pursuant to *Minnesota Statutes* section 176.011 subd. 3?

C2-87-976 In Re the Marriage of: HOWARD F. KARON, petitioner, Appellant (Attorney: Bennett, Ingvaldson & McNerny, P.A.) vs. **FRIMA M. KARON, Respondent** (Attorney: Mark R. Geier of Phillips, Gross & Aaron, P.A.). Opinion Court of Appeals

Was the conferral of jurisdiction in the matter of a modification of the divorce decree an unconstitutional application of *Minnesota Statutes* section 518.64?

Do the doctrines of res judicata, waiver, estoppel, and release bar the conferral of jurisdiction?

Assuming jurisdiction, was the trial court correct in increasing spousal maintenance based on changes in the parties' financial positions?

C2-88-1331 In Re Petition for Disciplinary Action against PATRICK J. FLANERY, an Attorney at Law of the State of Minnesota. Petition for Disciplinary Action

Tuesday, October 4, 1988 9:00 a.m.

C3-87-1473 RALPH SCHREINER, as Trustee Under the Minnesota Wrongful Death Act for the Next of Kin of NICHOLAS SCHREINER, Deceased, petitioner, Appellant (Attorney: James A. Lavoie for L. Michael Hall, P.A.) vs. **ROBERT JOHN SCHMITZ, et al., third-party plaintiffs, Appellants** (Attorney: Cragg & Bailly, Ltd.) vs. **JUDITH ANN SCHREINER, third-party defendant, Respondent** (Attorney: Michael T. Milligan and Steven R. Schwegman of Quinlivan, Sherwood, Spellacy & Tarvestad). Opinion Court of Appeals

Was plaintiff-respondent unconstitutionally denied his right to a jury trial on damages where trial court refused to instruct the jury that a future damage award would be discounted?

C4-87-1823 STATE OF MINNESOTA, Respondent (Attorney: Steven C. DeCoster, Assistant Ramsey County Attorney) vs. **MARK JOHN ALTON, Appellant** (Attorney: Elizabeth B. Davies, Deputy Public Defender). Judgment Ramsey County

Was the evidence introduced at trial sufficient to support a finding of premeditation necessary for conviction of first-degree murder?

Was the admission of photographs of the crime scene cumulative and prejudicial following the admission of a videotape of the same scene?

Wednesday, October 5, 1988 9:00 a.m.

C3-87-1439 In Re Petition for Disciplinary Action against JAMES J. BOYD, an Attorney at Law of the State of Minnesota (Attorney for respondent: Michael J. Hoover). Petition for Disciplinary Action

What sanction is appropriate for Respondent who knowingly placed a false date on a warranty deed after Respondent had been admonished three times previously?

How much consideration should be given to mitigating factors such as admission of and regret and remorse for respondent's actions and alcoholism?

C5-87-1989 In Re Petition for Disciplinary Action against JOHN T. BENSON, an Attorney at Law of the State of Minnesota (Attorney for respondent: Meshbesher, Singer & Spence). Petition for Disciplinary Action

Does the evidence prove misappropriation or its equivalent where Respondent used client's property and funds for personal use based upon admittedly altered documents signed by a client who was found to be incapacitated?

Does the admitted alteration of documents and false statements, later corrected, require disbarment?

Is the evidence of failure to file tax returns sufficient to warrant discipline?

Is the evidence sufficient to show a taking or concealing of records?

Should costs, including attorney's fees be imposed on Respondent?

Supreme Court Calendar

Thursday, October 6, 1988 9:00 a.m.

C3-87-2381 In the Matter of JOHN CARROLL KOTTKE (Attorney for Appellant: Kirk W. Reilly of O'Connor & Hannan). Opinion Court of Appeals

Did the evidence introduced at trial clearly and convincingly support the court's finding that Appellant is mentally ill and dangerous to the public pursuant to *Minnesota Statutes* section 253B.02, subd. 17.

CX-87-2510 STATE OF MINNESOTA, Respondent (Attorneys: Mary J. Theisen, Special Assistant State Attorney General; Scott A. Hersey, Isanti County Attorney) vs. **JEFFREY BRIAN NESS, Appellant** (Attorney: Melissa Sheridan, Assistant Public Defender). Judgment Isanti County

Did the evidence introduced at trial support findings of premeditation and intent?

Was Appellant's confession a voluntary revocation of his asserted right to remain silent when, after asserting his right, the County Sheriff told Appellant it was in his best interest to confess?

Monday, October 10, 1988 9:00 a.m.

