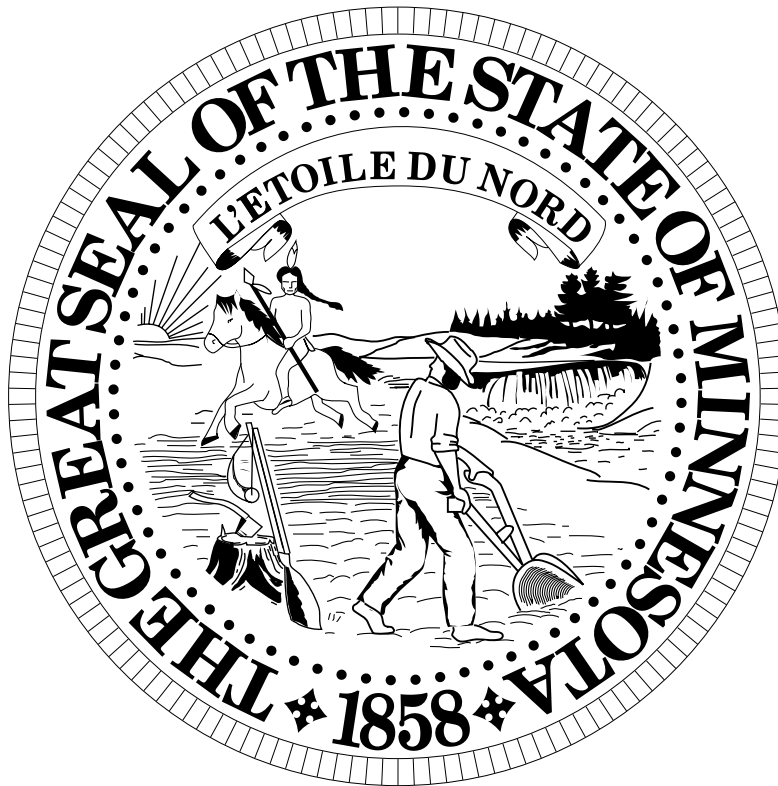


State of Minnesota

# State Register

Rules and Official Notices Edition



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Monday 30 April 2001  
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# State Register

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

The *State Register* is the official publication of the State of Minnesota, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes* § 14.46. The *State Register* contains:

- proposed, adopted, exempt, expedited emergency and withdrawn rules
- executive orders of the governor
- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
- official notices
- state grants and loans
- contracts for professional, technical and consulting services
- non-state public bids, contracts and grants
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#44	Monday 30 April	Noon Wednesday 18 April	Noon Tuesday 24 April
#45	Monday 7 May	Noon Wednesday 25 April	Noon Tuesday 1 May
#46	Monday 14 May	Noon Wednesday 2 May	Noon Tuesday 8 May
#47	Monday 21 May	Noon Wednesday 9 May	Noon Tuesday 15 May

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**Website:** [www.senate.leg.state.mn.us/departments/secretary/seninfo.htm](http://www.senate.leg.state.mn.us/departments/secretary/seninfo.htm)

House Information Office (651) 296-2146

State Office Building, Room 175, 100 Constitution Ave., St. Paul, MN 55155

**Website:** [www.house.leg.state.mn.us/hinfo/hinfo.htm](http://www.house.leg.state.mn.us/hinfo/hinfo.htm)

## Minnesota State Court System

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Minnesota Judicial Center, Room 135, 25 Constitution Ave., St. Paul, MN 55155

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# Minnesota Rules: Amendments and Additions

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 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. The current 1999 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a 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 most current edition of 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 issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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# Proposed Rules

## Comments on Planned Rules or Rule Amendments

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

## Rules to be Adopted After a Hearing

After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

## Rules to be Adopted Without a Hearing

Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. 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*.

## Department of Agriculture Laboratory Services Division Grain and Produce Division

### Proposed Permanent Rules Relating to Seed Testing Fees and Christmas Trees

#### NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

#### Proposed Repeal of Rules Governing Charges under the Minnesota Seed Law for Service Testing and Identification; Repeal of *Minnesota Rules* 1510.0281 Subp. 5; and Rules Governing Grading of Christmas Trees; *Minnesota Rules* 1560.0100 through 1560.1600

**Introduction.** The Department of Agriculture intends to repeal rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. You have 30 days to submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules.

**Agency 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 W Plato Blvd., St. Paul, MN 55107; **phone:** (651) 296-6906; **fax:** (651) 297-5522; **email:** [carol.milligan@state.mn.us](mailto:carol.milligan@state.mn.us). **TTY:** users may call the Minnesota Relay at (800) 627-3529.

**Subject of Rules and Statutory Authority.** The proposed rules are about repealing obsolete Christmas tree standards and repealing rules that set the fee for laboratory services for seed identity and purity analyses. The fee repeal will allow the department to recover the cost of the laboratory analysis under *Minnesota Statutes* 16A.1283(b). The Statutory authority to repeal the rule governing grading of Christmas trees is *Minnesota Statutes*, sections 27.14. The Statutory authority to repeal the rule governing charges under the Minnesota Seed Law is *Minnesota Statutes*, sections 21.85, subd. 11, and 21.89. 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., on May 30, 2001** to submit written comment in support of or in opposition to the proposed repeal and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed repeal addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed repeal must also be made during this comment period.

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

## Proposed Rules

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**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rule repeal. 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 May 30, 2001**. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed repeal to which you object or state that you oppose the entire rule repeal. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rule repeal.

**Withdrawal of Requests.** 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 enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to affect the withdrawal, and ask for written comments on this action. 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 repeal may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rules may not be substantially different than the proposed rule repeal. If the proposed repeal affects you in any way, you are encouraged to participate in the rulemaking process.

**Statement of Need and Reasonableness.** A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rule repeal, including a description of who will be affected by the proposed repeal and an estimate of the probable cost of the proposed repeal. Copies of the statement may be obtained at the cost of reproduction from the agency.

**Adoption and Review of Rules.** If no hearing is required, the agency may adopt the rule repeal after the end of the comment period. The rule repeal and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the repeal is submitted to the office. If you want to be so notified, or want to receive a copy of the adopted repeal, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Date: 6 April 2001

Sharon Clark  
Deputy Commissioner

**REPEALER.** *Minnesota Rules*, parts 1510.0281, subpart 5; 1560.0100; 1560.0200; 1560.0300; 1560.0400; 1560.0500; 1560.0600; 1560.0700; 1560.0800; 1560.0900; 1560.1000; 1560.1100; 1560.1200; 1560.1300; 1560.1400; 1560.1500; and 1560.1600, are repealed.

## Secretary of State

### Proposed Expedited Permanent Rules Relating to Revised Article 9 of the Uniform Commercial Code

#### NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Proposed Rules Governing the Establishment and Operation of the Central Filing System for the Uniform Commercial Code, Article 9, *Minnesota Statutes*, sections 336.9-501 to 336.9-530 and 336.9-701 to 336.9-709, to be coded as *Minnesota Rules*, 8280.0010 to 8280.0480.

**Introduction.** The Office of the Secretary of State of Minnesota intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, section 14.389. You have 30 days to submit written comments on the proposed rules.

Under *Laws 2000*, chapter 399, section 139, the Office of the Secretary of State may adopt rules to provide for the establishment and operation of the central filing system established by the Uniform Commercial Code, Article 9, *Minnesota Laws 2000*, chapter 399.

**Agency Contact Person.** Comments or questions on the rule amendments must be submitted to the agency contact person. The agency contact person is: Bonita B. Harvieux at the Office of the Secretary of State, 180 State Office Building, 100 Constitution Avenue, St. Paul MN 55155-1299, **phone:** (651) 296-9232, **fax:** (651) 297-5844, and **email:** [bonita.b.harvieux@state.mn.us](mailto:bonita.b.harvieux@state.mn.us). **TTY:** users may call (800) 627-3592 and ask for the Office of the Secretary of State.

