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The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical-consulting contracts, non-state bids and public contracts and grants.

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

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Minnesota Rules: Amendments and Additions

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

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

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 Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*.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

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

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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 Agriculture

Proposed Permanent Rules Relating to Genetically Engineered Organisms

Notice of Intent to Adopt a Rule without a Public Hearing

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

Department Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to: Carol Milligan, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107 (612) 296-6906, Fax (612) 297-7678.

Subject of Rules and Statutory Authority. The proposed rules are about regulation of agriculturally related genetically engineered organisms. The statutory authority to adopt these rules is *Minnesota Statutes*, section 18F.12. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. October 26, 1994, to submit written comment in support of or in opposition to the proposed rules or any subpart of the rules. Your comments must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on October 26, 1994. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rules which caused your request, the reason for the request, and any changes you want made to the proposed rules. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their request in writing. If a public hearing is required, the department will proceed according to *Minnesota Statutes*, sections 14.131-14.20.

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

Statement of Need and Reasonableness. A Statement of Need and Reasonableness is now available from the department contact person. This statement 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.

Small Business Considerations. Some of the businesses affected by this rule would be defined as a small business according to *Minnesota Statutes* section 14.115. Overall, the impact of the rule should be beneficial to all businesses by eliminating previous duplication and unneeded paperwork.

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

Dated: 1 September 1994

Elton Redalen, Commissioner
Department of Agriculture

Rules as Proposed (all new material)

1558.0010 SCOPE.

Subpart 1. **Regulatory authority.** The Minnesota Department of Agriculture is authorized to regulate the release of agriculturally related genetically engineered organisms in Minnesota. The requirement for environmental review is subject to *Minnesota Statutes*, chapter 116D, and rules adopted under it. The categories of releases are as follows: releases requiring permits, notifications, and commercial use.

Subp. 2. **Releases requiring permits.** All releases of agriculturally related genetically engineered organisms, pesticides, fertilizers, soil amendments, or plant amendments, that do not fall under the notification process or that have not been exempted for commercial use, require a release permit. The procedure for filing a release permit application is outlined in part 1558.0040.

Subp. 3. **Notification.** Corn, soybeans, cotton, tobacco, tomato, potato, and any other plants designated by the commissioner under part 1558.0060, subpart 1, may follow the notification procedure in part 1558.0060, provided that they meet all the eligibility criteria in part 1558.0060, subpart 1, and the performance standards in part 1558.0060, subpart 2.

Subp. 4. **Commercial use exemption.** Agriculturally related genetically engineered organisms, pesticides, fertilizers, soil amendments, or plant amendments that have passed the USDA procedure for delisting by petition, or similar procedures of the USDA or other federal regulatory agencies, may be considered for a commercial use exemption in Minnesota if they meet the guidelines and procedures in part 1558.0070.

1558.0020 DEFINITIONS.

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

Subp. 2. **Agriculturally related organism.** "Agriculturally related organism" means any organism that is used in agricultural production or processing of agricultural products. It includes livestock and livestock products; dairy animals and dairy products; poultry and poultry products; domestic fur-bearing animals; animal feeds; horticultural stock; nursery stock, as detailed in *Minnesota Statutes*, section 18.46, subdivision 3; fruits; vegetables; forage; grain; wild rice; seeds; bees; apiary products; and products for the control or mitigation of noxious weeds. It excludes vaccines and drugs for use in humans; genetic engineering of human germ cells and human somatic cells intended for use in human gene therapy; vaccines for use in livestock, dairy animals, poultry, domestic fur-bearing animals, or private aquatic life; genetically engineered wild animals; and forestry products.

Subp. 3. **Applicant.** "Applicant" means a person who files an application with the commissioner for a release permit, notification, or exemption for an agriculturally related genetically engineered organism.

Subp. 4. **Application.** "Application" means the document filed by the person or persons with the commissioner for a release permit, notification, or exemption for an agriculturally related genetically engineered organism.

Subp. 5. **Commissioner.** "Commissioner" means the commissioner of agriculture or an agent authorized by the commissioner.

Subp. 6. **Containment facility.** "Containment facility" means a laboratory, greenhouse, building, structure, or other similar facility that complies with the most recent applicable National Institute of Health Guidelines for Research Involving Recombinant DNA Molecules which is incorporated by reference and published in the *Federal Register* or is certified by the USDA Animal and Plant Health Inspection Service as a containment facility. Such facilities must also be certified under part 1558.0080, subpart 2, or has been exempted by the commissioner under part 1558.0080, subpart 3.

Subp. 7. **Environmental assessment worksheet; EAW.** "Environmental assessment worksheet" or "EAW" means a document complying with part 4410.0200, subpart 24.

Subp. 8. **Environmental impact statement; EIS.** "Environmental impact statement" or "EIS" has the meaning given in part 4410.0200, subpart 26.

Subp. 9. **Environmental Quality Board; EQB.** "Environmental Quality Board" or "EQB" means the Minnesota Environmental Quality Board.

Subp. 10. **Federal application.** "Federal application" means an application, notification, or petition and supporting documents submitted to any agency of the United States government for the release of a genetically engineered organism.

Subp. 11. **Genetic engineering.** "Genetic engineering" means the introduction of new genetic material into an organism or the regrouping of an organism's genes using techniques or technology designed by humans. This does not include selective breeding, hybridization, or nondirected mutagenesis.

Subp. 12. **Genetically engineered organism; GEO.** "Genetically engineered organism" or "GEO" means an agriculturally related organism that has been modified directly or indirectly using genetic engineering, as defined in *Minnesota Statutes*, section 18F.02, subdivision 5, experimental genetically engineered pesticides, as defined in *Minnesota Statutes*, section 18B.01, subdivision 10b, genetically engineered fertilizer as defined in *Minnesota Statutes*, section 18C.005, subdivision 12b, genetically engineered plant amendments, as defined in *Minnesota Statutes*, section 18C.005, subdivision 12c, or genetically engineered soil amendments, as defined in *Minnesota Statutes*, section 18C.005, subdivision 12d.

Subp. 13. **Organism.** "Organism" means an animal, plant, bacterium, cyanobacterium, fungus, protist, or virus.

Subp. 14. **Release.** "Release" means the placement or use of a GEO outside a containment facility or under any other conditions not specifically determined by the commissioner to be adequate containment pursuant to part 1558.0080, subpart 1 or 2.

Subp. 15. **Release permit.** "Release permit" means the terms, conditions, and authorization by the commissioner under this chapter for the release of a genetically engineered organism.

Subp. 16. **Responsible person.** "Responsible person" means a person who has custody of, control of, or responsibility for an agriculturally related genetically engineered organism.

Subp. 17. **USDA.** "USDA" means the United States Department of Agriculture.

1558.0030 CONSIDERATIONS.

Subpart 1. **Considerations.** In determining whether a release permit, notification, or exemption for commercial use should be issued, denied, modified, suspended, or revoked, and in specifying or modifying conditions of release, the commissioner must consider the following:

A. the familiarity and predictability of the ecologically relevant biological properties of the introduced DNA, the vector if one exists, the recipient, and the engineered organisms;

B. the history of previous environmental releases, evidence from laboratory studies, or other uses of the genetically engineered organisms;

C. the potential for the genetically engineered organism to cause any adverse environmental effects, including but not limited to:

(1) whether the organism is native, currently found in the area, or nonnative to the release area;

(2) whether the genetically engineered organism is pathogenic to target or nontarget organisms and to what extent this trait has been changed from the nontransgenic parents;

(3) the extent of the changes to the genetically engineered organism's competitiveness and survivability under normal and environmentally stressful conditions including, but not limited to, resource base, dormancy, temperature tolerance, fire resistance, drought resistance, or ability to disperse in the environment, that have been made as a result of the genetic engineering;

(4) the potential for the genetically engineered organisms' genes to transfer to other organisms and the resultant effects on other organisms' competitiveness, dispersal, dormancy, pathogenicity or toxicity, fertility, expansion of their resource base or range, and any other fitness characteristics; and

(5) the potential of the genetically engineered organism to adversely affect the groundwater environment or to pass harmful genes to organisms found in groundwater;

D. the adequacy of and appropriateness of the measures, if any are needed, for confinement of the genetically engineered organism;

E. any previous risk assessments for the same or similar organisms prepared by federal or state agencies and their adequacy and relevance to the current proposal, including, but not limited to, consideration of the following:

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- (1) the environmental conditions that existed in previous releases and their relationship to the proposed use;
 - (2) whether the genetically engineered organisms failed to demonstrate an ability to be self-reproducing or competitive because of transient factors; and
 - (3) whether the scale of the assessment was adequate to assess potential for establishing a self-reproducing population;
- F. the conclusions reached and conditions imposed by federal agencies with jurisdiction over the proposed release;
 - G. the conclusions reached or conditions imposed by federal or state agencies on previous releases in Minnesota or elsewhere and their adequacy and relevance to the current proposal;
 - H. the type, extent, and reversibility of adverse environmental effects;
 - I. the cumulative potential effects of related or anticipated future projects; and
 - J. the extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority.

Subp. 2. **Federal documents.** Federal documents may be used to address some or all of the considerations in subpart 1.

1558.0040 RELEASE PERMIT PROCEDURES.

Subpart 1. **Procedure and application.** Release permits, including EAWs prepared by the commissioner, are required from the commissioner for all releases of GEOs except those exempted under subpart 13, or those regulated under part 1558.0060, 1558.0070, or 1558.0080. The commissioner shall provide application forms.

A. Applications for release permits for GEOs must be submitted to the commissioner and must contain:

- (1) name, title, address, telephone number, and signature of the responsible person;
- (2) name, address, and telephone number of cooperators or participants in the state;
- (3) origin, destination, name of responsible person, and containment procedures for movement and storage of GEOs;
- (4) the amount or number of organisms, material, cultures, or seeds to be shipped or used in this state;
- (5) the expected date of release and the expected duration of the release;
- (6) a statement certifying that the use of the genetically engineered organism will be in accordance with this chapter;
- (7) all information required for an EAW, as given in part 1558.0050;
- (8) supporting documentation, including research information and any United States Environmental Protection Agency, USDA, or other federal agency regulatory application or approval document, if requested to verify or substantiate information given in the permit application or respond to public comments; and
- (9) any information needed for an experimental use permit under *Minnesota Statutes*, chapter 18B.