C2-87-2498 & C7-88-62 STATE OF MINNESOTA, Respondent (Attorney: Beverly J. Wolfe, Assistant Hennepin County Attorney) vs. **LIONEL S. BUCHANAN, Appellant** (Attorney: Susan M. Maki, Assistant Public Defender). Judgment Hennepin County

Was the evidence sufficient as a matter of law to sustain Appellant's conviction for first degree murder?

Was exclusion of testimony on Appellant's state of mind during the commission of the crime based on Appellant's personal knowledge of particular instances of street violence in other cities an abuse of the trial court's discretion?

Was Appellant's counsel's performance deficient because of a failure to cross-examine State's witnesses zealously? If so, was the outcome affected?

C9-87-1882 JOHN DOE, M.D., petitioner, Appellant (Attorney: McNulty & Wallace) vs. **MINNESOTA STATE BOARD OF MEDICAL EXAMINERS, Respondent** (Attorney: Paul G. Zerby, Special Assistant State Attorney General). Opinion Court of Appeals

Is a final decision by the Minnesota Board of Medical Examiners following a contested case public data?

Is Appellant entitled to Attorney's fees if he succeeds on this appeal?

Tuesday, October 11, 1988 9:00 a.m.

C1-87-1150 & C0-87-1639 PETER M. MADSEN, individually and as parent and natural guardian of JUSTIN R. MADSEN, a minor, Respondent (Attorney: Lee R. Bissonette of Larson & Lambert) vs. **PARK NICOLLET MEDICAL CENTER, PARK REGION, f.k.a. ST. LOUIS PARK MEDICAL CENTER, et al., Appellants** (Attorney: Robert E. Salmon of Meagher, Geer, Markham, Anderson, Adamson, Flaskamp & Brennan). Opinion Court of Appeals

Is there ample basis for remand for a new trial on the issue of negligent nondisclosure where Appellant gave Respondent choice of bed rest at home or bed rest at the hospital?

C7-87-1914 FRED C. LUCAS, petitioner, Appellant (Attorney: Kenneth G. Schivone) vs. **INDEPENDENT SCHOOL DISTRICT 284, Respondent** (Attorneys: John J. Hinderaker and Paul W. Heiring of Faegre & Benson). Opinion Court of Appeals

Did the contract for deed require "marketable title" or "marketable title of record"?

Even if the contract required only "marketable title," was rescission justified in view of Respondent's failure to cure defects in the chain of title within the contractual period?

Was Respondent's title marketable at all material times?

Wednesday, October 12, 1988 9:00 a.m.

C2-87-1707 BORG WARNER ACCEPTANCE CORP., petitioner, Appellant (Attorneys: Brian E. Palmer and Kim A. Anderson of Dorsey & Whitney and David H. Hackley) vs. **SHAKOPEE SPORTS CENTER, INC., et al., Defendants and JOHN DOBSON, et al., Respondent** (Attorney: Jaspers, Moriarty & Walburg). Opinion Court of Appeals

Is Respondent entitled to summary judgment on the personal guaranty of Appellant where inventory was delivered pursuant to a subsequent security agreement and subsequent to that agreement and Appellant had failed to notify Respondent in writing of termination of Appellant's personal guaranty?

CX-87-1583 ANNANDALE ADVOCATE, Respondent (Attorney: Mark F. Anfinson) vs. **CITY OF ANNANDALE, Appellant** (Attorney: John H. Scherer), **WILLIAM LEDWEIN, Appellant** (Attorney: Thomson & Ellis). Opinion Court of Appeals

Was the resolution of the Annandale City Council to discharge Appellant as police chief a final decision when Appellant had a right to a Veteran's Preference Hearing?

Was the meeting at which disciplinary action was discussed improperly closed to the public?

Supreme Court Decisions

Decisions Filed 23 September 1988

C3-87-1036 John E. Castor, et al., petitioners, Appellants v. City of Minneapolis. Court of Appeals.

A skyway running the length of petitioners' building, above an adjacent public alley and four to five feet from the building, creates an additional servitude beyond that inherent in the alley and therefore constitutes a potential taking of petitioner's implied easements for light, view and air.

Reversed. Popovich, J.

Concurring specially, Simonett, Coyne, JJ.

Dissenting, Wahl, J.