**Subject of Rules and Rule Authority.** The statutory authority to adopt these rules pertaining to the establishment and operation of the central filing system under the Uniform Commercial Code, Article 9 is *Minnesota Laws 2000*, chapter 399, section 139. Section 139 provides the following: "... The secretary of state may also adopt expedited rules governing the establishment and operation of the central filing system under *Minnesota Statutes*, sections 336.9-501 to 336.9-530 and 336.9-701 to 336.9-709, pursuant to section 14.389...."

Based upon this legislative authority, the Office of the Secretary of State is now proposing a comprehensive set of rules to govern the establishment and operations of the central filing system. These rules are based upon the Model Administrative Rules drafted and adopted by the International Association of Corporation Administrators as a nationwide guide to the establishment and operation of Uniform Commercial Code Article 9 filing systems. The Model Rules have been conformed to fit the Minnesota Article 9 central filing system model, which differs somewhat from the national norm, particularly in the area of satellite office.

The rules provide for the:

1. acceptance, recording, refusal, acknowledgment and other treatment of filings under Article 9;
2. data entry and automation of information contained in Article 9 records into the database of the central filing system;
3. treatment of that information in the database after entry and upon receiving information requests from the public;
4. fulfillment of information requests and the content of information request responses;
5. handling and disposition of fees paid to the central filing system;
6. creation of procedures for filing records and initiating information requests by remote means;
7. retention of data and images in the central filing system; and
8. creation of reports other than information requests.

A copy of the proposed rules is printed in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. on Wednesday, May 30, 2001 to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the section being amended and the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rule must also be made during this comment period.

**Alternative Format/Accommodation.** Upon request, this Notice can be made available in alternative format, such as large print, Braille or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The proposed rule amendments may be modified by the Office of the Secretary of State as a result of public comment. The modifications must be supported by comments and information submitted to the Office of the Secretary of State and the adopted rules may not be substantially different than these proposed rules as defined in section 14.05, subdivision 2, paragraphs (b) and (c). If the final rule is identical to the rule originally published in the *State Register*, the Office of the Secretary of State will publish a notice of adoption in the *State Register*. If the final rule is different from the rule originally published in the *State Register*, the Office of the Secretary of State must publish a copy of the changes in the *State Register*. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

**Adoption and Review of the Proposed Rules.** The Office of the Secretary of State may adopt the proposed rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the amended rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Dated: 13 April 2001

Mary Kiffmeyer,  
Secretary of State

<p><b>KEY: PROPOSED RULES SECTION</b> — <u>Underlining</u> indicates additions to existing rule language. <del>Strike outs</del> indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." <b>ADOPTED RULES SECTION</b> — <u>Underlining</u> indicates additions to proposed rule language. <del>Strike outs</del> indicate deletions from proposed rule language.</p>
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## GENERAL PROVISIONS

### **8280.0010 PURPOSE.**

Subpart 1. Title. This chapter may be referred to as the Revised Article 9 (Year 2000 revision) Rules.

Subp. 2. Characterization of duties of filing officer. The duties and responsibilities of the filing officer with respect to the administration of the Uniform Commercial Code are ministerial. In accepting for filing or refusing to file a financing statement pursuant to this chapter, the filing officer does not:

- A. determine the legal sufficiency or insufficiency of a document;
- B. determine that a security interest in collateral exists or does not exist;
- C. determine that information in the document is correct or incorrect, in whole or in part; or
- D. create a presumption that information in the document is correct or incorrect, in whole or in part.

Subp. 3. Effective date; application. This chapter is effective with respect to financing statements filed on or after July 1, 2001, and to predecessor filings in effect immediately before that date.

### **8280.0015 DEFINITIONS.**

Subpart 1. Scope. The terms used in this chapter have the meanings given them in this part.

Subp. 2. Amendment. "Amendment" has the meaning given it in *Minnesota Statutes*, sections 336.9-512 and 336.9-521.

Subp. 3. Business day. "Business day" means the 24-hour period from the hour and minute of the event described in the section in which the phrase business day is used to the same hour and minute on the next day on which business is conducted in the office in which the event is occurring. This definition is used in measuring whether certain timelines under *Minnesota Statutes*, sections 336.9-501 to 336.9-530, and this chapter have been met and does not refer to the hours of operation.

Subp. 4. Correction statement. "Correction statement" means a record that indicates under *Minnesota Statutes*, section 336.9-518, that a financing statement is inaccurate or wrongfully filed.

Subp. 5. Data. "Data" means the information contained in a financing statement or supplemental information added by the filing office in association with a financing statement.

Subp. 6. Day. "Day" has the same meaning as "business day."

Subp. 7. Electronic transmission. "Electronic transmission" means any method accepted by the secretary of state for the transmission by electronic format of financing statements, requests for information ("searches"), or associated information.

Subp. 8. File number. "File number" means, for a financing statement with an initial financing statement filed on or after July 1, 2001, or which has been converted to digital format on or before that date, a number that includes the year of filing expressed as the first four digits of a unique number assigned to the financing statement by the filing office and a one-digit verification number, to be referred to as a check digit, assigned by the filing office but algorithmically derived from other numbers in the file number. The filing number bears no relation to the time of filing and is not an indicator of priority.

Subp. 9. Filer. "Filer" means a person providing information used in a Uniform Commercial Code record or information request.

Subp. 10. Filing office or filing officer. "Filing office" or "filing officer" means the office of the secretary of state, except as provided in *Minnesota Statutes*, section 336.9-501, subsection (a)(1). Satellite offices are agents of the secretary of state, and all rules applicable to the secretary of state apply to satellite offices, except for part 8280.0480 and those portions of other rules in this chapter relating to the form of submission of fees.

Subp. 11. Financing statement. "Financing statement" has the meaning in *Minnesota Statutes*, section 336.9-102, subsection (a)(39). Financing statement shall not be deemed to refer exclusively to paper or paper-based writings. Financing statements may be expressed or transmitted electronically or through media other than paper writings.

Subp. 12. Global filing. "Global filing" means a financing statement filed by a secured party for the purpose of amending more than one financing statement, for one or both of the following purposes:

- A. an amendment to change secured party name; or
- B. an amendment to change secured party address.

Subp. 13. Image. "Image" means the image of a financing statement as stored in the Uniform Commercial Code information management system.

Subp. 14. Individual. "Individual" means a human being, or a decedent in the case of a debtor that is the decedent's estate.

Subp. 15. Initial financing statement. "Initial financing statement" means a financing statement containing the information required by *Minnesota Statutes*, section 336.9-502, which, when filed, creates the initial record in the Uniform Commercial Code information management system.



**Subp. 16. Lapse date.** “Lapse date” means the same date of the same month in the fifth year after filing, or in the relevant subsequent fifth anniversary if a timely continuation statement is filed under part 8280.0080, subpart 1, item E, as the original filing date. If the initial financing statement indicates that it is filed with respect to a public finance transaction or a manufactured home transaction, the lapse date is the same date of the same month in the 30th year after filing as the original filing date. The lapse takes effect at midnight at the end of the lapse date. The relevant anniversary for a February 29 filing date is March 1 in the fifth year following the year of the filing date. A lapse date is calculated for each initial financing statement unless the debtor is indicated to be a transmitting utility.

**Subp. 17. Legible.** “Legible” means a communication which may be understood. It is not limited to refer only to written expressions on paper: it requires a machine-readable transmission for electronic transmissions and an otherwise readily decipherable transmission in other cases.

**Subp. 18. Online access.** “Online access” means access to the Uniform Commercial Code information management system and those programs associated with the viewing, searching, and remote filing functions of the Uniform Commercial Code information management system by a remote data connection.