B. During the permit process, the commissioner may request additional information necessary to determine the potential for unreasonable adverse effects on human health or the environment of the proposed release.

Subp. 2. **Application submission.** An application must be accepted or rejected by the commissioner within 14 days of its receipt. The commissioner may reject an application if the regulation of the genetically engineered organism is not authorized under *Minnesota Statutes*, chapter 18B, 18C, or 18F, or if the application does not contain all the required information.

If the commissioner rejects an application, the applicant must be informed in writing of the deficiencies that exist and requirements that, if corrected, will allow acceptance of the application. The applicant may submit the additional information or withdraw the application. Acceptance of the application does not constitute issuance of the permit.

Subp. 3. **Application distribution.** Within 14 days of the application acceptance, a copy of the application with not public information deleted, including the EAW prepared by the Minnesota Department of Agriculture, must be distributed to: the chair of the EQB, the Legislative Reference Library, local government units within whose boundaries the release is proposed, and any other person upon request to the commissioner. EAWs must be distributed according to the EQB distribution list. Not public data is available for review by any state agency according to provisions of *Minnesota Statutes*, section 13.05, subdivision 9, of the Minnesota Government Data Practices Act.

Subp. 4. **Application review.** The application must be reviewed using an interdisciplinary approach that will ensure the integrated use of the natural and environmental sciences, including involvement of the following disciplines as appropriate: microbiology, ecology, public health, biological safety, agronomy, animal science, plant biology, risk assessment, molecular biology, biochemistry, entomology, vertebrate biology, physical and biological containment, and other appropriate disciplines. Application review must address the considerations in part 1558.0030, including federal documents, and evidence from laboratory studies and previous releases. After reviewing a completed release permit application including the EAW and comments from reviewers, the commissioner may issue a release permit for GEOs if the commissioner determines that the applicant has adequately demonstrated

that the proposed release does not have the potential for unreasonable adverse effects on human health or the environment. The commissioner may deny issuance of a GEO release permit if the release of the GEO under proposed terms and conditions of the release permit may cause unreasonable adverse effects on human health or the environment.

The Board of Animal Health must be consulted on permits that relate to livestock and domestic animals.

Subp. 5. **Data privacy.** Information submitted as part of the permit application, which meets one of the definitions in *Minnesota Statutes*, section 13.37, subdivision 1, paragraph (a) or (b), of the Minnesota Government Data Practices Act, may be designated as such in the application by clearly and conspicuously marking it as "security information" or "trade secret information." Information that is submitted and marked "confidential business information" must be considered not public data under the federal Freedom of Information Act, *United States Code*, title 5, section 552, as amended, and *Minnesota Statutes*, section 13.03, subdivision 4. This information may be provided to interdisciplinary reviewers if they sign a nondisclosure agreement and they do not represent in any capacity any business or enterprise engaged in competition with the applicant.

Subp. 6. **Permit conditions.** The commissioner may prescribe terms and conditions including, but not limited to, the period for the GEO release permit, the amount or number of GEOs to be released, monitoring activities, department inspection schedules, reporting of experimental results, and experiment termination procedures. The commissioner may impose additional reasonable and appropriate release permit conditions to mitigate or minimize the adverse effects of the release on human health or the environment.

Subp. 7. **Violation of the permit.** A person may not violate terms or conditions of a permit issued under this section. The commissioner may modify, suspend, or revoke the release permit at any time if the commissioner finds that its terms or conditions are being violated or are inadequate to avoid unreasonable adverse effects on human health or the environment pursuant to *Minnesota Statutes*, section 18F.07, subdivision 2. If adverse effects are observed, the permit will be suspended. If adverse effects can be mitigated by modification of the conditions for release, the permit may be reinstated. Revocation may result in termination and disposal of all GEOs. *Minnesota Statutes*, section 18D.301, subdivision 1, authorizes procedures and penalties as outlined in *Minnesota Statutes*, chapter 18D, to be applied to violations of *Minnesota Statutes*, chapter 18B, 18C, or 18F.

Subp. 8. **Adverse effects.** It is the responsibility of the applicant to notify the commissioner of any unexpected occurrences or adverse effects within 48 hours.

Subp. 9. **Application fee.** An application for a release permit for a GEO must be accompanied by a nonrefundable application fee of \$125 in accordance with *Minnesota Statutes*, section 18F.07, subdivision 4, or \$150 if an experimental use permit is required under *Minnesota Statutes*, section 18B.28, subdivision 4.

Subp. 10. **Permit renewal.** Releases that are substantially the same as a previous release may be eligible for a permit renewal. The applicant must submit a written permit renewal request to the commissioner at least 30 days before release of the GEO. A request may be denied based on evidence of unreasonable adverse effects on human health or the environment.

Subp. 11. **Release reports.** Release reports are required by the commissioner for all releases. Release reports must include:

- A. the release permit identification number; and
- B. methods of observation, resulting data, and analysis or observations of adverse effects on human health or the environment.

Subp. 12. **Access.** Access to the release site must be allowed for state regulatory officials to inspect facilities or the field test site, or both, and any records necessary to evaluate compliance with this chapter. Records must be kept for three years. Access of regulatory officials from state agencies other than the Department of Agriculture must be coordinated through the Department of Agriculture.

Subp. 13. **Partial or complete exemptions.** Partial or complete exemptions from the permit procedures may be given by the commissioner based on the considerations in part 1558.0030 and adequacy of alternative oversight as it relates to those considerations.

A. The applicant may file a written request to the commissioner for the exemption of an individual release or for a class of releases. The request must include a copy of the federal application or documentation and the information necessary to determine if there is a potential for significant adverse environmental effects. The determination must be based on the considerations in part 1558.0030 and the adequacy of alternative oversight as it relates to those considerations. The commissioner shall make a determi-

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nation within 30 days of the receipt of the exemption request and documentation. Class exemptions may be initiated by the commissioner.

B. There will be public notice of the request in the first available EQB Monitor and a public comment period for class exemptions. The determination must be based on the considerations in part 1558.0030, the adequacy of alternative oversight as it relates to those considerations, and review of comments.

1558.0050 ENVIRONMENTAL ASSESSMENT WORKSHEETS.

Subpart 1. **Reason for EAWs.** EAWs are prepared by the Minnesota Department of Agriculture as part of the release permit application in part 1558.0040. EAWs are designed to look at environmental effects associated with a proposed release. The EAW findings are used to determine if an EIS is needed, if the permit should be granted, and if any permit conditions are needed to mitigate or lower risks that have been identified by the EAW. The EAW must be written in plain and objective language and include a clear presentation of the proposed release and issues of concern. Information for EAWs must be submitted by the applicant on forms provided by the department as part of the permit application. The EAW, which is prepared by the department using information from the applicant and other sources, is intended to be a summary of the considerations in part 1558.0030 as they relate to the proposed release; however, supporting documents must be referenced and available upon request.

Subp. 2. **EAW considerations.** The applicant for a release permit must provide information addressing the considerations in part 1558.0030, subpart 1, so that a draft EAW can be prepared for any proposed release requiring an EAW. Federal documents may be used to address the considerations.

Subp. 3. **EAW review.** The EAW must be reviewed using an interdisciplinary approach that will ensure the integrated use of the natural and environmental sciences, including involvement of the following disciplines as appropriate: microbiology, ecology, public health, biological safety, agronomy, animal science, plant biology, risk assessment, molecular biology, biochemistry, entomology, vertebrate biology, physical and biological containment, and other appropriate disciplines. The notice of availability of the EAW and the public comment period must be published in the first available EQB Monitor.

Subp. 4. **EAW findings.** The commissioner shall issue findings of fact based on the EAW. The findings must determine if there is a potential for significant environmental effects. If there is a potential for significant environmental effects, an EIS must be prepared. The findings may also be used to determine if the permit should be granted or denied, and if any permit conditions are needed to mitigate or lower risks that have been identified by the EAW.

Subp. 5. **EIS preparation and review.** An EIS, if required, must be written and reviewed under the procedures in part 4410.2000.

1558.0060 NOTIFICATION PROCEDURES FOR CERTAIN GENETICALLY ENGINEERED PLANTS.

Subpart 1. **Genetically engineered plants eligible for release under the notification procedure.** In accordance with *Minnesota Statutes*, section 116C.98, genetically engineered plants that meet the eligibility criteria of items A to F and whose release meets the performance standards in subpart 2 are eligible for release under the notification procedure of subpart 3.

A. The genetically engineered plant is:

(1) one of the following species: corn (*Zea mays* L.), cotton (*Gossypium hirsutum* L.), potato (*Solanum tuberosum* L.), soybean (*Glycine max* L. Merr.), tobacco (*Nicotiana tabacum* L.), or tomato (*Lycopersicon esculentum* L.); or

(2) additional plant species that the commissioner, after public notice and after complying with *Minnesota Statutes*, chapter 18F, and the rules adopted under it, has determined may be safely used in accordance with the organism eligibility criteria in items B to F and the release performance standards in subpart 2.

B. The genetically engineered material is stably integrated into the plant genome.

C. The function of the genetically engineered material is known and its expression in the genetically engineered organism does not result in disease.

D. The genetically engineered material does not:

(1) cause the production of an infectious entity;

(2) encode substances that are known or likely to be toxic to nontarget organisms known or likely to feed or live on the plant species; or

(3) encode products intended for pharmaceutical use.

E. To ensure that the introduced genetic sequences do not pose a significant risk of the creation of any new plant viruses they must be:

(1) noncoding regulatory sequences of known function;

(2) sense or antisense genetic constructs derived from viral coat protein genes from plant viruses that are prevalent and endemic in the area where the use will occur and that infect plants of the same host species; or

(3) antisense genetic constructs derived from noncapsid viral genes from plant viruses that are prevalent and endemic in the area where the use will occur and that infect plants of the same host species.

F. The plant has not been modified to contain the following genetic material from animals or human pathogens:

(1) any nucleic acid sequence derived from an animal or human virus; or

(2) coding sequences whose products are known or likely causal agents of disease in animals or humans.

Subp. 2. Performance standards for release under the notification procedure.

A. The performance standards in this subpart must be met for any releases under the notification procedure.

B. If the genetically engineered plants or plant materials are shipped, they must be shipped in such a way that the viable plant material is unlikely to be disseminated while in transit and must be maintained at the facility in such a way that there is no release into the environment.