Announcements

Environmental Quality Board: A scoping EAW (environmental assessment worksheet) has been set for the 1551 Vernon Avenue Development Project in St. Louis Park, with a meeting scheduled for 4 p.m. Oct 4 at the St. Louis City Hall Council Chambers, 50005 Minnetonka Blvd. Call 924-2575 for more information. A petition for an environmental review has been received for the Circle Pines Post Office by the City of Circle Pines. Contact James W. Keinath, city administrator, City of Circle Pines, 200 Civic Heights Circle Pines, MN 55014. Comments are due Oct. 19 on the following EAWs to the regional governing unit paired with the project: Demolition of Old Stearns County Jail, City of St. Cloud; Bay Point Marina, Red Wing Port Authority; Woodland Hills, City of Savage; Gaylord Industrial Park Utilities, Minnesota Pollution Control Agency; Fingerhut Development, City of St. Cloud; Marsh Creek Flood Control Structure #3, MN Dept. of Natural Resources. Three lakes are planned for rehabilitation by removing all fish between Oct 10 and Nov 11 with the bactericide antimycin-A (Fintrol) for Thompson Lake in Cook County and using rotenone (Nusyn Noxfish) for Eagle Point (Washington County) and Bass Lakes (Faribault County). Comments or questions should be addressed to James Groebner, DNR-Fisheries, 500 Lafayette Road, St. Paul, MN 55155.

Seven Project to Receive AIDS Prevention Grants: Seven different agencies and organizations were chosen to receive \$320,000 in grants aimed at preventing spread of the AIDS virus among "high risk" young people. The populations targeted for the grant projects include sexually active young people with multiple sex partners—including both male and female prostitutes, as well as homosexual and bisexual males; young people who are using or experimenting with intravenous drugs; and young people who have dropped out of school, run away from home, or otherwise left the traditional school setting. The grants would include \$43,533 for the **Face to Face program**, to fund efforts aimed at reducing high risk behavior among homeless youth in Minneapolis. The Teen Age Medical Service and Lutheran Social Services—East Metro will collaborate with Face to Face on the project. The **Minneapolis Health Department** would receive \$43,204, to develop "peer education" strategies for use in the fourteen alternative schools that serve the Twin City area, including the Work Opportunity Center in Minneapolis and Jefferson Alternative School in St. Paul. The **Urban League** would receive \$43,400, to work with Black young people aged 13 to 18 in Minneapolis. The project would be operated through the League's Street Academy, Juvenile Advocate and "After Today" Group Home programs. The **Youth Diversion Program** would receive \$38,650, to work with homeless and sexually exploited youth aged 13 to 19 in the Minneapolis area, through the Project Offstreets program. The **Sauk Center Correctional Facility** would receive \$14,463, to work with juveniles placed in the custody of that institution, in an effort to increase their knowledge about how the AIDS virus is spread, and how to prevent infection with the virus. The **University's Adolescent Health Program** would receive \$120,000, to work with gay male adolescents 21 years of age and under. **Women Helping Offenders** would receive \$16,750, to work with adolescents aged 13 to 18 who are attending the Project de Novo pre-trial diversion program, at the order of the Hennepin County Juvenile Court.

Test for Official Soybean Grade: The Minnesota Department of Agriculture offers a soybean quality test to officially determine crop grade before marketing or storage. "With the variations in soybean quality appearing this

Announcements

year, farmers and elevator operators may want to take advantage of this relatively inexpensive program," Deputy Commissioner of Agriculture Anne Kanten said. "The quality and grade of soybeans may differ from their appearance." The Minnesota Department of Agriculture Grain Inspection Division maintains several offices in Greater Minnesota where testing can be done. Locations include Red Wing, Mankato, Windom, Granite Falls, Morris, Crookston, Savage, Minneapolis and Duluth. Preaddressed envelopes are also available at local elevators throughout Minnesota. Cost of the service is \$10.80 including a federal user fee.

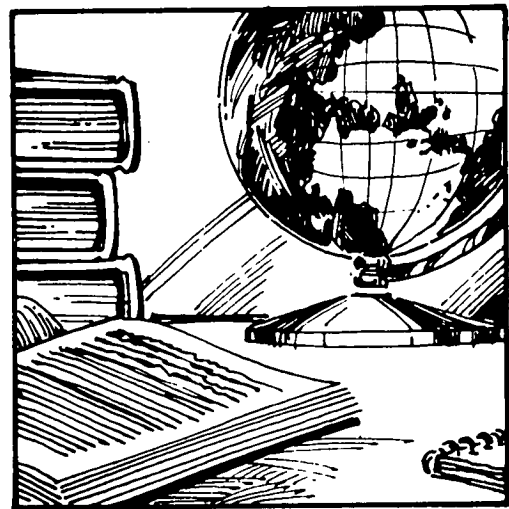
Harvest and Stock Hay Now: Farmers should take advantage of Secretary of Agriculture Richard E. Lyng's decision to extend Conservation Reserve Program acreage cutting through September 30 in anticipation of feed shortages this winter, Commissioner of Agriculture Jim Nichols said. "We need to utilize all the federal programs available and plan for the winter months. Do not throw away the opportunity to harvest Conservation Reserve Program acreage before the cutting deadline. The hay you harvest today could keep yourself or your neighbor in business tomorrow." In August, the Minnesota Agricultural Statistics Service projected a 29 percent decrease in the average production of alfalfa hay for 1988. Even with the harvest of forage off government set-aside acres, total production of hay will be down at a minimum of 18 percent this year, the report indicated. Hay prices have been well above season averages. "This is on top of the decrease in production we had last year," Nichols said. "As a result, we will be entering the winter months with dangerously low stocks of hay—particularly alfalfa hay." CRP landowners are reminded that they will not lose program payments for donating hay.