**Subp. 19. Organic document.** “Organic document” means the document establishing a trust.

**Subp. 20. Organizational number.** “Organizational number” means the identifying number issued to an entity upon the formation of that entity by the filing office in the jurisdiction of formation.

**Subp. 21. Secured party of record.** “Secured party of record” has the meaning given it in *Minnesota Statutes*, section 336.9-511, subsection (a).

**Subp. 22. Submitter.** “Submitter” means a person who presents or causes the presentation of a financing statement or information request to the filing officer for filing or response, and includes a service provider who acts as a filer’s representative in the filing or information request process but does not include a person responsible merely for the delivery of the document to the filing office, such as the postal service or a courier service.

**Subp. 23. Through date.** “Through date” means the latest date and time for which all records have been entered into the Uniform Commercial Code information management system.

**Subp. 24. UCC.** “UCC” means the Uniform Commercial Code as enacted in this state and in effect from time to time.

**Subp. 25. UCC information management system.** “UCC information management system” means the integrated data and imaging system maintained by the secretary of state under *Minnesota Statutes*, section 336.9-529.

#### **8280.0020 ESTABLISHING DATE AND TIME OF FILING.**

**Subpart 1. Generally.** The date and time of filing for a financing statement is determined under this part depending on the method of delivery.

**Subp. 2. Personal, courier, or postal delivery.** The time of filing for a financing statement delivered by personal delivery, courier delivery, or postal service delivery at the filing office is the earlier of the time the financing statement is accepted for filing or the next close of office hours following the time of delivery.

**Subp. 3. Electronic delivery.** The time of filing for a financing statement delivered after July 1, 2001, by electronic mail or telecopier delivery to the filing office’s electronic mail address or the filing office’s fax filing telephone number is, notwithstanding the time of delivery, the earlier of the time the financing statement is accepted for filing or the next close of office hours following the time of delivery.

**Subp. 4. Web page data entry delivery.** Financing statements may be entered on-line after July 1, 2002, as described in part 8280.0270. The time of filing of a financing statement delivered by Web page data entry is the time that the financing statement has been accepted by the filing office computer system for filing and at which that acceptance is acknowledged by that system and the data is confirmed by the submitter.

#### **8280.0030 INFORMATION REQUEST DELIVERY.**

UCC information requests may be delivered to the filing office by any of the means by which financing statements may be delivered to the filing office. Requirements concerning information requests are set forth in part 8280.0430.

UCC information requests on a debtor named on an initial financing statement may be made by an appropriate indication on the face of the initial financing statement form if the relevant fee is also tendered with the initial financing statement.

<p><b>KEY: PROPOSED RULES SECTION</b> — <u>Underlining</u> indicates additions to existing rule language. <del>Strike outs</del> indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” <b>ADOPTED RULES SECTION</b> — <u>Underlining</u> indicates additions to proposed rule language. <del>Strike outs</del> indicate deletions from proposed rule language.</p>
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# Proposed Rules

## 8280.0040 FORMS.

**Subpart 1. Required forms.** Only the national forms approved by the National Conference of Commissioners on Uniform State Laws or the International Association of Corporation Administrators will be accepted for filing. These forms are reproduced in subparts 2 to 5.

**Subp. 2. UCC Financing Statement.** This subpart contains the Uniform Commercial Code Financing Statement form.

**UCC FINANCING STATEMENT**  
 FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER (optional)

B. SEND ACKNOWLEDGMENT TO: (Name and Address)

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1. DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (1a or 1b) - do not abbreviate or combine names

1a. ORGANIZATION'S NAME

OR

1b. INDIVIDUAL'S LAST NAME      FIRST NAME      MIDDLE NAME      SUFFIX

1c. MAILING ADDRESS      CITY      STATE      POSTAL CODE      COUNTRY

1d. TAX ID #    SSN OR EIN    ADDL. INFO RE ORGANIZATION DEBTOR    1e. TYPE OF ORGANIZATION    1f. JURISDICTION OF ORGANIZATION    1g. ORGANIZATIONAL ID #, if any

NONE

2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (2a or 2b) - do not abbreviate or combine names

2a. ORGANIZATION'S NAME

OR

2b. INDIVIDUAL'S LAST NAME      FIRST NAME      MIDDLE NAME      SUFFIX

2c. MAILING ADDRESS      CITY      STATE      POSTAL CODE      COUNTRY

2d. TAX ID #    SSN OR EIN    ADDL. INFO RE ORGANIZATION DEBTOR    2e. TYPE OF ORGANIZATION    2f. JURISDICTION OF ORGANIZATION    2g. ORGANIZATIONAL ID #, if any

NONE

3. SECURED PARTY'S NAME (or NAME of TOTAL ASSIGNEE if ASSIGNOR S/P) - insert only one secured party name (3a or 3b)

3a. ORGANIZATION'S NAME

OR

3b. INDIVIDUAL'S LAST NAME      FIRST NAME      MIDDLE NAME      SUFFIX

3c. MAILING ADDRESS      CITY      STATE      POSTAL CODE      COUNTRY

4. This FINANCING STATEMENT covers the following collateral:

5. ALTERNATIVE DESIGNATION (if applicable)    LESSEE/LESSOR    CONSIGNEE/CONSIGNOR    SALES/BAILOR    SELLER/BUYER    AG. LICEN    NONAFFILIATING

6. THIS FINANCING STATEMENT IS TO BE FILED (or RECORDED) IN THE PUBLIC RECORDS    7. CHECK TO REQUEST SEARCH REPORT (or DEBITOR'S INFORMATION FEE)

8. OPTIONAL FILER REFERENCE DATA    All Debtors    Debtor 1    Debtor 2

FILING OFFICE COPY — NATIONAL UCC FINANCING STATEMENT (FORM UCC1) (REV. 07/2008)

Subp. 3. UCC Financing Statement Addendum. This subpart contains the Uniform Commercial Code Financing Statement Addendum form.

**UCC FINANCING STATEMENT ADDENDUM**  
 FOLLOW INSTRUCTIONS (front and back) CAREFULLY

9. NAME OF FIRST DEBTOR (1a or 1b) ON RELATED FINANCING STATEMENT

1a. ORGANIZATION'S NAME

OR

1b. INDIVIDUAL'S LAST NAME      FIRST NAME      MIDDLE NAME, SUFFIX

10. MISCELLANEOUS

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

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11. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - insert only org name (11a or 11b) - do not abbreviate or combine names

11a. ORGANIZATION'S NAME

OR

11b. INDIVIDUAL'S LAST NAME      FIRST NAME      MIDDLE NAME      SUFFIX

11c. MAILING ADDRESS      CITY      STATE      POSTAL CODE      COUNTRY

11d. TAX ID #    SSN OR EIN    ADDL INFO RE ORGANIZATION DEBTOR    11e. TYPE OF ORGANIZATION    11f. JURISDICTION OF ORGANIZATION    11g. ORGANIZATIONAL ID #, if any     NONE

12.  ADDITIONAL SECURED PARTY'S or  ASSIGNOR S/P'S NAME - insert only org name (12a or 12b)

12a. ORGANIZATION'S NAME

OR

12b. INDIVIDUAL'S LAST NAME      FIRST NAME      MIDDLE NAME      SUFFIX

12c. MAILING ADDRESS      CITY      STATE      POSTAL CODE      COUNTRY

13. This FINANCING STATEMENT covers  timber to be cut or  all-situated collateral, or is filed as a  fixture filing.

14. Description of real estate:

15. Name and address of a RECORD OWNER of above-described real estate (if Debtor does not have a record interest)

16. Additional collateral description:

17. Check only if applicable and check only one box.  
 Debtor is a  Trust or  Trustee acting with respect to property held in trust or  Decedent's Estate

18. Check only if applicable and check only one box.  
 Debtor is a TRANSMITTING UTILITY  
 Filed in connection with a Manufactured-home Transaction — effective 30 years  
 Filed in connection with a Public-Finance Transaction — effective 30 years

FILING OFFICE COPY — NATIONAL UCC FINANCING STATEMENT ADDENDUM (FORM UCC 1Ad) (REV. 07/28/98)

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

# Proposed Rules

Subp. 4. **UCC Financing Statement Amendment.** This subpart contains the Uniform Commercial Code Financing Statement Amendment form.