C. The genetically engineered plants must be planted in such a way that they are not inadvertently mixed with nonregulated plant materials of any species which are not part of the release.

D. The plants and plant parts must be maintained in such a way that the identity of the material is known while it is in use, and the plant parts must be contained or devitalized when no longer in use.

E. There must be no viable vector agent associated with the genetically engineered plants.

F. The field trial must be conducted so that:

(1) the genetically engineered plants will not persist in the environment; and

(2) no offspring can be produced that could persist in the environment.

G. Upon termination of the field test:

(1) no viable material may remain which is likely to volunteer in subsequent seasons; or

(2) plant volunteers must be managed to prevent persistence in the environment.

Subp. 3. Notification procedure. Notification must be directed to the commissioner, including the following:

A. the name, title, address, telephone number, and signature of the responsible person;

B. information necessary to identify the genetically engineered plant or plants, including:

(1) the scientific, common, or trade name and the phenotype of the genetically engineered plant;

(2) the designations for the genetic loci, the encoded proteins or functions, and the donor organisms from which used genetic material was derived; and

(3) the method by which the recipient was transformed;

C. the names and locations of the origination and destination facilities for movement or the field site location for the environmental release, and the size of the use;

D. the expected date of release and the expected duration of the release; and

E. a statement that certifies that the use of the genetically engineered organism will comply with this chapter.

Subp. 4. Federal notification as application. A copy of the federal notification information including all confidential business information necessary to determine that the guidelines are met by the applicant as well as complete site identification may be used as the application.

Subp. 5. Notification before release. Notification must be submitted at least 30 days before the day of use.

Subp. 6. Release reports. Release reports, if required by the commissioner, must include:

A. the release number;

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B. methods of observation, resulting data, and analysis regarding all deleterious effects on plants, nontarget organisms, or the environment; and

C. any other available information requested by the commissioner regarding the impact of the genetically engineered organism on human health or the environment.

Subp. 7. **Unexpected occurrences.** The commissioner must be notified of any unexpected occurrences relating to the release within 48 hours.

Subp. 8. **Access.** Access must be allowed for state regulatory officials to inspect facilities or the field test site, or both, and any records necessary to evaluate compliance with the provisions of subparts 1 to 6. Access of regulatory officials from state agencies other than the Department of Agriculture must be coordinated through the department.

Subp. 9. **Administrative action in response to notification.**

A. The commissioner shall publish notice of the proposed release at the earliest opportunity in the EQB Monitor and shall mail notice to the chief executive of the county within which the release will take place.

B. The commissioner shall grant or deny permission to release the noticed genetically engineered plant within 30 days of the receipt of the notification.

C. A person denied permission for use of a genetically engineered plant under notification may apply for a permit for release of that genetically engineered plant without prejudice.

D. The commissioner shall notify the chair of the Environmental Quality Board of any unexpected occurrences relating to the release.

E. The commissioner has the right to rescind any notifications if there is evidence of unreasonable adverse effects on human health or the environment.

1558.0070 COMMERCIAL USE EXEMPTION.

Subpart 1. **Commercial use.** Any GEO that has passed the USDA procedure for delisting by petition, or similar procedures of the USDA or other federal regulatory agencies, may be considered for a commercial use exemption. Releases where the primary goal is experimental or developmental do not fall in this category.

Subp. 2. **Procedures.** Granting of exemptions must be based on federal delisting or deregulation, experience from past releases, and the considerations in part 1558.0030, subpart 1. GEOs that have a commercial use exemption need not obtain a release permit.

A. An applicant must submit any federal documents needed to address the considerations in part 1558.0030, subpart 1.

B. Notice of the exemption of GEOs to allow for commercial use must be published in the EQB Monitor 30 days prior to sale.

C. The commissioner may require additional use conditions or marketing limits to mitigate or lower risk for unreasonable adverse effects on human health or the environment resulting from commercial use of a GEO.

D. The commissioner may allow an exemption from item A, B, or C for commercial use of individual GEOs or classes of GEOs based on a history of past releases. For class exemptions there must be a public comment period.

E. The commissioner may reject an application for a GEO commercial use exemption based on unreasonable adverse effects on human health or the environment.

F. The commissioner may modify, suspend, or revoke the commercial use exemption should any unreasonable adverse effects on human health or the environment be observed.

1558.0080 USES NOT REQUIRING A RELEASE PERMIT, NOTIFICATION, OR COMMERCIAL USE EXEMPTION.

Subpart 1. **Containment facility.** The use of a GEO in a containment facility is not a release and does not require a release permit. A containment facility must meet applicable guidelines of the National Institute of Health Guidelines for Research Involving Genetically Engineered Organisms or USDA Animal and Plant Health Inspection Service Standard and Supplemental Conditions for Containment of Plant Pests Under Permit as certified by the commissioner. The commissioner retains the right to inspect facilities to ensure compliance.

Subp. 2. **Facility exemption.** The use of a GEO in a facility that does not meet the requirements of a containment facility; but, has been found by the commissioner to provide adequate containment, to prevent unreasonable risk of release into the environment for the specific use proposed, is not a release and does not require a release permit. The commissioner retains the right to inspect facilities to ensure compliance.

Subp. 3. **Movement of GEOs.** GEOs must be moved in such a way that the viable organism is unlikely to be disseminated in

transit and it must be maintained at the destination facility in such a way that there is no release into the environment. All GEOs must be clearly labeled. Movement of GEOs does not require a permit but must comply with items A and B.

A. Interstate movement of GEOs is governed by the most recent NIH shipment guidelines, which are incorporated by reference and published in the *Federal Register*, with state concurrence. The commissioner retains the right to inspect facilities to ensure compliance or otherwise modify the movement permit issued by the federal agency to ensure proper containment.

B. Intrastate movement of GEOs requires notification to the commissioner of the intent to move the GEOs and adherence to NIH shipment guidelines. The commissioner retains the right to inspect facilities to ensure compliance or otherwise modify the movement permit to ensure proper containment.

1558.0090 CONCURRENT REVIEW.

Multiple permits are not required under this chapter. The commissioner shall review permit requirements concurrently if more than one permit is required from the commissioner under this chapter or *Minnesota Statutes*, chapter 18B, 18C, or 18F. GEOs requiring a permit under *Minnesota Statutes*, chapter 18F, are exempt from obtaining a permit under *Minnesota Statutes*, chapter 18B or 18C, but are not exempt from the requirements of those permits if they are different than *Minnesota Statutes*, chapter 18F. The additional information must be submitted with the application for a release permit, notification, or exemption under *Minnesota Statutes*, chapter 18F. Only one permitting fee may be charged under this chapter.

Department of Human Services

Proposed Permanent Rules Relating to Permitting Extended Therapeutic Leave Days

Notice of Intent to Amend a Rule without a Public Hearing

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

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

Asha Sharma, Minnesota Department of Human Services, 444 Lafayette Rd., St. Paul, MN 55155-3816, telephone (612) 282-9850, fax number (612) 297-3173.

Subject of Rule Amendment and Statutory Authority. The proposed rule amendment is about therapeutic leave for mentally retarded residents of intermediate care facilities. The statutory authority to adopt this amendment is *Minnesota Statutes*, section 256B.04, subdivisions 4 and 12, and from 42 *Code of Federal Regulations* § 447.40(a)(1). A copy of the proposed rule amendment is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m., Wed. Oct. 26, 1994, to submit written comment in support of or in opposition to the proposed rule amendment. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the proposed rule amendment addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rule amendment. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on Wed. Oct. 26, 1994. Your written request for a public hearing must include your name and address. You are encouraged to identify the proposed rule amendment which caused your request, the reason for the request, and any changes you want made to the proposed rule amendment. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Modifications. The proposed rule amendment may be modified as a result of public comment. The modifications must be supported by data and views submitted to the agency and may not result in a substantial change in the proposed rule amendment as

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Proposed Rules

printed in the *State Register*. If the proposed rule amendment affects you in any way, you are encouraged to participate in the rule-making process.

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

Small Business Considerations. In preparing the amendment, the Department considered the requirements of *Minnesota Statutes*, section 14.115 but believes any impact on small business falls within the exemptions for medical care in section 14.115, subd. 7, clause (3).

Expenditure of Public Money by Local Public Bodies. The Department estimates that the rule amendment will require no more than \$50 in the expenditure of public money by local public bodies.

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

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

Maria R. Gomez
Commissioner of Human Services

Rules as Proposed

9505.0415 LONG-TERM CARE FACILITIES; LEAVE DAYS.

[For text of subs 1 to 5, see M.R.]

Subp. 6. **Payment limitations on number of leave days for therapeutic leave.** Payment for leave days for therapeutic leave is limited to the number of days as in items A to D:

A. recipients receiving skilled nursing facility services as provided in part 9505.0420, subpart 2, 36 leave days per calendar year;

B. recipients receiving intermediate care facility services as provided in part 9505.0420, subpart 3, 36 leave days per calendar year;

C. recipients receiving intermediate care facility, mentally retarded services as provided in part 9505.0420, subpart 4, 72 leave days per calendar year. In addition to the number of leave days specified in this item, the commissioner may approve up to 48 additional therapeutic leave days per calendar year for family activities if:

(1) the recipient or recipient's legal representative requests additional therapeutic leave days;

(2) the case manager recommends that the leave is consistent with the goals of the recipient's individual service plan as defined in *Minnesota Statutes*, section 256B.092, subdivision 1b;

(3) an evaluation by the case manager shows that home and community-based services and other alternative services are not feasible; and

(4) all other state and federal requirements relating to therapeutic leave days are met;

D. recipients residing in a long-term care facility that has a license to provide services for the physically handicapped as provided in parts 9570.2000 to 9570.3600, 72 leave days per calendar year.

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

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 citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

Department of Commerce

Adopted Permanent Rules Relating to Uniform Conveyancing Forms

Notice of Adoption of Rules Exempt from Rulemaking Provisions of *Minnesota Statutes Ch. 14*

NOTICE IS HEREBY GIVEN that the Minnesota Department of Commerce has adopted rules establishing uniform conveyancing forms. The authority to adopt these rules is in *Minnesota Statutes*, section 507.09, as modified under Chapter 388, Article 1 of the *1994 Laws of Minnesota*. This authority allows the department of commerce to adopt rules following the procedures set forth under *Minnesota Statutes*, section 14.38, subd. 7.