Get Smart with these Education Resources

Board of Teaching-Licensure Rules 1987. *Minnesota Rules* Chapter 8700. Requirements for the issuance and renewal of all licenses, from vo-tech and hearing impaired to librarians and media generalists. Includes the Code of Ethics for Minnesota Teachers, and standards for teachers prepared in other states. Code #3-74. \$7.00 plus tax.

Education Directory 1987-88. All the elementary and secondary schools in the state. Includes Minnesota school districts, superintendents, boards, principals, district addresses, phone numbers and enrollment figures. Code #1-93, \$6.00 plus tax.

Minnesota Guidebook to State Agency Services 1987-1990. Packed with information to help you cut red tape for easy and fast service from state agencies. Its 640 pages guide you through license requirements, forms, fees, reports, services, grants, and more. Provides hundreds of addresses, phones and agency descriptions. Code #1-4, \$15.00 plus tax.



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

TO ORDER:		Code No.	Quantity	Description	Item Price	Total	
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Good Business Decisions are Made with Good Information

Minnesota Manufacturer's Directory. More than 7,000 entries that include name, address, phone number, staff size, sales volume, market area, year of establishment, type of firm, C.E.O., Sales or Marketing Manager, Purchasing Manager and four major manufactured products. Code #40-2, \$73.00 plus tax.

Business and NonProfit Corporation Act 1987. A handy reference that contains all the state laws governing the establishment and conduct of corporations in Minnesota. Includes *Minnesota Statutes* Chapters 80B, 302, 302A and 317. Code #2-87, \$10.00 plus tax.

Minnesota Guidebook to State Agency Services 1987-1990. Packed with information to help you cut through red tape for easy and fast dealing with state agencies, this treasure of information opens state government to you. Its 640 pages describe agencies, how they work, listing contacts, addresses, phones, and license requirements, grants, forms, reports, maps, publications and much more. Gives historical, statistical and important data useful in hundreds of ways. Code #1-4. \$15.00 plus tax.



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Resolve Bargaining Disputes and Grievances

Public Employment Labor Relations Act 1987. The collective bargaining rights and responsibilities of public employers and public employees. Details employees' right to organize and the legislature's authority. Code #2-90, \$5.00 plus tax.

Public Sector Labor Relations in Minnesota. A practical resource and training guide analyzing public sector labor relations in Minnesota. A special emphasis on contract administration, grievance handling and the arbitration process. 286 pages, paperbound. Code #10-51, \$12.50.

Minnesota Guidebook to State Agency Services 1987-1990. A treasure of helpful, useful, and interesting information about Minnesota state government. This important resource guides you through applications, fees, licenses, reports, history and travel highlights. Describes agencies in detail, giving addresses, phones and contact people. Code #1-4, \$15.00 plus tax.



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The Rules of the Game—a Wise Investment

Securities Laws, 1987. Governs the activities of broker/dealers, agents and investment advisors. *Minnesota Statutes* Chapter 80A. Code #2-12, \$6.00 plus tax.

Securities Rules, 1987. Rules implementing the legislative mandate. Subjects include equity securities and investment companies. *Minnesota Rules* Chapter 2875. Code #3-5, \$13.00 plus tax.

Minnesota Guidebook to State Agency Services, 1987-1990. Packed with information to help you, this 640-page resource guides you through license requirements, forms, fees, reports, services, grants, and more. Its listing of addresses, phones, and agency descriptions cut red tape for easy and fast service from state agencies. Code #1-4, \$15.00 plus tax.



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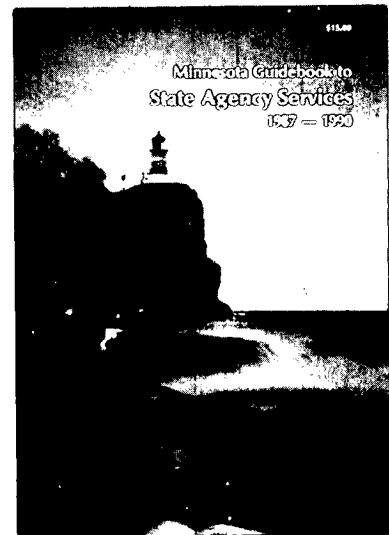
A Beacon to Guide You—Minnesota's Owners Manual

You'll enjoy smooth sailing through your business with state government with the *Minnesota Guidebook to State Agency Services 1987-1990*.