## UCC FINANCING STATEMENT AMENDMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER (optional)

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B. SEND ACKNOWLEDGMENT TO: (Name and Address)

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

5a. INITIAL FINANCING STATEMENT FILE # \_\_\_\_\_

5b. The FINANCING STATEMENT AMENDMENT is to be filed (for record) (or recorded) in the  REAL ESTATE RECORDS

2.  **TERMINATION:** Effectiveness of the Financing Statement identified above is terminated with respect to security interest(s) of the Secured Party authorizing this Termination Statement.

3.  **CONTINUATION:** Effectiveness of the Financing Statement identified above with respect to security interest(s) of the Secured Party authorizing this Continuation Statement is continued for the additional period provided by applicable law.

4.  **ASSIGNMENT (full or partial):** Give name of assignee in item 7a or 7b and address of assignee in item 7c; and also give name of assignor in item 9.

5. **AMENDMENT (PARTY INFORMATION):** This Amendment affects:  Debtor or  Secured Party of record. Check only one of these two boxes.

Also check one of the following three boxes and provide appropriate information in items 6 and/or 7.

**CHANGE** name and/or address. Give current record name in item 6a or 6b; also give new name (if name changes) in item 7a or 7b and/or new address of address changed in item 7c.

**DELETE** name. Give record name to be deleted in item 6a or 6b.

**ADD** name. Complete item 7a or 7b, and also item 7c, and complete items 7d, 7e (if applicable).

6. **CURRENT RECORD INFORMATION**

6a. ORGANIZATION'S NAME \_\_\_\_\_

OR

6b. INDIVIDUAL'S LAST NAME \_\_\_\_\_ FIRST NAME \_\_\_\_\_ MIDDLE NAME \_\_\_\_\_ SUFFIX \_\_\_\_\_

7. **CHANGED (NEW) OR ADDED INFORMATION:**

7a. ORGANIZATION'S NAME \_\_\_\_\_

OR

7b. INDIVIDUAL'S LAST NAME \_\_\_\_\_ FIRST NAME \_\_\_\_\_ MIDDLE NAME \_\_\_\_\_ SUFFIX \_\_\_\_\_

7c. MAILING ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ POSTAL CODE \_\_\_\_\_ COUNTRY \_\_\_\_\_

7d. TAX ID # SSN OR EIN \_\_\_\_\_ ADDL INFO RE ORGANIZATION DEBTOR \_\_\_\_\_ 7e. TYPE OF ORGANIZATION \_\_\_\_\_ 7f. JURISDICTION OF ORGANIZATION \_\_\_\_\_ 7g. ORGANIZATIONAL ID #, if any \_\_\_\_\_  NONE

8. **AMENDMENT (COLLATERAL CHANGE):** check only one box.

Describe collateral  deleted or  added, or give entire  stated collateral description, or describe collateral  assigned.

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9. **NAME OF SECURED PARTY OF RECORD AUTHORIZING THIS AMENDMENT** (name of assignor, if this is an Assignment). If this is an Amendment authorized by a Debtor which adds collateral or adds the authorizing Debtor, or if this is a Termination authorized by a Debtor, check here  and enter name of DEBTOR authorizing this Amendment.

9a. ORGANIZATION'S NAME \_\_\_\_\_

OR

9b. INDIVIDUAL'S LAST NAME \_\_\_\_\_ FIRST NAME \_\_\_\_\_ MIDDLE NAME \_\_\_\_\_ SUFFIX \_\_\_\_\_

10. OPTIONAL FILER REFERENCE DATA \_\_\_\_\_

FILING OFFICE COPY — NATIONAL UCC FINANCING STATEMENT AMENDMENT (FORM UCC3) (REV. 07/29/98)

Subp. 5. UCC Financing Statement Amendment Addendum. This subpart contains the Uniform Commercial Code Financing Statement Amendment Addendum form.

<b>UCC FINANCING STATEMENT AMENDMENT ADDENDUM</b>			
FOLLOW INSTRUCTIONS (front and back) CAREFULLY			
11. INITIAL FINANCING STATEMENT FILE # (same as item 10 on Amendment form)			
12. NAME OF PARTY AUTHORIZING THIS AMENDMENT (same as item 9 on Amendment form)			
12a. ORGANIZATION'S NAME			
OR			
12b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME, SUFFIX	
13. Use this space for additional information			
THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY			

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FILING OFFICE COPY — NATIONAL UCC FINANCING STATEMENT AMENDMENT ADDENDUM (FORM UCC3A6) (REV. 07/28/98)

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

## Proposed Rules

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Subp. 6. Real property filings. Any financing statement or record that does not indicate on its face that it is to be filed as a fixture filing in the real property records is filed only as a financing statement and is not filed or recorded in the real property records.

### **8280.0050 UNDERPAYMENT POLICIES.**

On receipt of a document with an insufficient fee, the filing officer must return the financing statement to the submitter as provided in part 8280.0090. A refund of a partial payment may be included with the document or delivered under separate cover.

### **8280.0060 FEES FOR PUBLIC RECORDS SERVICES.**

The secretary of state will charge fees for providing copies, data, or access as provided in the schedule of fees established by the office of the secretary of state under *Minnesota Statutes*.

## ACCEPTANCE AND REFUSAL OF DOCUMENTS

### **8280.0070 DUTY TO FILE.**

A financing statement is filed at the time provided in part 8280.0020; provided that there is no ground to refuse acceptance of the financing statement under part 8280.0080.

### **8280.0080 GROUNDS FOR REFUSAL OF FINANCING STATEMENT.**

Subpart 1. Generally. The grounds in items A to G are the sole grounds for the filing officer's refusal to accept a financing statement for filing.

A. A financing statement that adds a debtor must be refused if:

(1) the document fails to include a legible debtor name and address for a debtor, in the case of an initial financing statement; or

(2) the document fails to include a legible debtor name and address for the debtor being added in the case of an amendment.

If the document contains more than one debtor name or address and some names and/or addresses are missing or illegible, the filing officer must index the legible name and address pairings, and provide a notice to the submitter containing the file number of the document, identification of the debtor name or names that were indexed, and a statement that debtors with illegible or missing names or addresses were not indexed.

B. An initial financing statement or an amendment adding one or more debtors must be refused:

(1) if the document fails to identify whether each named debtor or each added debtor in the case of an amendment is an individual or an organization;

(2) if the last name of each individual debtor is not identified; or

(3) if, for each debtor identified as an organization, the document does not include in legible form the organization's type, state of organization and organization number, or a statement that it does not have an organization number.

C. An initial financing statement, an amendment purporting to add a secured party of record, or an assignment must be refused if the document fails to include a legible secured party, or assignee in the case of an assignment, name and address. If the document contains more than one secured party, or assignee, name or address and some names or addresses are missing or illegible, the filing officer must index the legible name and address pairings, and provide notice to the submitter containing the file number of the document, identification of the secured party, or assignee, names that were indexed, and a statement that secured parties with illegible or missing names or addresses were not indexed.