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

Dated: 12 September 1994

James E. Ulland
Commissioner of Commerce

Rules as Adopted (all new material)

2820.4030 FORM 131-M: CERTIFICATE OF RELEASE OF MORTGAGE BY TITLE INSURANCE COMPANY OR ITS AGENT.

Subpart 1. **Recommended form.** The recommended form for a certificate of release of mortgage by title insurance company or its agent is contained in subpart 2.

Subp. 2. **Contents.**

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.

CERTIFICATE OF RELEASE OF MORTGAGE BY TITLE INSURANCE COMPANY OR ITS AGENT

(reserved for recording data)

Date:

(Title Insurance Company or its Agent), a corporation

under the laws of, hereby certifies the following:

- (1) Name of Mortgagor(s)
Name of Original Mortgagee
Name of Mortgage servicer (if applicable)
The mortgage being released hereby was dated
No. (or in Book of Page) in the Office of the (County Recorder) (Registrar of Titles) of County, Minnesota.
If applicable, the last assignment of the mortgage is described as follows:
Name of Assignee:
a under the laws of Assignment dated.
(or in Book of Page) in the Office of the (County Recorder) (Registrar of Titles) of County, Minnesota.
(2) The mortgage was in the original principal amount of \$500,000.00 or less.
(3) The person executing the certificate of release is an officer or a duly appointed agent of a title insurance company authorized and licensed to transact the business of insuring titles to interests in real property in this state pursuant to Chapter 68A.
(4) The certificate of release is made on behalf of the mortgagor or a person who acquired title from the mortgagor to all or a part of the property described in the mortgage.
(5) The mortgagee or mortgage servicer provided a payoff statement which was used to make payment in full of the unpaid balance of the loan secured by the mortgage.
(6) Payment in full of the unpaid balance of the loan secured by the mortgage was made in accordance with the written or verbal payoff statement, and received by the mortgagee or mortgage servicer, as evidenced by one or more of the following in the records of the title insurance company or its agent:
(i) a bank check, certified check, escrow account check from the title company or title insurance agent or attorney trust account check that has been negotiated by the mortgagee or mortgage servicer; or
(ii) other documentary evidence of payment to the mortgagee or mortgage servicer.
(7) More than 60 days have elapsed since the date payment in full was sent.
(8) After the expiration of the 60-day period referred to in §507.401, Subd. 2, the title insurance company, its officer or agent, sent to the last known address of the mortgagee or mortgage servicer, at least 30 days prior to executing the certificate of release, notice in writing of its intention to execute and record a certificate of release in accordance with this section, with an unexecuted copy of the proposed certificate of release attached to the written notice.
(9) The title insurance company, its officer or agent, has not received notification in writing of any reason why the certificate of release should not be executed and recorded after the expiration of the 30-day notice period referred to in Subd. 2.
(10) (Complete if by agent) Appointment of agent filed for record as Document No. (or in Book of Page) in the office of the (County Recorder) (Registrar of Titles).

(Name of Title Insurance Company or its Agent)
By
Its

STATE OF MINNESOTA
COUNTY OF ss.

By
Its
Check here if part or all of the land is Registered (Torrens) []

The foregoing instrument was acknowledged before me on (Date)
by and
the and
of, a
on behalf of the

THIS INSTRUMENT WAS DRAFTED BY (NAME & ADDRESS):

SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL.
NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK):

2820.4035 FORM 132-M: APPOINTMENT OF AGENT FOR RELEASE OF MORTGAGE BY TITLE INSURANCE COMPANY.

Subpart 1. Recommended form. The recommended form for appointment of agent for release of mortgage by title insurance company is contained in subpart 2.

Subp. 2. Contents.

Appointment of Agent to Release under Minn. Stat. §507.401 Form No. 132-M Minnesota Uniform Enforcement Blank (1994) Corporation, Partnership or Limited Liability Company

APPOINTMENT OF AGENT FOR RELEASE OF MORTGAGE BY TITLE INSURANCE COMPANY

Date: _____ (reserved for recording date)

_____, a _____ under the laws of _____ (Title Insurance Company), Grantor, hereby appoints _____ under the laws of _____ as agent with full authority to execute and record Certificates of Release of Mortgages under Minn. Stat. §507.401 on behalf of the title insurance company. This appointment of agent is for a term of _____, commencing on the date hereof.

(Grantor/Title Insurance Company)
By _____
Its _____

STATE OF MINNESOTA }
COUNTY OF _____ } ss. By _____
Its _____

The foregoing instrument was acknowledged before me on _____ (Date) by _____ and _____ the _____ and _____ of _____, s. on behalf of the _____

NOTARIAL STAMP OR SEAL FOR OTHER TITLE OR NAME: _____ SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL: _____

_____ hereby consents to and accepts the terms of the appointment. (Name of Agent)

(Name of Agent)
By _____
Its _____

STATE OF MINNESOTA }
COUNTY OF _____ } ss. By _____
Its _____

The foregoing instrument was acknowledged before me on _____ (Date) by _____ and _____ the _____ and _____ of _____, s. on behalf of the _____

THIS INSTRUMENT WAS DRAFTED BY CHASE & ASSOCIATES SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL: _____ NOTARIAL STAMP OR SEAL FOR OTHER TITLE OR NAME: _____

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Adopted Rules

2820.4040 FORM 133-M: REVOCATION OF APPOINTMENT OF AGENT FOR RELEASE OF MORTGAGE BY TITLE INSURANCE COMPANY.

Subpart 1. **Recommended form.** The recommended form for revocation of appointment of agent for release of mortgage by title insurance company is contained in subpart 2.

Subp. 2. **Contents.**

Revocation of Appointment of Agent to Release under Minn. Stat. §507.401

Form No. 133-M

Minnesota Uniform Conveyancing Blanks (1994)

Revocation of Appointment of Agent For Release of Mortgage By Title Insurance Company

(reserved for recording data)

Date: _____

_____, a _____, under the laws of _____, (Title Insurance Company) Grantor, hereby revokes the appointment of _____ as agent to execute and record Certificates of Release of Mortgage under Minn. Stat. §507.401 on behalf of the title insurance company, effective _____ at 12:01 a.m. The appointment of agent was filed (Date) for record as Document No. _____ (or in Book _____ of _____ Page _____) in the Office of the (County Recorder) (Registrar of Titles).

(Grantor/Title Insurance Company)
By _____
Its _____
By _____
Its _____

STATE OF MINNESOTA }
COUNTY OF _____ } ss.

The foregoing instrument was acknowledged before me on _____ (Date) by _____ and _____ the _____ and _____ of _____, a _____ on behalf of the _____.

THIS INSTRUMENT WAS DRAFTED BY (NAME & ADDRESS):

SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL
NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK):

2820.4702 FORM 60M: NOTICE OF CANCELLATION OF CONTRACT FOR DEED.

Subpart 1. Recommended form. The recommended form for a notice of cancellation of a contract for deed is contained in subpart 2.

Subp. 2. Contents.

NOTICE OF CANCELLATION OF CONTRACT FOR DEED Form No. 60M Minnesota Uniform Conveyancing Blanks (Rev. 1994)

NOTICE OF CANCELLATION OF CONTRACT FOR DEED

(reserved for recording data)

YOU ARE NOTIFIED:

1. Default has occurred in the Contract for Deed ("Contract") dated _____, 19____, and filed for record _____, 19____, as Document Number _____ (or in Book _____ of _____ Page _____), in the Office of the (County Recorder) (Registrar of Titles) of _____ County, Minnesota, in which _____

as seller(s), sold to _____ as purchaser(s), the real property in _____ County, Minnesota, described as follows:

2. The default is as follows:

3. For contracts executed after August 1, 1976, and prior to August 1, 1985, the purchase price was \$ _____ and the amount of the purchase price paid by purchaser is \$ _____ which is _____% of the purchase price, as calculated in the manner required by Minnesota Statutes § 569.21, subd. 1e.

4. The conditions contained in Minnesota Statutes § 569.209 have been complied with or are not applicable.

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Adopted Rules

5. THIS NOTICE IS TO INFORM YOU THAT BY THIS NOTICE THE SELLER HAS BEGUN PROCEEDINGS UNDER MINNESOTA STATUTES, SECTION 559.21, TO TERMINATE YOUR CONTRACT FOR THE PURCHASE OF YOUR PROPERTY FOR THE REASONS SPECIFIED IN THIS NOTICE. THE CONTRACT WILL TERMINATE _____ DAYS AFTER (SERVICE OF THIS NOTICE UPON YOU) (THE FIRST DATE OF PUBLICATION OF THIS NOTICE) (STRIKE ONE) UNLESS BEFORE THEN:

(A) THE PERSON AUTHORIZED IN THIS NOTICE TO RECEIVE PAYMENTS RECEIVES FROM YOU:

- (1) THE AMOUNT THIS NOTICE SAYS YOU OWE; PLUS
- (2) THE COSTS OF SERVICE (TO BE SENT TO YOU); PLUS
- (3) \$ _____ TO APPLY TO ATTORNEYS' FEES ACTUALLY EXPENDED OR INCURRED; PLUS
- (4) FOR CONTRACTS EXECUTED ON OR AFTER MAY 1, 1980, ANY ADDITIONAL PAYMENTS BECOMING DUE UNDER THE CONTRACT TO THE SELLER AFTER THIS NOTICE WAS SERVED ON YOU; PLUS
- (5) FOR CONTRACTS, OTHER THAN EARNEST MONEY CONTRACTS, PURCHASE AGREEMENTS, AND EXERCISED OPTIONS, EXECUTED ON OR AFTER AUGUST 1, 1985, \$ _____ (WHICH IS TWO PERCENT OF THE AMOUNT IN DEFAULT AT THE TIME OF SERVICE OTHER THAN THE FINAL BALLOON PAYMENT, ANY TAXES, ASSESSMENTS, MORTGAGES, OR PRIOR CONTRACTS THAT ARE ASSUMED BY YOU); OR

(B) YOU SECURE FROM A COUNTY OR DISTRICT COURT AN ORDER THAT THE TERMINATION OF THE CONTRACT BE SUSPENDED UNTIL YOUR CLAIMS OR DEFENSES ARE FINALLY DISPOSED OF BY TRIAL, HEARING OR SETTLEMENT. YOUR ACTION MUST SPECIFICALLY STATE THOSE FACTS AND GROUNDS THAT DEMONSTRATE YOUR CLAIMS OR DEFENSES.