Considered one of the finest resources to Minnesota's state agencies, this valuable and useful book is a treasure awaiting your discovery.

Packed with information to help you, its 640 pages guide you through license requirements, forms, fees, reports, services, grants, hotlines, maps, history, travel highlights and more. Its listing of addresses, phones, and agency descriptions cuts red tape so you get easy and fast service.

Copies cost \$15.00 (+90¢ tax, MN residents only). Make checks out to the "State of Minnesota" and send to the Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. MasterCard and VISA orders can be taken over the phone by calling (612) 297-3000 or toll-free in Minnesota 1-800-652-9747.



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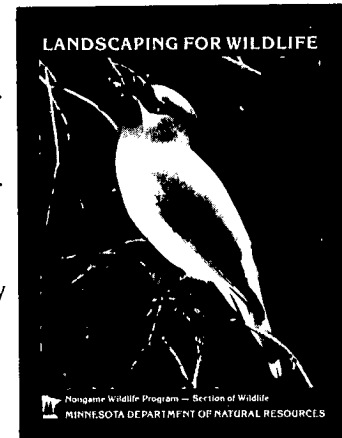
Welcome wildlife to your property

Landscaping for Wildlife. Attract wildlife to your land and gardens, farms and woodlots by spreading nature's welcome mat. Songbirds, butterflies, hummingbirds, pheasants, deer and other wildlife are drawn through these gardening tips and landscaping techniques that add natural beauty to your property and habitat for wildlife. Over 70 color photos and 144 pages give you simple, enjoyable, and inexpensive methods for adding the right touches for a "wildlife party" on your grounds, whether urban or rural. Stock #9-15, \$6.95 plus tax.

Woodworking for Wildlife. Songbirds, owls, ducks, geese, loons and other wildlife will show appreciation for your skills by adding a "wild" dimension to your property. Carefully illustrated with a variety of game bird and mammal box designs, this booklet provides important tips on the placement of nest in proper habitat areas and maintenance requirements. Construction diagrams included. 47 pp. Stock #9-14, \$3.95 plus tax.

Wildlife Set. Order both books above as a set and save 10%. Stock #9-20, \$9.95 plus tax.

TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and \$1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.



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Getaway in Style

Room at the Inn Wisconsin. Includes hard-to-find lodgings in out-of-the-way places, as well as in Wisconsin's major metropolitan areas and most popular vacation destinations. 224pp. Stock #19-3, \$9.95 plus tax.

Room at the Inn Minnesota. Looking for a weekday or weekend get-away? For a business meeting or simply pleasure? This is the only guide to more than 50 historic "Bed & Breakfast" homes, hotels, and country inns and all are within a day's drive of the Twin Cities. 127pp. Stock #19-72, \$7.95 plus tax.

Roughing It Elegantly. A guide for the canoe camper visiting the BWCA, Voyageurs Park and Quetico Provincial Park. Full of practical tips and information: planning, organizing, packing, site location, and camp set-up. Simple, creative, enjoyable meals are a major feature. 159pp. Stock #9-3, \$9.95 plus tax.

Guide to Wilderness Canoeing. A unique blend of practical information and personal philosophy. Subjects covered include: spring and fall canoeing, traditional versus modern canoe design, and different paddling techniques. 143pp. Stock #19-81, \$6.95 plus tax.

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Geological Adventures in Minnesota

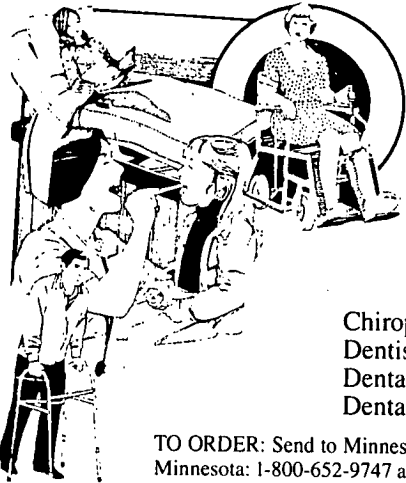
Our Minnesota. More than 100 full-color photos by Les and Craig Blacklock portray Minnesota in her seasonal beauty, with text from the personal journal of Fran Blacklock's thirty years of traveling the state. Stock #9-23. \$12.95 plus tax.

Minnesota's Geology. The fascinating story of Minnesota's geologic development, from early Precambrian to Quaternary Periods and the state's mineral resources. Stock #19-80. \$18.95 plus tax.