D. A financing statement other than an initial financing statement must be refused if the document does not provide a file number of a financing statement in the UCC information management system that has not lapsed, or, until June 30, 2006, a number associated with a Uniform Commercial Code filing made in this state before June 30, 2001.

E. A continuation must be refused if it is not received during the continuation period concluding on the day on which the financing statement would lapse.

(1) The first day on which a continuation may be filed is the date of the month corresponding to the date on which the financing statement would lapse, six months preceding the month in which the financing statement would lapse. If there is no corresponding date during the sixth month preceding the month in which the financing statement would lapse, the first day on which a continuation may be filed is the last day of the sixth month preceding the month in which the financing statement would lapse, although filing by certain means may not be possible on the date if the filing office is not open on that date.

(2) The last day on which a continuation may be filed is the date on which the financing statement lapses.

F. A financing statement must be refused if less than the full filing fee is provided for the document.

G. Financing statements sent to the filing office by a means of communication not authorized must be refused.

**Subp. 2. Examples of defects that do not constitute grounds for refusal.** The sole grounds for the filing officer's refusal to accept a financing statement for filing are enumerated in subpart 1. The following are examples of defects that do not constitute grounds for refusal to accept a document. They are not a comprehensive enumeration of defects outside the scope of permitted grounds for refusal to accept a financing statement for filing.

A. The financing statement contains or appears to contain a misspelling or other apparently erroneous information.

B. (1) The financing statement identifies or appears to identify a debtor incorrectly.

(2) The financing statement identifies or appears to identify a secured party or a secured party of record incorrectly.

(3) The financing statement uses or appears to use abbreviations to identify any party.

C. The financing statement contains additional or extraneous information of any kind.

D. The financing statement contains less than the information required by Article 9 of the UCC, provided that the document contains the information required by subpart 1 to avoid refusal.

E. The financing statement incorrectly identifies collateral, or contains an illegible or unintelligible description of collateral, or appears to contain no description.

F. The financing statement is accompanied by funds in excess of the full filing fee.

G. The financing statement does not include a choice of item in box 5, alternative designation, of the National UCC Financing Statement.

H. The financing statement bears no signatures.

I. The financing statement bears a name in the wrong box.

J. The financing statement does not include a completed send acknowledgment to, box B.

K. The financing statement is both a filing and a search request, and is accompanied by fees sufficient for the filing but not for both the filing and the search request, in which case the filing officer must file the financing statement and request additional fees sufficient to cover the search request.

L. The financing statement does not include the information requested in box 1d, identification number, of the National UCC Financing Statement or box 7d, identification number, of the National UCC Financing Statement Amendment.

#### **8280.0090 PROCEDURE UPON REFUSAL.**

If the filing officer finds grounds under part 8280.0110 to refuse acceptance of a financing statement, the filing officer must return an image of the document to the submitter and must refund the filing fee upon request. The filing office must provide notice containing a brief description of the reason for refusal to accept the document under part 8280.0080. The notice must be provided to a secured party or the submitter as provided in parts 8280.0300, item E, or 8280.0310, item E. A refund may be delivered with the notice or under separate cover. The notice must be provided no later than the second business day after the determination to refuse the document.

#### **8280.0100 ACKNOWLEDGMENT.**

At the request of a filer or submitter who files a written financing statement, the filing officer must provide to the filer or submitter an image of the record of the financing statement showing the file number assigned to it and the date and time of filing. For financing statements not filed in written form, the filing officer must communicate to the filer or submitter the information in the financing statement, the file number, and the date and time of filing.

#### **8280.0110 FILING OFFICER NOT RESPONSIBLE.**

The responsibility for the legal effectiveness of a financing statement rests with filers and submitters and the filing office bears no responsibility for effectiveness.

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

## Proposed Rules

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### **8280.0120 REFUSAL ERRORS.**

If the filing officer determines that a financing statement that was refused for filing should not have been refused under part 8280.0080, the filing officer will file the financing statement as provided in this chapter reflecting a date and time when filing should have occurred. The filing officer must also record a correction (and such demonstration of error shall constitute the secured party's authorization to the filing officer to do so) that states that the effective date and time of filing are the date and time the financing statement was originally tendered for filing and sets forth that date and time.

### **8280.0130 LIABILITY FOR INFORMATION ERRORS.**

The state, the secretary of state, counties, county recorders, filing officers, filing offices, and their employees and agents are immune from liability that occurs as a result of errors in or omissions from information provided from the UCC information management system or any other errors or omissions with respect to financing statement filings or search requests.

### **8280.0140 ADMINISTRATIVE DETERMINATIONS.**

Administrative determinations made in compliance with this chapter are not considered to be final agency actions for purposes of chapter 14.

## UCC INFORMATION MANAGEMENT SYSTEM

### **8280.0150 PRIMARY DATA ELEMENTS.**

The primary data elements used in the UCC information management system are contained in items A to F.

A. (1) Each initial financing statement is identified by its file number as defined in *Minnesota Statutes*, section 336.9-102. A file number for the initial financing statement is permanently associated with the record maintained in the UCC information management system. A record is created and maintained in the information management system for each financing statement.

(2) A financing statement other than an initial financing statement is identified by a unique file number assigned by the filing officer. In the UCC information management system, records of all financing statements other than initial financing statements are linked to the record of the related initial financing statement.

The sequence of the identification number is not an indication of the order in which the document was received.

B. The type of financing statement from which data is transferred is identified in the UCC information management system from information on the financing statement. The filing date and filing time of financing statements are stored in the UCC information management system.

C. The names and addresses of debtors and secured parties are entered from financing statements and records into the UCC information management system.

D. In the UCC information management system, each financing statement has a status of active or inactive. Active financing statements are those that are unexpired or that have expired within one year before the determination of status, except in the case of a financing statement filed against a transmitting utility that remains active until one year after it is terminated with respect to all secured parties of record. All other financing statements are inactive.

E. The total number of pages in a financing statement is maintained in the UCC information management system.

F. An indicator is maintained by which the UCC information management system identifies whether or not a financing statement will lapse and when it will lapse. The lapse date is determined as defined in *Minnesota Statutes*, section 336.9-102.

### **8280.0160 NAMES OF DEBTORS OR SECURED PARTIES WHO ARE INDIVIDUALS.**

When the name of a debtor or a secured party on a financing statement is that of an individual, items A to E apply.

A. The names of individuals are stored separately from the names of organizations. Separate fields are established for first, middle, and last names (surnames or family names) of individuals. The filing officer assumes no responsibility for the accurate designation of the components of a name but will enter the data according to the filer's designations as required by part 8280.0330.

B. Titles and prefixes, such as "doctor," "reverend," "Mr.," and "Ms.," must not be stored in the UCC information management system.

C. Titles or indications of status such as "M.D." and "esquire" must not be stored in the UCC information management system.

D. Suffixes, such as "senior," "junior," "I," "II," and "III" are stored in a field designated for name suffixes.

E. Personal name fields in the UCC information management system are fixed in length. Although filers should continue to provide full names on financing statements, a name that exceeds the fixed length is stored as presented to the filing officer, up to the maximum length of the field. The lengths of name fields are as follows:



- (1) first name, 50 characters;
- (2) middle name, 50 characters;
- (3) last name, 50 characters; and
- (4) suffix, six characters.

**8280.0170 NAMES OF DEBTORS OR SECURED PARTIES THAT ARE ORGANIZATIONS.**

A. The name of an organization that is a debtor or secured party on a financing statement is stored in a separate field from the names of individuals. A single field is used to store an organization name.

B. The organization name field in the UCC information management system is fixed in length. The maximum length is 150 characters. Although filers should continue to provide full names on their financing statements, a name that exceeds the fixed length is stored as presented to the filing officer, up to the maximum length of the field.

**8280.0180 ESTATES.**

Although estates are not natural persons, estate names are stored in the UCC information management system as if the decedent were the debtor under part 8280.0150.