IF YOU DO NOT DO ONE OR THE OTHER OF THE ABOVE THINGS WITHIN THE TIME PERIOD SPECIFIED IN THIS NOTICE, YOUR CONTRACT WILL TERMINATE AT THE END OF THE PERIOD AND YOU WILL LOSE ALL THE MONEY YOU HAVE PAID ON THE CONTRACT; YOU WILL LOSE YOUR RIGHT TO POSSESSION OF THE PROPERTY; YOU MAY LOSE YOUR RIGHT TO ASSERT ANY CLAIMS OR DEFENSES THAT YOU MIGHT HAVE; AND YOU WILL BE EVICTED. IF YOU HAVE ANY QUESTIONS ABOUT THIS NOTICE, CONTACT AN ATTORNEY IMMEDIATELY.

6. The name, mailing address, street address or location and telephone number of the seller or of an attorney authorized by the seller to accept payments pursuant to this notice is:

Seller Attorney for Seller

Mailing Address: _____

Street Address or Location where the Seller or the Attorney will accept payment pursuant to this notice:

Telephone: (_____) _____

This person is authorized to receive the payments from you under this notice.

Signature (Optional -- See Minn. Stat. § 559.21, subd. 4(c))

AFFIDAVIT OF PERSONAL SERVICE

STATE OF MINNESOTA }
County of _____ } ss.

being duly sworn on oath says that: on
_____, 19____, I served the foregoing notice upon _____ personally at
_____, County of _____
State of Minnesota, by handing to and leaving with _____
a true and correct copy thereof.

Subscribed and sworn to before me this _____
day of _____, 19_____.

SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

NOTARY STAMP OR SEAL (OR OTHER TITLE OR RANK)

AFFIDAVIT OF SUBSTITUTED SERVICE

STATE OF MINNESOTA }
County of _____ } ss.

being duly sworn on oath says that: on
_____, 19____, I served the foregoing notice upon _____
by leaving a true and correct copy thereof at his
or her usual place of abode with _____
a person of suitable age and discretion then residing therein.

Subscribed and sworn to before me this _____
day of _____, 19_____.

SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

NOTARY STAMP OR SEAL (OR OTHER TITLE OR RANK)

SHERIFF'S RETURN OF PERSONAL SERVICE

STATE OF MINNESOTA }
County of _____ } ss.

I hereby certify and return that in the _____ of _____
in said County and State on _____, 19____, I served the foregoing notice upon _____
personally by handing to and
leaving with _____ a true and correct copy thereof.

Dated: _____, 19_____.

FEES: Service \$ _____
Mileage \$ _____
TOTAL \$ _____

Sheriff of _____
County, Minnesota
By _____, Deputy

SHERIFF'S RETURN OF SUBSTITUTED SERVICE

STATE OF MINNESOTA }
County of _____ } ss.

I hereby certify and return that in the _____ of _____
in said County and State on _____, 19____, I served the foregoing notice upon _____
by leaving a true and correct copy
thereof at his or her usual place of abode with _____
a person of suitable age and discretion then residing therein.

Dated: _____, 19_____.

FEES: Service \$ _____
Mileage \$ _____
TOTAL \$ _____

Sheriff of _____
County, Minnesota
By _____, Deputy

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AFFIDAVIT OF SERVICE ON OCCUPANT

STATE OF MINNESOTA } ss.
County of _____

_____, being duly sworn on oath says that:
on _____, 19____, I went upon the real estate described in the foregoing notice for the
purpose of serving the notice upon the persons in possession thereof; on said date _____
was/were in possession of the real estate; and on said day I served the notice on _____
by handing to and leaving with _____
a true and correct copy thereof.

Subscribed and sworn to before me this _____
day of _____, 19____.

SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

NOTARY STAMP OR SEAL (OR OTHER TITLE OR RANK)

AFFIDAVIT OF VACANCY

STATE OF MINNESOTA } ss.
County of _____

_____, being duly sworn on oath says that:
on _____, 19____, I went upon the real estate described in the foregoing notice for the
purpose of serving the notice on the persons in possession thereof; and on said date the real estate was
vacant and unoccupied.

Subscribed and sworn to before me this _____
day of _____, 19____.

SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

NOTARY STAMP OR SEAL (OR OTHER TITLE OR RANK)

AFFIDAVIT OF FAILURE TO COMPLY WITH NOTICE

STATE OF MINNESOTA } ss.
County of _____

_____, being duly sworn on oath says that: I am
the person authorized to receive payments; more than _____ days have elapsed since the service of the
notice on _____; the terms of the notice have not been
complied with; and the default set forth in the notice still continues. I make this affidavit for the purpose
of terminating the Contract and recording the notice, the proofs of the service of the notice, and this
affidavit.

Subscribed and sworn to before me this _____
day of _____, 19____.

SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

NOTARY STAMP OR SEAL (OR OTHER TITLE OR RANK)

2820.6701 FORM 107-M: INDIVIDUAL PERSONAL REPRESENTATIVE DEED OF DISTRIBUTION.

Subpart 1. **Recommended form.** The recommended form for an individual personal representative deed of distribution is contained in subpart 2.

Subp. 2. **Contents.**

Form No. 107-M - Deed of Distribution: Personal Representative(s)
 Minnesota Uniform Conveyancing Blanks (1994)

Individual Personal Representative(s)
 Note: This deed should be used only for distribution.

Transfer entered on (reserved for Auditor's Data)	 (reserved for recording date)
--	---

Date: _____

NO DEED TAX DUE

_____, Grantor,
 _____, Decedent,
 conveys to _____, Grantee(s),
 real property in _____ County, Minnesota, described as follows:

(if more space is needed, continue on back)

together with all hereditaments and appurtenances belonging thereto.

Personal Representative(s)

STATE OF MINNESOTA }
 COUNTY OF _____ } **Check here if part or all of the land is Registered (Torrrens)**

This instrument was acknowledged before me on _____ (Date)
 by _____, as Personal Representative(s)
 of the Estate of _____, Decedent.

NOTARIAL STAMP OR SEAL FOR OTHER TITLE OR BOUND	SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL
THIS INSTRUMENT WAS DRAFTED BY CHARGE & ADDRESS:	Tax Statements for the real property described in this instrument should be sent to (include Name and Address of Grantee):

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Adopted Rules

2820.6801 FORM 108-M: CORPORATE PERSONAL REPRESENTATIVE DEED OF DISTRIBUTION.

Subpart 1. **Recommended form.** The recommended form for a corporate personal representative deed of distribution is contained in subpart 2.

Subp. 2. **Contents.**

Form No. 108-M - Deed of Distribution:
Personal Representative
Minnesota Uniform Conveyancing Blanks (1994)

Corporate Personal Representative
Note: This deed should be used only for distribution.

<p>Transfer entered on</p> <p>(reserved for Auditor's Data)</p>	 <p>(reserved for recording data)</p>
--	--

Date: _____

NO DEED TAX DUE

_____, Grantor,
a _____ under the laws of _____, as Personal Representative of
the Estate of _____, Decedent,
conveys to _____, Grantee(s),
real property in _____ County, Minnesota, described as follows:

(if more space is needed, continue on back)
together with all hereditaments and appurtenances belonging thereto.

Personal Representative(s)

By: _____
Its: _____
By: _____
Its: _____

STATE OF MINNESOTA }
COUNTY OF _____ } as. Check here if part or all of the land is Registered (Torrens)

This instrument was acknowledged before me on _____ (Date)
by _____ and _____,
the _____ and _____,
of _____, a _____,
under the laws of _____, as Personal Representative(s) of the Estate of _____,
Decedent, on behalf of the _____.

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR NAME)

THIS INSTRUMENT WAS DRAFTED BY (NAME & ADDRESS):

SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

Tax Statements for the real property described in this instrument should be sent to (Include Name and Address of Grantee):

2820.8500 FORM 129-M: NOTICE OF ADVERSE CLAIM ON REGISTERED LAND BY INDIVIDUALS.

Subpart 1. Recommended form. The recommended form for a notice of adverse claim by individuals is contained in subpart 2. Subp. 2. Contents.

Notice of Adverse Claim
(Pursuant to Minn. Stat. §609.70)
By Individuals

Form No. 129-M

Minnesota Uniform Commercial Code (1991)

**Notice of Adverse Claim
on Registered Land**

STATE OF MINNESOTA }
COUNTY OF _____ } ss.

(reserved for recording data)

_____, Adverse Claimant, (whether one or more) being first duly sworn on oath says:

- Adverse Claimant claims an interest adverse to the registered owner in land registered in Volume _____, page _____, Certificate of Title No. _____, in _____ County, Minnesota, described as follows:

(If more space is needed, continue on back)

- The alleged right or interest claimed by Adverse Claimant is as follows:
- The alleged right or interest was acquired as follows:
- The residence address of Adverse Claimant is as follows:
- All notices may be served upon Adverse Claimant at the following address (not a post office box):

ADVERSE CLAIMANT

Subscribed and sworn to before me this _____ day of _____, 19____.

SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

NOTARIAL STAMP OR SEAL FOR OTHER TITLE OR BANK

THIS INSTRUMENT WAS DRAFTED BY CHANE & ASSOCIATES

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

Adopted Rules

2820.8600 FORM 130-M: NOTICE OF ADVERSE CLAIM BY CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY.

Subpart 1. Recommended form. The recommended form for notice of adverse claim by corporation, partnership, or limited liability company is contained in subpart 2.

Subp. 2. Contents.