Historic Sites and Place Names of Minnesota's North Shore. John Fritzen, long time employee of the Minnesota DNR draws upon his almost 40 years as a forester, mostly spent on Minnesota's colorful and legendary North Shore, to regale readers with tales of timbermen, pioneer settlers, miners, commercial fishermen and others. Black and white photos. Stock #9-11. \$3.50 plus tax.

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Reach Minnesota's health care field decision makers

Health Care Facilities Directory 1988

A list of hospitals and related institutions licensed and/or certified to deliver various levels of care. The list is alphabetical by county, town and facility name. Stock No. 1-89. \$16.00.

Mailing Lists of Health Care Professionals Licensed by the State of Minnesota Now Available

Call 297-2552 for more information or write to the address below for your free mailing list catalog.

Chiropractors	Medical Corporations (Clinics)	Pharmacists
Dentists	Registered Nurses	Physical Therapists
Dental Assistants	Licensed Practical Nurses	Physicians
Dental Hygienists	Pharmacies	Veterinarians

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Minnesota: national leader in education

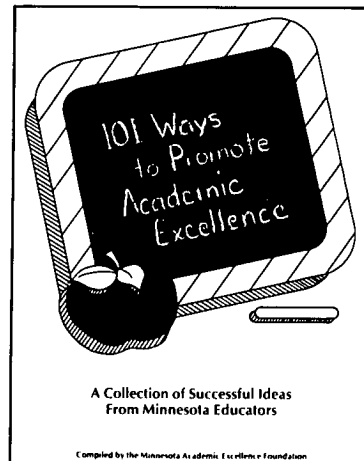
101 Ways to Promote Academic Excellence

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

Education Directory, 1987-88

This popular comprehensive directory contains Minnesota school districts, superintendents, principals, addresses, phone numbers, and enrollment. 128 pages, paperbound. Code #1-93, \$6.00.

TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and \$1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.



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MAILING LISTS GALORE

Successful business means successful sales

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

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

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

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

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Minnesota Manufacturer's Directory 1987-88

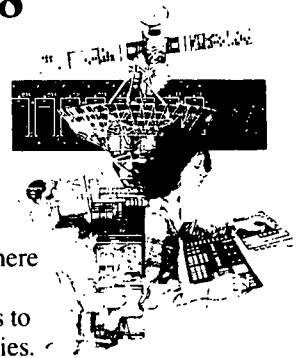


UPDATED: Name, address, phone number, staff size, sales volume, market area, year of establishment, type of firm, C.E.O., Sales or Marketing Manager, Purchasing Manager and four major manufactured products. Code #40-2, \$73.00.

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



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



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Voices of the Loon

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

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

The Loon: Voice of the Wilderness, hardbound with color plates and illustrations, 143 pages. Code #19-54, \$15.95.

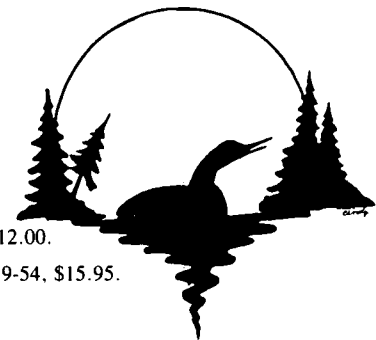
Loon Calendar 1988, beautiful photographs and scenes. Code #15-40, \$6.95.

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

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

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

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



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Minnesota's future environment

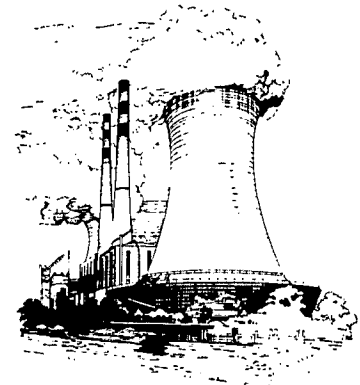
The issue of environmental protection is of continuing interest to both Minnesota business and the general public. Stay abreast of changes in state government regulations with these publications.

1987 Pollution Control Laws

Laws dealing with water pollution, disposal facilities, solid waste management, the MN Environmental Rights Act, recycling, and more. Code No. 2-21. \$15.00.

1987 Hazardous Waste Rules

Governs the production, storage, transportation and disposal of hazardous waste. MN Rules Chapter 7045 and 7046. Code No. 3-71. \$15.00.



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For Real Estate Professionals:

REAL ESTATE RULES 1987

Chapters 2800, 2805, and 2810 from the Minnesota Rules. *Essential* for both students and established brokers and salespersons. It contains all education and licensing requirements. Code No. 3-99. \$8.00

REAL ESTATE LAWS 1987

Includes all the changes made by the 1986 State Legislature. Complete and up-to-date. Code No. 2-92. \$6.00.



TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and \$1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

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Subscription Services

The Minnesota Documents Division offers several subscription services of activities, awards, decisions and special bulletins of various Minnesota state agencies.

Use the handy order form on the back of the *State Register* to order. Simply fill in the subscription code number, include your name, address and zip and your check made out to the State of Minnesota (**PREPAYMENT IS REQUIRED**) and send it in. We'll start your subscription as soon as we receive your order, or whenever you like.

SUBSCRIPTION	COST	CODE NO.	SUBSCRIPTION	COST	CODE NO.
Career Opportunity Bulletin, 1 year	\$ 25.00	90-3	State Register, 1 year	\$130.00	90-1
Career Opportunity Bulletin, 6 mos.	\$ 20.00	90-4	State Register, 3 mos. trial can be converted to a full subscription for \$90 at end of trial	\$ 40.00	90-2
Human Services Informational and Instructional Bulletin	\$100.00	90-6	Tax Court/Property Decisions	\$210.00	90-11
Human Services Bulletin List	\$ 30.00	90-7	Workers Compensation Decisions, unpublished subs run Jan-Dec; can be prorated	\$320.00	90-12
PERB (Public Employee Relations Board) Awards	\$285.00	90-9	Workers Compensation Decisions Vol. 38 (limited quantity)	\$ 89.50	
PERB (Public Employee Relations Board) Decisions	\$ 60.00	90-10	Vol. 40	\$105.00	
Minnesota Statutes Subscription Includes the complete 10-volume set of Minnesota Statutes 1986 and the 1987 Supplement	[Out of Stock]	18-8			

TO ORDER: Prepayment required to start your subscription. Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000 VISA/MasterCard orders accepted. Please include daytime phone.

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Morel: Minnesota's mushroom

ROON: A Tribute to Morel Mushrooms, this delightful treatise on the "filet mignon" of mushrooms will help the stalker of this elusive prey find, and prepare in a variety of ways, its mouth-watering madness. Code #19-55, \$12.00.

Edible Mushrooms, a classic guide to safe mushrooms, describes 60 species in detail, with photographs (many in color) to show each in its natural habitat. Advice to amateur mushroom hunters. Paperbound, 118 pp. Code #19-11, \$9.95.

Malfred Ferndock's Morel Cookbook, brim full of morel lore, interesting and tall tales, recounts of the hunt, and many savory recipes. Spiral bound, 117 pgs., black & white photos and drawings. Code #19-83, \$8.50.

Northland Wildflowers, the perfect mushroomers companion. An excellent guide for identification and enjoyment of wildflowers, with 308 color photographs and descriptions of 300 species. Paperbound. 236 pp. Code #19-9, \$12.95.

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NOTARY PUBLIC LAWS

Statutory requirements regarding the oath of office, necessary bond, and taking of depositions. Includes an explanation of the term of office and procedures for removal from office. Code No. 2-13. \$4.00.



Jane Smith
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY

My Commission Expires January 1, 1994

U.S. SMALL BUSINESS ADMINISTRATION PUBLICATIONS:

Insurance and Risk Management for Small Business

Code No. 16-50. \$3.00.

Small Business Finance

Code No. 16-42. \$2.00.

Starting and Managing a Small Business of Your Own

Code No. 16-40. \$4.75.

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Catching criminals is only one part of law enforcement. Here's the rest of it.

Police Report Writing Style Manual 1986—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. \$12.50.

Background Investigation Manual 1986—A guide to conducting effective thorough background investigations of peace officer candidates. Included are various criteria for use in the selection process: experience, education, and past behavior. Sample forms. Code No. 14-15. \$10.00.

Motor Vehicle Traffic Laws 1987—Includes laws governing motor carriers, motor vehicle registration and no-fault auto insurance. Code No. 2-85. \$13.00.

Criminal Code & Selected Statutes 1987—Governs the conduct of peace officers. Includes continuing education requirements, sentencing standards, and more. Code No. 2-68. \$15.00.

Blue Binder—3 ring, 2" capacity. Criminal Code and Motor Vehicle Traffic Laws require 1 binder each. Code No. 10-21. \$4.25.



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Documents Division

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NEW PUBLICATIONS:

1988-89 State of Minnesota Telephone Directory. A compilation of state legislative, judicial and executive offices, and agency addresses, phone numbers, and employees. Sections include alphabetical employee listing, agency classified listing, Greater Minnesota and index listings. Over 250 pages. Stock #1-87. \$10.95 plus tax.