**8280.0190 TRUSTS.**

If the trust is named in its organic document or documents, its full legal name, as set forth in the organic document or documents, is used. For the purposes of this chapter, trusts are treated as organizations. If the trust is not named, the name of the settlor is used. If a settlor or a trustee is indicated to be an organization, the name is stored as an organization name. If the settlor or trustee is an individual, the name is stored as an individual name.

**8280.0200 STATUS OF FINANCING STATEMENT.**

On the filing of an initial financing statement, the status of the parties and the status of the financing statement will be as provided in items A to C.

A. Each secured party named on a financing statement is a secured party of record, except that if the initial financing statement names an assignee, the secured party/assignor is not a secured party of record and the secured party/assignee is a secured party of record.

B. The status of a debtor named on the financing statement is active and continues as active until one year after the financing statement lapses.

C. The status of the financing statement is active. A lapse date must be calculated, five years from the filing date, unless the initial financing statement indicates that it is filed with respect to a public financing or manufactured home transaction, in which case the lapse date will be 30 years from the filing date, or if the initial financing statement indicates that it is filed against a transmitting utility, in which case there shall be no lapse date. A financing statement remains active until one year after it lapses, or if it is filed against a transmitting utility, until one year after it is terminated with respect to all secured parties of record.

**8280.0210 AMENDMENT.**

On the filing of an amendment, the status of the parties and the status of the financing statement will be as provided in items A and B.

A. An amendment affects the status of its debtor and secured party as follows:

(1) An amendment that amends only the collateral description or one or more addresses has no effect on the status of any debtor or secured party. If a statement of amendment is authorized by fewer than all of the secured parties or, in the case of an amendment that adds collateral, fewer than all of the debtors, the statement affects only the interests of each authorizing secured party or debtor.

(2) An amendment that changes a debtor's name has no effect on the status of any debtor or secured party, except that all financing statements that include an identification of an initial financing statement must be cross-indexed in the UCC information management system so that an information request made under either the debtor's old name or the debtor's new name will reveal the related financing statements. The statement of amendment affects only the rights of its authorizing secured party.

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

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(3) An amendment that changes the name of a secured party has no effect on the status of any debtor or any secured party, but the new name is added to the UCC information management system as if it were the name of a new secured party.

(4) An amendment that adds a new debtor name has no effect on the status of any party to the financing statement, except the new debtor name must be added as a new debtor in the UCC information management system. The addition will affect only the rights of the secured party or parties authorizing the statement of amendment.

(5) An amendment that adds a new secured party has no effect on the status of any party to the financing statement, except that the new secured party name must be added as a new secured party in the UCC information management system.

(6) An amendment that deletes a debtor has no effect on the status of any party in the UCC information management system, even if the amendment claims to delete all debtors.

(7) An amendment that deletes a secured party of record has no effect on the status of any party in the UCC information management system, even if the amendment claims to delete all secured parties of record.

B. An amendment has no effect on the status of the financing statement, except that a continuation extends the period of effectiveness of a financing statement.

### **8280.0220 ASSIGNMENT OF POWERS OF SECURED PARTY.**

Subpart 1. Status of parties. An assignment has no effect on the status of the parties to the financing statement, except that each assignee named in the assignment becomes a secured party.

Subp. 2. Status of financing statement. An assignment has no effect on the status of the financing statement.

### **8280.0230 CONTINUATION.**

Subpart 1. Term. On the timely filing of an amendment to continue a financing statement by any secured party of record, the active status of the financing statement must be extended for five years.

Subp. 2. Status of parties. The filing of an amendment to continue a financing statement has no effect upon the status of any party to the financing statement.

Subp. 3. Status of financing statement. On the filing of an amendment to continue a financing statement, the status of the financing statement remains active.

### **8280.0240 TERMINATION.**

Subpart 1. Status of parties. The filing of a termination has no effect on the status of any party to the financing statement.

Subp. 2. Status of financing statement. A termination has no effect on the status of the financing statement and the financing statement will remain active in the UCC information management system until one year after it lapses. However, if a termination relates to an initial financing statement that indicates it is filed against a transmitting utility, the financing statement becomes inactive one year after it is terminated with respect to all secured parties of record.

### **8280.0250 CORRECTION STATEMENT.**

Subpart 1. Status of parties. The filing of a correction statement has no effect on the status of any party to the financing statement.

Subp. 2. Status of financing statement. A correction statement has no effect upon the status of the financing statement.

### **8280.0260 PROCEDURE ON LAPSE.**

If an amendment to continue a financing statement is not timely filed under part 8280.0080, subpart 1, item E, a financing statement lapses on its lapse date but no action is taken by the filing officer at that time. On the first anniversary of the lapse date, the UCC information management system must change the financing statement's status to inactive and it must not be available to a person making an information request unless inactive financing statements are requested and are still available in the UCC information management system.

## WEB FILING AND INFORMATION REQUEST PROCEDURES

### **8280.0270 DOCUMENT FILING PROCEDURES.**

Subpart 1. Web site entry of information. The secretary of state may, starting July 1, 2002, provide on the Office of the Secretary of State Web site computer entry screens that allow the entry of information permitted on the national forms.

Subp. 2. Web site fee payments. The secretary must also provide on the Web site a method allowing for the payment of the applicable fees for the filing of the financing statement.

Subp. 3. **Web site document.** A document that is created by the filer or submitter in this part is filed pursuant to part 8280.0020, subpart 4, and is subject to this chapter as if it were a paper document submitted to the filing office.

Subp. 4. **Filing not accepted notice.** If the filer or submitter does not provide information and the absence of that information or the failure to tender the proper filing fee results in the occurrence of one of the grounds for refusal under part 8280.0080, subpart 1, a message indicating that the filing was not accepted and stating the reason for refusal must appear on the Web page from which the filer or submitter is attempting to file, pursuant to part 8280.0310, item E.

#### **8280.0280 INFORMATION REQUEST PROCEDURES.**

Starting July 1, 2002, the secretary of state may provide computer entry screens on the Office of the Secretary of State Web site that allow the entry of information required for a valid information request under part 8280.0430. The secretary may also provide on the Web site a method allowing for the payment of the applicable fees for the information request. An information request that is created in this manner is subject to this chapter as if it were submitted to the filing office on paper. If the filer or submitter does not provide information and the absence of that information or the failure to tender the proper filing fee results in the inability to fulfill the information request under part 8280.0430, a message indicating that the information request cannot be fulfilled must appear on the Web page transmitted to the device from which the filer or submitter is attempting to make the request. Information request response output must appear on the screen of the filer or submitter and must be available to be printed from or downloaded to the device from which the filer or submitter has transmitted the information request, except that computerized filing system subscribers may print and download this information before that date.

### **FILING AND DATA ENTRY PROCEDURES**

#### **8280.0290 OPEN DRAWER.**

Except as provided in this part, data are entered from financing statements documents into the information management system exactly as set forth in the document. Personnel or programs creating reports in response to information requests apply information request criteria to the name exactly as set forth on the information request. No effort is made by the filing office to detect or correct errors of any kind.

#### **8280.0300 DOCUMENT INDEXING AND OTHER PROCEDURES BEFORE ARCHIVING OF PAPER-BASED FINANCING STATEMENTS.**

A. Paper-based financing statement processing requires that the transactions necessary for payment of the filing fee are performed.

B. Paper-based financing statement processing requires that the financing statement is scanned into the UCC information management system.

C. Paper-based financing statement processing requires that the filing office reviews the image and determines whether a ground exists to refuse the document under part 8280.0080 and *Minnesota Statutes*, section 336.9-516, subsection (b).