<p>Notice of Adverse Claim Pursuant to Minn. Stat. § 60A 70 By Corporation, Partnership or Limited Liability Company</p>	<p>Form No. 130-M</p>	<p>Minnesota Uniform Commercial Code § 9:101</p>
<h3>Notice of Adverse Claim on Registered Land</h3>		
STATE OF MINNESOTA		(reserved for recording data)
COUNTY OF _____ } ss.		
_____, being first duly sworn on oath says:		
1. The undersigned is the _____ of _____ a _____ under the laws of _____ (Adverse Claimant).		
2. Adverse Claimant claims an interest adverse to the registered owner in land registered in Volume _____ page _____, Certificate of Title No. _____, in _____ County, Minnesota, described as follows:		
(If more space is needed, continue on back)		
3. The alleged right or interest claimed by Adverse Claimant is as follows:		
4. The alleged right or interest was acquired as follows:		
5. The address of Adverse Claimant is as follows:		
6. All notices may be served upon Adverse Claimant at the following address (not a post office box):		
_____ _____ _____		
Subscribed and sworn to before me this _____ day of _____, 19____.		
<p>THIS INSTRUMENT WAS DRAFTED BY CHANGE & ADDRESS:</p>	SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL	
	NOTARIAL STAMP OR SEAL FOR OTHER TITLE OR BARR.	

REPEALER. Minnesota Rules, parts 2820.4701; 2820.6700; and 2820.6800, are repealed.

Emergency Rules

Proposed Emergency Rules

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

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

Adopted Emergency Rules

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

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

Continued/Extended Emergency Rules

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

Department of Natural Resources

Adopted Expedited Emergency Game and Fish Rules; Special Provisions for Wildlife Management Areas; Taking of Ducks, Coots, Moorhens, Geese, and Brant

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 14.29, subdivision 4(b). The statutory authority for the contents of these rules is *Minnesota Statutes*, sections 97B.731, 97B.803 and 97B.911.

Dated: 19 September 1994

Rodney W. Sando, Commissioner
Department of Natural Resources

Rules as Adopted

6230.0200 SPECIAL PROVISIONS FOR WILDLIFE MANAGEMENT AREAS.

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

Subp. 10. Areas closed to muskrat trapping. The Kettle Lake Wildlife Management Area in Carlton County is closed to muskrat trapping.

6240.0600 [Emergency] TAKING OF DUCK, COOTS, AND MOORHENS.

Subpart 1. Open seasons. Ducks, coots, and moorhens (gallinules) may be taken statewide from October 1 through November 9, 1994.

Subp. 2. Daily limits. A person may not in any one day take more than three ducks other than mergansers, five mergansers, and a total of 15 coots and moorhens (gallinules). The daily limit of ducks other than mergansers may not include more than two mallards of which not more than one may be a female mallard, one black duck, one canvasback, one redhead, one pintail, and two wood ducks. The daily limit of mergansers may not include more than one hooded merganser.

Subp. 3. Canvasback closed areas. The taking of canvasbacks is prohibited on the waters of Lake Christina in Douglas and Grant counties and North Heron Lake, South Heron Lake, North Marsh, and Duck Lake in Jackson county.

6240.0700 TAKING GEESE AND BRANT IN WEST CENTRAL GOOSE ZONE.

Subpart 1. Open season. Canada and white-fronted geese and brant may be taken during two time periods: October 1 to October 9, and October 15 to November 4, 1994, except that the season may close earlier in the Lac qui Parle Zone as provided in part 6240.0900.

Emergency Rules

Subp. 2. Zone description. The West Central Goose Zone is the area lying within the following boundary:

Beginning at the intersection of State Trunk Highway (STH) 29 and U.S. Highway 212; thence West along U.S. Highway 212 to U.S. Highway 59; thence South along U.S. Highway 59 to STH 67; thence West along STH 67 to U.S. Highway 75; thence North along U.S. Highway 75 to County State Aid Highway (CSAH) 30, Lac qui Parle County; thence West along CSAH 30 to County Road 70, Lac qui Parle County; thence West along County Road 70 to the west boundary of the state; thence North along the west boundary of the state to the point due south of the intersection of STH 7 and CSAH 7, Big Stone County; thence due North to said intersection; thence North along CSAH 7 to CSAH 6, Big Stone County; thence East along CSAH 6 to CSAH 21, Big Stone County; thence South along CSAH 21 U.S. Highway 12, thence East along U.S. Highway 12 to U.S. Highway 75, thence North along U.S. Highway 75 to CSAH 10, Big Stone County; thence East along CSAH 10 to CSAH 22, Swift County; thence East along CSAH 22 to CSAH 5, Swift County; thence South along CSAH 5 to U.S. Highway 12; thence East along U.S. Highway 12 to CSAH 17, Swift County; thence South along CSAH 17 to CSAH 9, Chippewa County; thence South along CSAH 9 to STH 40; thence East along STH 40 to STH 29; thence South along STH 29 to the point of beginning.

6240.0850 [Emergency] TAKING GEESE AND BRANT IN THE WEST GOOSE ZONE.

Subpart 1. Open season. Canada and white-fronted geese and brant may be taken during the 40-day period beginning the Saturday on or nearest October 1, except in the West Central Goose Zone and in the Lac qui Parle Goose Zone as provided in parts 6240.0700 and 6240.0900.

Subp. 2. Zone description. The West Goose Zone is described as follows:

Beginning at the intersection of U.S. Highway 72 and Interstate Highway 94; thence West on Interstate Highway 94 to the west border of the state; thence South and East on the west and south borders of the state to U.S. Highway 71; thence North on U.S. Highway 71 to the point of beginning.

6240.0860 [Emergency] TAKING GEESE AND BRANT IN THE NORTHWEST GOOSE ZONE.

Subpart 1. Open season. Canada and white-fronted geese and brant may be taken during the 40-day period beginning the Saturday on or nearest October 1.

Subp. 2. Zone description. The Northwest Goose Zone is described as follows:

Beginning at U.S. Highway 2 on the North Dakota-Minnesota border; thence East on U.S. Highway 2 to State Trunk Highway (STH) 32; thence North on STH 32 to STH 92; thence East on STH 92 to County State Aid Highway (CSAH) 2, Polk County; thence North on CSAH 2 to CSAH 27, Pennington County; thence North on CSAH 27 to STH 1; thence East on STH 1 to CSAH 28, Pennington County; thence North on CSAH 28 to CSAH 54, Marshall County; thence North on CSAH 54 to CSAH 9, Roseau County; thence North on CSAH 9 to STH 11; thence West on STH 11 to STH 310; thence North on STH 310 to the north border of Minnesota; thence West and South on the Minnesota border to the point of beginning.

6240.0900 TAKING GEESE AND BRANT IN LAC QUI PARLE GOOSE ZONE.

Subpart 1. Open season. Geese and brant may be taken during two time periods; October 1 through October 9, and October 15 through November 4, 1994, except that the season on geese will be closed earlier than October 9 during the first period if and when the harvest index of Canada geese in the Lac qui Parle Zone reaches 1,750 as determined by the commissioner or earlier than November 4, if and when the harvest index reaches 4,000 during the second period. The commissioner will provide public notice of such closing, no less than 48 hours prior to the effective time of closing, by:

A. issuing a news release specifying the time of closing and describing the zone, and

B. posting written notices of the same at the headquarters of the Lac qui Parle Wildlife Area and at four other points around the perimeter of the zone.

Subp. 2. Zone description. The Lac qui Parle Goose Zone is the area lying within the following boundary:

Beginning at the intersection of U.S. Highway 212 and County State Aid Highway (CSAH) 27, Lac qui Parle County; thence North along CSAH 27 to CSAH 20, Lac qui Parle County; thence West along CSAH 20 to State Trunk Highway (STH) 40; thence North along STH 40 to STH 119; thence North along STH 119 to CSAH 34, Lac qui Parle County; thence West along CSAH 34 to CSAH 19, Lac qui Parle County; thence North along CSAH 19 to CSAH 38, Lac qui Parle County; thence West along CSAH 38 to U.S. Highway 75; thence North along U.S. Highway 75 to STH 7; thence South and East along STH 7 to CSAH 6, Swift County; thence East along CSAH 6 to County Road 65, Swift County; thence South along County Road 65 to County Road 34, Chippewa County; thence South along County Road 34 to CSAH 12, Chippewa County; thence East along CSAH 12 to CSAH 9, Chippewa County; thence South along CSAH 9 to STH 7; thence South and East along STH 7 to Montevideo; thence South and West along the municipal boundary of Montevideo to U.S. Highway 212; thence West along U.S. Highway 212 to the point of beginning.

6240.1000 TAKING GEESE AND BRANT IN SOUTHEAST GOOSE ZONE.

Subpart 1. Open season. Canada and white-fronted geese and brant may be taken from October 1 through December 9, 1994. In Olmsted county and in the Twin Cities Metropolitan Goose Zone, Canada geese may also be taken as provided in part 6240.1900.

Subp. 2. Zone description. The Southeast Goose Zone is comprised of Isanti, Chisago, Washington, Anoka, Hennepin, Carver, Scott, Ramsey, Dakota, Rice, Goodhue, Wabasha, Winona, Olmsted, Dodge, Steele, Freeborn, Mower, Fillmore, and Houston counties.

6240.1140 [Emergency] TAKING GEESE AND BRANT IN REMAINDER OF STATE.

Subpart 1. Open season. Canada and white-fronted geese and brant may be taken from October 1 through November 19, 1994.

Subp. 2. Zone description. The remainder of the state consists of all areas not within the Southeast, Northwest, and West Goose Zones.

6240.1150 TAKING SNOW, BLUE, AND ROSS' GEESE.

Snow, blue, and Ross' geese may be taken statewide during the 80-day period beginning the Saturday on or nearest October 1, except that the season in the Lac qui Parle Goose Zone will be closed when the season for Canada and white-fronted geese closes as provided in part 6240.0900.

6240.1160 [Emergency] DAILY LIMITS ON TAKING GEESE AND BRANT.

A person may not take more than seven geese and brant in any one day. The daily limit may not include more than two brant; two white-fronted geese; and two Canada geese or subspecies, except in the West Central Goose Zone (including the Lac qui Parle Goose Zone), the West Goose Zone, and the Northwest Goose Zone where the daily limit of Canada geese is one.

6240.1850 GAME REFUGES OPEN TO THE TAKING OF GEESE.

The Douglas County Goose Refuge in Douglas County, the Fox Lake Game Refuge in Martin County, the Sauk Rapids-Rice Goose Refuge in Benton County, the St. James Game Refuge in Watonwan County, and the Otter Tail County Goose Refuge in Otter Tail County are open to Canada goose hunting during the early goose season and regular goose seasons as follows:

A. The Douglas County Goose Refuge, the Otter Tail County Goose Refuge, and the Sauk Rapids-Rice Goose Refuge are open to goose hunting October 1 through November 19, 1994. Those portions of the Douglas County Goose Refuge and Otter Tail County Goose Refuge south of Interstate Highway 94 are closed to Canada goose hunting after November 9, 1994. Taking waterfowl from public roads and their rights-of-way is prohibited.