Pharmacy Rules 1988. Governs the licensing and operation of pharmacists and pharmacies. Also includes rules for licensing manufacturers and wholesalers, continuing education for pharmacists, internships, the handling of controlled substances and radioactive drugs, and disciplinary proceedings. Stock #3-67. \$6.00 plus tax.

Health Care Facilities Directory 1988. A list of hospitals and related institutions licensed and/or certified to deliver various levels of care. The list is alphabetical by county, town and facility name. Stock #1-89. \$16.00.

Landscaping for Wildlife. Attract songbirds, deer, butterflies, hummingbirds, pheasants, and other wildlife to your property by using the tips in this 144-page, 4-color book. Stock #9-15, \$6.95 plus tax. See "Special Set Offer" below.

Woodworking for Wildlife. Carefully illustrated with a variety of game bird and mammal box designs, including maintenance requirements and important tips on placement of nests in proper habitat areas. 47 pages with diagrams. Stock #9-14, \$3.95 plus tax. See "Special Set Offer" below.

"Special Set Offer" Save 10% by purchasing the two books together on wildlife mentioned above. Stock #9-20, \$9.95 plus tax.

Occupational Safety & Health Rules 1987. State standards for safe working conditions including personal protective equipment, walking and working surfaces, illumination and ventilation. Stock #3-18, \$10.00 plus tax.

"Seat Belts Fastened?" Sign. Safety reminder for work, church, club or home, this 12"x18" aluminum sign with black letters on white background features a seat belt "buckle-up" graphic. Stock #19-21, \$16.00.

OTHER PUBLICATIONS

Our Minnesota. More than 100 full-color photos by Les and Craig Blacklock portray Minnesota in her seasonal beauty, with text from the personal journal of Fran Blacklock's thirty years of traveling the state. Stock #9-23. \$12.95 plus tax.

Minnesota's Geology. The fascinating story of Minnesota's geologic development, from early Precambrian to Quaternary Periods and the state's mineral resources. Stock #19-80. \$18.95 plus tax.

Historic Sites and Place Names of Minnesota's North Shore. John Fritzen, long time employee of the Minnesota DNR draws upon his almost 40 years as a forester, mostly spent on Minnesota's colorful and legendary North Shore, to regale readers with tales of timbermen, pioneer settlers, miners, commercial fishermen and others. Black and white photos. Stock #9-11. \$3.50 plus tax.

1987 Laws of Minnesota: Laws of the 1987 legislative session, Code #18-5. \$42.50 per set.

1987 Minnesota Rules: Rules of the 75 state agencies authorized to establish rules of conduct and procedure. Code 18-300. \$160 plus \$9.60 sales tax per 11-volume set.

Minnesota Rules 1988 Supplement Number 1. Updates *Minnesota Rules 1987* and is part of the subscription service for that 11-volume set of administrative rules. A second supplement will be available in December 1988.

Motor Vehicle Traffic Laws 1987. Includes laws governing motor carriers, motor vehicle registration and no-fault auto insurance. Code #2-85, \$13.00 plus tax.

Criminal Code and Selected Statutes 1987. Governs the conduct of peace officers, continuing education requirements for officers, prison sentences and more. Code #2-68, \$15.00 plus tax.

Education Rules. Rules of the State Board of Education governing state aid, vocational education, handicapped students, teacher certificates and much more. Code #3-28, \$19.00 plus tax.

Fishes of the Minnesota Region: An authoritative guide to the 148 kinds of fish found in Minnesota's waters, the book is a resource for identification and distribution of fish, and features color photographs. Code #19-44, \$12.95, plus tax.

American Flag. Perfect for home or office. 3' x 5' with embroidered stars. Heavy nylon bunting. Code No. 6-1. \$21.00, plus tax.

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State Register. Minnesota's official weekly publication for agency rules and notices, executive orders of the Governor, state contracts, Supreme Court Calendar, Supreme Court and Tax Court Decisions. Annual subscription \$130; Trial Subscription (13 weeks) \$40.00; Single copies \$3.50.

Workers Compensation Decisions. Volume 40. Selected landmark decisions of the Worker's Compensation Court of Appeals. Annual subscription. \$105.00.

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Mailing Lists. Lists of Minnesota licensed professionals and permit holders. Write or call (612) 297-2552 for a free mailing list catalog which contains available lists, selections, formats, pricing and ordering information.

1988 Lake Map Index. Listing over 4,000 lake maps. Free.

Minnesota State Documents Center 1988 Catalog. Lists publications available through Minnesota Documents Center. Free.

State Register Binder. Durable 3½ inches, forest green binders imprinted with the *State Register* logo. \$6.50 plus 39¢ tax.