D. Paper-based financing statement processing requires that if there is no ground for refusal of the financing statement, the file number, filing date, and filing time are permanently associated with the financing statement. File numbers are assigned according to part 8280.0150 and filing date and filing time are assigned according to part 8280.0020. Financing statements are also associated in the UCC information management system pursuant to *Minnesota Statutes*, section 336.9-519, subsection (f).

E. Paper-based financing statement processing requires that if there is:

(1) a ground for refusal of the financing statement, a rejection notice is prepared as provided in part 8280.0090;

(2) no ground for refusal of the document, an acknowledgment is prepared as provided in part 8280.0100 and *Minnesota Statutes*, section 336.9-523. If the financing statement was tendered in person, notice of refusal or acknowledgment of the filing is given by delivering the notice or acknowledgment to the person tendering the filing. Acknowledgment of filing or notice of refusal of a financing statement tendered by means other than personal delivery is provided upon request to the person so requesting.

F. Paper-based financing statement processing requires that the date and time of receipt are noted on the document or otherwise permanently associated with the record maintained for a financing statement in the UCC information management system at the earliest possible time.

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

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G. Paper-based financing statement processing requires that data entry and indexing functions are performed as described in this chapter.

### **8280.0310 DOCUMENT INDEXING AND OTHER PROCEDURES BEFORE ARCHIVING OF ELECTRONICALLY BASED UCC DOCUMENTS.**

A. Electronically based financing statement processing requires that the financing statement, however transmitted, is received in the UCC information management system.

B. Electronically based financing statement processing requires that:

(1) for non-Web electronic filings, the filing office reviews the image and determines whether a ground exists to refuse the document under part 8280.0080 and *Minnesota Statutes*, section 336.9-516, subsection (b);

(2) for electronic filings made on the Office of the Secretary of State Web site that have passed edit checks in the Web program ensuring that data has been provided for each of the required categories for that filing and for which data have been confirmed by the filer or submitter, filing office staff review of the filing is not required.

C. Electronically based financing statement processing requires that if there is no ground for refusal of the financing statement, the file number, filing date, and filing time are permanently associated with the financing statement. File numbers are assigned according to part 8280.0150 and filing date and filing time are assigned according to part 8280.0020. Financing statements are also associated in the UCC information management system according to *Minnesota Statutes*, section 336.9-519, subsection (f).

D. Electronically based financing statement processing requires that if there is no ground for refusal of the document, an acknowledgment is prepared as provided in part 8280.0100. Acknowledgment of filing of a financing statement tendered by electronic means is sent to the electronic address from which the financing statement was received.

E. Electronically based financing statement processing requires that if there is a ground for refusal of the UCC document, a rejection notice is prepared according to part 8280.0090. Notice of refusal of a UCC document tendered by electronic means is sent to the electronic address from which the financing statement was received.

F. Electronically based financing statement processing requires that the transactions necessary for payment of the filing fee are performed.

G. Electronically based financing statement processing requires that the date and time of receipt are noted on the document or otherwise permanently associated with the record maintained for a financing statement in the UCC information management system according to part 8280.0020.

H. Electronically based financing statement processing requires that data entry and indexing functions are performed as described in this chapter.

If the financing statement was tendered by on-line access, the notice or acknowledgment is transmitted to the filer or submitter by on-line response.

### **8280.0320 ERRORS OF THE FILING OFFICER.**

The filing office may correct the errors of filing office personnel in the UCC information management system at any time. If the correction is made after the filing office has issued a through date that includes the filing date of a corrected document, the filing office must make an entry on the record of the financing statement in the UCC information management system stating the date of the correction and explaining the nature of the corrective action taken. The notation must be preserved so long as the record is preserved in the UCC information management system.

### **8280.0330 ERRORS OTHER THAN FILING OFFICE ERRORS.**

An error by a filer is the responsibility of the filer. It can be corrected by filing an amendment, articles of correction under *Minnesota Statutes*, section 5.16, or it can be disclosed by a correction statement under *Minnesota Statutes*, section 336.9-518.

### **8280.0340 DATA ENTRY OF NAMES; DESIGNATED FIELDS.**

A filing must designate whether a name is the name of an individual or an organization and, if an individual, must also designate the first, middle, and last names and any suffix. Items A to C apply to the data entry of names.

A. Organization names are entered into the UCC information management system exactly as set forth in the financing statement, even if it appears that multiple names are set forth in the financing statement or if it appears that the name of an individual has been included in the field designated for an organization name.

B. Individual names are entered by the filing officer into the first, middle, and last name and suffix fields in the UCC information management system exactly as set forth on the financing statement.

C. The filing office requires the use of the forms specified in *Minnesota Statutes*, section 336.9-521, which designate separate fields for individual and organization names and separate fields for first, middle, and last names and any suffix. All documents submitted through Web site entry are required to use designated name fields.

**8280.0350 FINANCING STATEMENT ACCEPTED IN ERROR.**

A financing statement that is an initial financing statement or an amendment that adds a debtor to a financing statement and that fails to specify whether the debtor is an individual or an organization should be refused by the filing office. Items A to D apply to a financing statement accepted for filing in error:

A. When not set forth in a field designated for individual names, a name is treated as an organization name if it contains words or abbreviations that indicate status such as the following and similar words or abbreviations in foreign languages: association, church, college, company, co., corp., corporation, inc., limited, ltd., club, foundation, fund, L.L.C., limited liability company, institute, society, union, syndicate, GmbH, S.A.deC.V., limited partnership, L.P., limited liability partnership, L.L.P., trust, business trust, co-op, cooperative, and other designations established by statutes to indicate a statutory organization. In cases where organization or individual status is not designated by the filer and is not clear, the filing officer shall enter the name in the organization field.

B. A name is entered as the name of an individual and not the name of an organization when the name is followed by a title substantially similar to one of the following titles, or the equivalent of one of the following titles in a foreign language: proprietor, sole proprietor, proprietorship, sole proprietorship, partner, general partner, president, vice-president, secretary, treasurer, M.D., O.D., D.D.S., attorney at law, Esq., accountant, or CPA. In such cases, the title is not entered.

C. Where it is apparent that the name of an individual and the name of an entity are stated on a single line and not in a designated individual name field, the name of the individual and the name of the entity must be entered as two separate debtors, one as an individual and one as an entity.

D. If a filing that fails to designate the last name of an individual debtor in an initial financing statement or an amendment adding the debtor to a financing statement is accepted in error, or if only the last name is designated, the following data entry rules apply:

- (1) an initial in the first position of the name is treated as a first name and an initial in the second position of the name is treated as a middle name;
- (2) an initial and a name to which the initial apparently corresponds is entered into one name field only;
- (3) two individual names contained in a single line are entered as two different debtors;
- (4) a one-word name is entered as a last name; and
- (5) a nickname is entered in the name field together with the name preceding the nickname, or if none, then as the first name.

**8280.0360 VERIFICATION OF DATA ENTRY.**

To verify the accuracy of data entry tasks, double-key entry is employed for data entered in the following fields:

- A. debtor name; and
- B. debtor city and state.

**8280.0370 DISTINGUISHING DATA.**

The filer of a financing statement that uses a settlor's name must provide other information to distinguish the debtor trust from other trusts having the same settlor and all financing statements filed against trusts or trustees acting with respect to property held in trust must indicate the nature of the debtor. If this is done in, or as part of, the name of the debtor, it will be entered as if it were a part of the name under parts 8280.0340 and 8280.0350.

**8280.0380 GLOBAL FILINGS.**

Subpart 1. Acceptance. The filing officer shall accept for filing global filings as defined in part 8280.0015, subpart 12.