B. The Fox Lake Game Refuge and the Saint James Game Refuge are open to goose hunting November 12 through November 19, 1994.

C. The Douglas County Goose Refuge and the Otter Tail County Goose Refuge are open to Canada goose hunting December 10 through December 19, 1994. Taking waterfowl from public roads and their rights-of-way is prohibited.

6240.1900 LATE SEASON FOR TAKING GEESE.

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

Subp. 3. Open season. Canada geese may be taken in the Twin Cities Metropolitan Canada Goose Zone and in Olmsted County from December 15 through December 24. Canada geese may be taken in the Fergus Falls/Alexandria Goose Zone from December 10 to December 19.

Subp. 4. Taking near water. Taking Canada geese on or within 100 yards of all surface waters (excluding ice) is prohibited in the Twin Cities Metropolitan Canada Goose Zone during the late season established by this part.

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.

Administration Department

Print Communications Division

State Register Index Available for Volume 18

An index to rules, and official notices soliciting outside information relating to rules, for volume 18, July 1993-June 1994, is now available. The index also includes, Executive Orders of the Governor, Commissioner's Orders and Revenue Notices.

Subscribers who wish to receive a copy of the index need to contact Minnesota's Bookstore, ask for a copy, and leave your name and address. There will be no charge to subscribers. Call (612) 297-3000, or toll-free: 1-800-657-3757, or FAX to (612) 297-8260, or write to Minnesota's Bookstore, 117 University Ave., St. Paul, MN 55155.

Copies of the index will be mailed to *State Register* subscribers who are designated as "State Depository Libraries," or who are designated in *Minnesota Statutes*, Sec. 14.46 subd. 4 as a recipient of a subscription at no charge.

Those wishing to purchase a copy will be charged the same rate applied to an issue of the *State Register*, \$3.50, with a shipping charge of \$3.00 if processed for mailing.

Department of Administration

Print Communication Division

"Contract Awards Reports" Available

Individual copies of "Contract Awards Reports" are available, as well as six-month trial subscriptions, as part of an improved service to subscribers tracking commodity and service contracts and bids, as well as professional, technical and consulting contracts.

This information is especially useful in the competitive bidding process used by the state's purchasing office, the Materials Management Division.

- "**Commodity Contract Awards Reports**," — lists awards of contracts and bids published in the Tuesday-Wednesday-Friday "**Contracts Supplement**" — published every two weeks, \$5.00 per individual report, plus \$3.00 shipping if applicable. Order stock # 99-42. Six-month subscriptions cost \$75.00 — a savings of about \$38.00 over the cost of purchasing them individually. Appears every two weeks. Order stock # 90-14. Available in hard copy format only.
- "**Professional-Technical-Consulting Award Reports**," — published each month listing the previous month's awards of contracts and RFPs that appeared in the Monday edition of the "*State Register*." Individual copies are \$7.00 per report, plus \$3.00 shipping if applicable. Order stock # 99-43. Six-month subscriptions cost \$50.00, a savings of about \$15.00 over the cost of purchasing them individually. Appear monthly. Order stock number # 90-15. Available in hard copy format only.

To order the appropriate "Awards Reports" for your business or organization, contact Minnesota's Bookstore at (612) 297-3000, or toll-free nationwide: 1-800-657-3757. Credit card orders can be taken over the phone, mailed in, or FAXED to (612) 297-8260.

Department of Commerce

Notice of Solicitation of Outside Information or Opinions in the Matter of the Proposed Rules Relating to Cosmetology Salons

NOTICE IS HEREBY GIVEN that the Minnesota Department of Commerce is seeking information or opinions from sources outside the agency in preparing to propose the amendment of rules relating to cosmetology salons. The adoption of the rules is authorized by *Minnesota Statutes*, sections 155A.05, 155A.08 and section 45.023 which authorize the commissioner of commerce to among other things, develop and adopt rules to establish minimum health and sanitary standards for the operation of a cosmetology salon. The proposed rules are expected to address specific procedures for the sanitation of items used by cosmetologists.

Outside opinion is also being solicited as to any effect the rules might have on small businesses, as defined under *Minnesota Statutes* § 14.115, subd. 1. It is anticipated that the rules will have a positive effect on small businesses.

The Minnesota Department of Commerce requests information and opinions concerning the subject matter of the rules. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Donna M. Watz
Staff Attorney
Minnesota Department of Commerce
133 East Seventh Street
St. Paul, MN 55101

Oral statements will be received during regular business hours over the telephone at (612) 296-6593 and in person at the above address.

The department does not intend to establish an advisory task force specifically on these proposed rules. However, the department will consult the Cosmetology Advisory Council in developing and promulgating the proposed rules.

It is hoped that the proposed rules will be published in the *State Register* by November 1994. If no hearing is required, the rulemaking process is expected to be completed by March 1995.

All statements of information and opinions shall be accepted until 4:30 p.m. on October 26, 1994. Any written material received by the Minnesota Department of Commerce shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rules are adopted.

Dated: 16 September 1994

James E. Ulland
Commissioner of Commerce

Minnesota Comprehensive Health Association

Notice of Meeting of the Board of Directors

NOTICE IS HEREBY GIVEN that the Minnesota Comprehensive Health Association (MCHA) Board of Directors will meet on Wednesday, October 5, 1994 at 9:00 a.m. at Northwestern National Life Insurance Company, 100 Washington Avenue South, Minneapolis, Minnesota. The meeting will be in rooms "Mississippi A & B" on the fourth floor.

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

Official Notices

Minnesota Comprehensive Health Association

Notice of Meeting of Ad Hoc Committee on Request for Proposal for Writing Carrier Contract

NOTICE IS HEREBY GIVEN that the Ad Hoc Committee on Request for Proposals (RFP) for Writing Carrier Contract of the Minnesota Comprehensive Health Association (MCHA), will meet on Friday, September 30, 1994 at 7:30 a.m., at the Minnesota Comprehensive Health Association, 5775 Wayzata Boulevard, St. Louis Park. The meeting will be in Suite 746, the building conference room on the 7th floor.

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

State Board of Education

Notice of Request for Registration of Persons Interested in Receiving Notice of Rule Hearings

NOTICE IS HEREBY GIVEN that the Minnesota State Board of Education is updating the list of persons who have registered with the Board for the purpose of receiving notice of rule hearings.

If you wish to register, please submit, prior to October 24, 1994, your name and mailing address to:

Mary Lynne McAlonie
717 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101

Department of Labor and Industry

Labor Standards Division

Notice of Correction to Prevailing Wage Rates

Prevailing wage rates determined and certified March 28, 1994 for Clay County, Sludge Storage Tank-Moorhead, 412 - IRONWORKER commercial construction has been corrected.

Copies of the corrected certification may be obtained by contacting the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306, or calling (612) 296-6452.

John B. Lennes, Jr
Commissioner

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective September 26, 1994 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

Faribault: Kiester Retail Center-Kiester.

Hennepin: U of M Coffman Union Elevators #1 & 2 Replacement; U of M Centennial Hall Renovate Fire Alarm System-Minneapolis; 1994 Robbinsdale-Armstrong High School Athletic Complex-Robbinsdale.

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

John B. Lennes, Jr
Commissioner

Department of Trade and Economic Development

Business and Community Development Division

Performance Evaluation Report Available to the Public on the 1994 Small Cities Development Program

NOTICE IS HEREBY GIVEN that the 1994 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 that the mandatory PER be made available to the public prior to 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 about the PER should be directed to:

Louis Jambois
Minnesota Department of Trade and Economic Development
500 Metro Square
121 7th Place East
Saint Paul, MN 55101-2146
612/297-3172

Professional, Technical & Consulting Contracts

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.

In accordance with *Minnesota Rules Part 1230.1910*, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612)296-2600 or [TDD (612)297-5353 and ask for 296-2600].

Office of Administrative Hearings

Notice of Request for Proposal for Administrative Law Judge Services

The Minnesota Office of Administrative Hearings will be contracting with qualified attorneys to serve as administrative law judge from January 1, 1995 through December 31, 1995.

Persons who serve as contract administrative law judge, or members of their firm, may not appear as an attorney in any hearing conducted by this office. Compensation will be at the rate of \$55 per hour. Applications are encouraged from attorneys in Greater Minnesota with family law experience.

To receive a Request for Proposal, please notify: Kevin Johnson, Chief Administrative Law Judge, Office of Administrative Hearings, Suite 1700, 100 Washington Square, Minneapolis, MN 55401 (telephone: 612/341-7640, TDD: 612/341-7346) no later than 4:30 p.m., Friday, October 21, 1994. Final proposals must be received by October 28, 1994.

Office of Administrative Hearings

Notice of Request for Proposal for Court Reporting and Tape Transcription

The State of Minnesota will be entering into contracts to provide services to all State agencies for court reporting and tape transcription for calendar year 1995. To receive a Request for Proposal, contact Dennis Reek, Office of Administrative Hearings, Suite 1700, 100 Washington Square, Minneapolis, Minnesota 55401 (telephone 612/341-7643, TDD: 612/341-7346) no later than October 21, 1994.

— Volunteer Services of Minnesota Publications —

NEW!

The Power & Potential of Youth in Service to Communities

Outlines learner outcomes for leaders in developing service and mentoring programs. 10-48SR \$16.00

Trainer's Manual: Part I

Effective step-by-step training methods. 10-33SR \$30.00

Trainer's Manual: Part II

Training volunteer leaders. 10-34SR \$30.00

Community Handbook, Part I:

Developing Public/Private Partnerships

Partnership issues: leadership, research 10-31SR \$5.00

Community Handbook, Part II:

Basic Volunteer Program Management

Guidelines: recruitment, orientation... 10-32SR \$5.00

Planning it Safe: How to Control Liability & Risk in Volunteer Programs

Legal risk and liability concerns. 10-45SR \$17.95

Available through Minnesota's Bookstore. Use the handy order form on the back of the *State Register* to order. Visit Minnesota's Bookstore to view a variety of Volunteer Services publications.

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.

Office of the Attorney General

Notice of Request for Proposals to Create a Marketing Campaign for a Home Buyers Guide

The Minnesota Attorney General's Consumer Division is distributing a Request for Proposals (RFP) to create a comprehensive marketing campaign for "The Home Buyer's Handbook." The 80-page "Buyer's" book is a road map for first-time home buyers. Proposals for this RFP are due on Friday, October 28, 1994. Project strategies to fulfill this RFP will be completed by February 28, 1995. If you are interested in receiving this RFP, please contact Ann Ettel, Consumer Division, Minnesota Attorney General's Office, 1400 NCL Tower, 445 Minnesota Street, St. Paul, MN 55101, (612) 297-8280.

Department of Administration

State Designer Selection Board

Request for Proposal for a State University Project

To Minnesota Registered Design Professionals:

The State Designer Selection Board has been requested to select a designer for a State University project. Design firms who wish to be considered for these projects should deliver proposals on or before 4:00 p.m., October 18, 1994, to:

George Iwan
Executive Secretary, State Designer Selection Board
Room G-10, Administration Building
St. Paul, Minnesota 55155-3000

The proposal must conform to the following:

- 1) Six (6) copies of the proposal will be required.
- 2) All data must be on 8 1/2" x 11" sheets, soft bound.
- 3) The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 7 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. Identify roles that such persons played in projects which are relevant to the project at hand. **NOTE NEW REQUIREMENT:** The proposal *must* contain a statement indicating whether or not the consultants listed have been contacted and have agreed to be a part of the design team.
 - 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 projects and studies awarded to the prime firm(s) submitting this proposal during the four (4) years immediately preceding the date of this request for proposal. The prime firm(s) shall list and total all fees associated with these projects and studies 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

Professional, Technical & Consulting Contracts

or other specialty consultants employed on the projects and studies listed pursuant to the above. **NOTE:** Please call for a copy of the acceptable format for providing this information.

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 were, at the time of the work, employed by other than their present firms.

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 the 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) 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, their schedule for the project herein described or the fee format form may be referred to George Iwan at (612) 296-4656.

7) PROJECT - 26-94

Central Chilled Water Plant

St. Cloud State University

APPROPRIATION: \$3,100,000 to design and construct a central chilled water system.

SCOPE OF PROJECT: Chilled water plant (new construction, approximately 7,200 gross square feet), two 1,500 ton chillers with provision for a third, extension of the existing chilled water loop to Brown Hall and the new library site, cooling coil installation in Brown Hall, and all related mechanical/electrical components. The design shall consider chilled water storage, and alternative methods of refrigeration/refrigerants/energy sources. Sophisticated analysis of water flows, pumping systems, and automatic controls will be required to integrate the new system with the existing chilled water loop and existing energy management system.

The new chilled water system shall be within the specified budget, dependable, durable, and energy efficient.

The engineer selected shall be knowledgeable as to law, rule, and regulation affecting system design and operation, rebate programs, various refrigeration methods including direct fired, gas fired motor, steam driven, absorption, and electric; and various refrigeration mediums including HCFC's, salts, and ammonia.

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SITE: Adjacent to the existing heating plant building.

PURPOSE OF PROJECT: The University's peak cooling demand, including Brown Hall and the new library currently in design, plus a contingency, is 3,900 tons. The existing chilled water loop has a reliable capacity of 900 tons. The new chilled water plant together with the reliable part of the existing chiller loop is expected to meet the University's long term cooling demand.

ENGINEERING RESPONSIBILITIES: The engineer will be responsible for, but not limited to such tasks as: review of University chiller loop studies; design through construction drawings, including a schematic design report and a cost estimate at each stage of the design; bid review and recommendation; and project construction administration including but not limited to preparation of construction change orders, review and approval/rejection of shop drawings and payment requests, oversight of project for owner (including on-site observation and chairing construction meetings), and recommendation to the owner as to project acceptance.

Design will be consistent with Minnesota State University System Design Standards.

Prior experience with installation of chilled water plants of similar size is required.

Engineer selected must have personnel assigned to the project with sufficient construction experience to verify that the work is in accordance with the contract documents. Engineer will be required to assist the University in obtaining permits and regulatory approvals.

ENGINEERING FEE: To be negotiated.

UNIVERSITY CONTACT:

Eugene Gilchrist
Vice President for Administration
Administrative Services Building, Room 205
St. Cloud State University
720 Fourth Avenue South
St. Cloud, Minnesota 56301-4498
(612) 255-2286

STATE UNIVERSITY SYSTEM CONTACT:

David Hardin
Director of Facilities Management
Minnesota State University System
555 Park Street, Suite 230
St. Paul, Minnesota 55103
(612) 296-6624

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Minnesota State Lottery

Request for Bids for Promotional Merchandise

The Minnesota State Lottery will purchase a variety of promotional items for purposes of marketing lottery games. Those items will be purchased under provisions of *Minnesota Statutes 349A.07* which states in part:

"The director shall utilize an open bid process and shall take into account the particularly sensitive nature of the state lottery and shall consider the competence, quality of product, experience, and timely performance of each potential vendor in order to promote and ensure security, honesty, fairness, and integrity and the operation and administration of the lottery."

Since time frames of these purchases will often be extremely constrained, the Lottery will establish a list of vendors willing to deliver specific items or groups of items. Invitations to bid on specific items will then be mailed to these vendors and responses mailed directly to the Lottery offices in Roseville.

Companies interested in being included on the Minnesota State Lottery vendor list for promotional merchandise should submit: business name, address, contact person, phone number, fax number, and brief description of your product line.

All responses should be sent to: Susie Kivi, Minnesota State Lottery, 2645 Long Lake Road, Roseville, Minnesota 55113. Vendors may request their names and product lines be added to the list at anytime.

Department of Natural Resources

Request for Proposals for Prairie Restoration

NOTICE IS HEREBY GIVEN that the Scientific and Natural Areas Program (SNA) is requesting proposals for ecological restoration of old field areas to native prairie on sites throughout Minnesota. The restoration includes twenty-five formerly cultivated fields totaling 370 acres at seven SNAs. The project goal is to attempt to return the converted fields to a state as close to their pre-settlement condition as possible. If interested in submitting a proposal, the full Request for Proposals (RFP) is available upon request from the Scientific and Natural Areas Program at 612-296-1324. Questions will be answered by Tim Marion at that number.

Information for Health Care Services

Health Care Facilities Directory

Lists of all Minnesota licensed and certified health care facilities. Statistical data tables and listings organized alphabetically by county, town and facility. Features hospitals, nursing homes, boarding homes, outpatient care, hospice and more. 213 pp. plus index. 1-89 SR \$18.95

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Minnesota Center for Health Statistics, published August 1992. Tables, diagrams outlining vital statistics for live births, induced abortions, fertility, infant and general mortality, marriage, divorce and population. 142 pp. 10-16SR \$15.00

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Non-State Public Bids, Contracts & Grants

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

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

City of St. Paul

Housing and Redevelopment Authority

Notice of Request for Professional Economic Development Services of an Amphitheater Consultant

The Housing and Redevelopment Authority of the City of Saint Paul (HRA) is currently requesting proposals from qualified applicants to perform professional economic development services related to the proposed amphitheater facility to be located in the Saint Paul Riverfront Area. Successful proposers will be required to determine how the project's potential for significant economic benefits can be translated into positive business impacts on the adjacent business districts; and to evaluate and summarize the costs and benefits from the proposed amphitheater project.

A preproposal conference will be held on October 5, 1994 at 11:00 a.m. in Room 1503, City Hall Annex, 25 West Fourth Street, Saint Paul, MN 55102.

Proposals must be submitted on or before 2:00 p.m. Wednesday, October 19, 1994 in the Joint Purchasing Office, Room 280 City Hall/Court House, 15 W. Kellogg Blvd., Saint Paul, MN 55102. Proposal forms and specifications are available at no-charge at the Joint Purchasing Office, 266-8900.

For questions please contact: Susan Feuerherm, Value Analyst I, 266-8908.

Minnesota Health Data Institute

Minnesota Institute for Community Health Information

Notice of Request for Proposals for Health Care Data Privacy Consulting Services

The Minnesota Health Data Institute seeks a consultant to assist its Ethics and Confidentiality Committee to develop and implement policies, including potential legislative strategies and proposals, relating to personal privacy protection and the appropriate access to, and disclosure of, health care data collected to support health care reform in Minnesota. The consultant will work with the committee, composed of interest group leaders and technical experts, to complete the following tasks by December 1, 1994: 1) review and analyze existing privacy/confidentiality policies, practices, guiding principles, and applicable laws; and 2) develop recommended policies and proposed legislative actions needed to achieve the goals of the committee. The consultant will also be available through early 1995 to assist in presenting committee proposals to the legislature and other groups as needed. Consultant should have demonstrated experience and skills to assist in carrying out neutral, objective, nonpartisan policy analysis; knowledge of health care data privacy, confidentiality, access, and disclosure issues; technical knowledge of health information systems and electronic data interchange; knowledge of legislative process; and ability to work with diverse groups under tight time frames and high public visibility.

Details are contained in a request for proposals that may be obtained by contacting:

Maria Haack
Minnesota Health Data Institute/MICHI
Piper Jaffray Plaza, Suite 910
444 Cedar Street
St. Paul, MN 55101
(612) 228-4373 (v) - (612) 222-4209 (f)

Proposals are due by 4:30 p.m. on Thursday, October 6, 1994

Statement of Ownership, Management and Circulation



**Statement of Ownership,
Management and
Circulation**
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New county population projections, based upon a 10 year study by the State Demographer's Office, are presented in this publication. This report contains a description of population trends with 15 maps and 106 tables projecting populations for Minnesota's 87 counties, its regions, metropolitan and non-metropolitan areas. Learn which counties will be most affected by aging trends, which are projected to have the largest gain, and much more. 124pp. (1993) Stock No. 7-20 \$19.95

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The final report and recommendations of a Steering Committee assigned the task of developing a long-range plan for locating state agency office sites is now available. Months of planning workshops, questionnaires and research led to this plan which concentrates agency development in St. Paul, near the capitol and consolidation of regional sites throughout the state. Includes diagrams and sketches for proposed building sites, a review of transportation and infrastructure concerns, and much more. 97pp. Spiral bound.
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