<p><b>KEY: PROPOSED RULES SECTION</b> — <u>Underlining</u> indicates additions to existing rule language. <del>Strike outs</del> indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." <b>ADOPTED RULES SECTION</b> — <u>Underlining</u> indicates additions to proposed rule language. <del>Strike outs</del> indicate deletions from proposed rule language.</p>
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Subp. 2. **Contents.** A global filing must consist of a financing statement describing the requested amendment on a machine-readable file furnished by the submitter and created to the filing officer's specifications containing appropriate indexing information including at a minimum the file number and the information required by *Minnesota Statutes*, section 336.9-502, subsection (a)(1) and (2). A copy of global filing specifications is available from the filing officer.

### **8280.0390 ARCHIVES; GENERAL.**

Subpart 1. **Scanning.** Paper financing statements must be scanned into the UCC information management system on receipt.

Subp. 2. **Retention.** Paper financing statements must be retained according to law.

Subp. 3. **Replication and storage.** The data in the UCC information management system must be replicated and stored in appropriate media on a periodic basis.

### **8280.0400 ARCHIVES; DATA RETENTION.**

Data in the UCC information management system relating to financing statements that have lapsed or have been terminated are retained for at least five years from the date of lapse or termination.

### **8280.0410 NOTICE OF BANKRUPTCY.**

The filing officer shall take no action upon receipt of a notification, formal or informal, of a bankruptcy proceeding involving a debtor named in the UCC information management system. Financing statements lapse in the UCC information management system as scheduled unless properly continued.

## INFORMATION REQUESTS AND REPORTS

### **8280.0420 GENERAL REQUIREMENTS.**

The filing officer shall maintain for public inspection a searchable index for all records of financing statements that provides for the retrieval of a record by the name of the debtor and by the file number of the financing statement to which the record relates.

### **8280.0430 INFORMATION REQUESTS.**

Subpart 1. **Contents.** Information requests must contain the information in items A to C:

A. An information request must state the full correct name of the debtor or other name to be searched and must specify whether the debtor is an individual or an organization. The full name of an individual consists of a first, middle, and last name, followed by any suffix that may apply to the name. The full name of an organization consists of the name of the organization as stated on the articles of incorporation or other organic documents in the state or country of organization or another name to be searched. An information request must be processed using the name in the exact form it is submitted.

B. The name and address of the person to whom the information request response is to be sent.

C. The fee set forth in *Minnesota Statutes*, section 336.9-525, subsection (c), must be enclosed.

Subp. 2. **Refusal.** If the information request does not contain this information, it must be refused by the filing officer using the procedure in parts 8280.0300, item E, and 8280.0310, item E.

### **8280.0440 RULES APPLIED TO INFORMATION REQUESTS.**

Information request responses are created by applying standardized search logic to the name presented to the filing officer by the filer or submitter. Human judgment does not play a role in determining the response to the information request. Items A to I govern responses to information requests.

A. There is no limit to the number of matches that may be returned in response to the information request.

B. No distinction is made between upper and lower case letters.

C. Punctuation marks and accents are disregarded. Only the letters A to Z in upper or lower case, and numbers 0, 1, 2, 3, 4, 5, 6, 7, 8, and 9, in any combination are considered in responding to the request.

D. Words and abbreviations at the end of a name that indicate the existence or nature of an organization are disregarded, including, but not limited to: agency, association, assn., associates, assc., assoc., attorney at law, bank, national bank, business trust, charter, chartered, company, co, corporation, corp, credit union, CU, Federal savings bank, FSB, general partnership, gen part, GP, incorporated, inc, limited, ltd, ltee, limited liability company, LC, LLC, limited liability partnership, LLP limited partnership, LP, medical doctors professional association, MDPA, medical doctors professional corporation, MDPC, national association, NA, partners, partnership, professional association, prof assn, PA, professional corporation, prof corp, PC, professional limited liability company, professional limited liability co, PLLC, railroad, RR, real estate investment trust, REIT, registered limited liability partnership, RLLP, savings association SA, service corporation, SC, sole proprietorship, SP, SPA, trust, trustee, as trustee, or abbreviations of the foregoing.

E. The word “the” at the beginning of the name is disregarded.

F. All spaces are disregarded.

G. For first and middle names of individuals, initials are equated with all names that begin with the initials, and no middle name or initial is equated with all middle names and initials.

H. After following items A to G, to modify the name of the debtor requested to be searched and to modify the names of debtors contained in unexpired financing statements in the UCC information management system, the search will reveal only names of active debtors that, as modified, exactly match the name requested, as modified.

I. The word “and” is the same as the symbol “&.”

#### **8280.0450 INFORMATION REQUEST RESPONSES.**

Information request responses using the logic in part 8280.0440 must include the following:

A. identification of the filing officer;

B. the date the response was generated;

C. restatement of the name searched and any limitations requested under part 8280.0460 by the filer or submitter of the information request;

D. the through date applicable to the response;

E. identification of each initial financing statement filed on or before the through date corresponding to the search criteria, by name of debtor, by identification number, and by file date and file time;

F. history of initial financing statement; for each initial financing statement on the response, a listing of all related financing statements recorded by the filing officer on or before the through date; and

G. copies of all financing statements revealed by the search unless the filer or submitter of the information request specifically indicates in the request that copies are not to be provided in the response.

#### **8280.0460 OPTIONAL INFORMATION.**

Subpart 1. **Limited requests.** A UCC information request may limit the copies produced by reference to the city of the debtor or the date of filing of the financing statements. A request that the search be limited requires that the report created by the filing officer in response to such a request contain the following statement:

“An information request limited under part 8280.0460 has no legal force and effect and may not reveal all filings against the debtor searched. The searcher bears the risk of relying on the limited search.”

Subp. 2. **Delivery instructions.** A UCC information request may contain instructions on the mode of delivery requested, if other than by ordinary mail, which request will be honored if the requested mode is then made available by the filing office. The person making the request shall pay all fees associated with the delivery method.

#### **8280.0470 UNOFFICIAL INQUIRY.**

Subpart 1. **Generally.** A request may ask for a report to be known as an “unofficial inquiry.” This is not an information request and does not use the search logic of part 8280.0440. A request for an unofficial inquiry requires that the filing officer response to such a request contain the following statement:

“An unofficial inquiry has no legal force and effect and may not reveal all filings against the debtor searched, or may reveal filings against other debtors, and the filer or submitter of the unofficial inquiry bears the risk of relying on the unofficial inquiry.”

Subp. 2. **Search logic guidelines.** The unofficial inquiry must use the following search logic guidelines:

A. individual names:

(1) search last name first:

Example: Doe John;

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

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Search: Doe John & John Doe;

Exceptions:

(2) if you cannot determine which is the last name, search both names:

Example: Charles Henry;

(3) if the name is an Asian name, search all names:

Example: Vang Vue Soon;

Search: Vang Vue Soon & Soon Vang Vue & Vue Soon Vang; (4) search all common variations of a first name:

Example: Bill, Billy, Will, Willie for William; Dick, Rick, Rich for Richard; Bob, Rob for Robert; Betsy, Liz for Elizabeth;

(5) search all common variations or misspellings of a last name:

Example: Anderson, Andersen; Schneider, Schnieder,

(6) search all common variations if a middle initial is given:

Example: Smith Michael L;

Search: Smith Michael L & Smith Michael & Smith Mike & Michael L Smith & Mike L Smith;

### B. organization names:

(1) search organization names in character order:

Example: Dayton Hudson Corporation;

(2) search business names that contain an individual name straight across and by last name first procedure:

Example: John Doe Enterprises, Doe John Enterprises;

(3) search business names that contain initials straight across without considering blanks:

Example: A B C Inc;

(4) search business names by adding an "s" to the end of the first word in the name:

Example: Cannon Valley Video, Inc.; Cannon's Valley Video, Inc.;

(5) search business names that contain a number as the first word in the name by reverting the number to digit:

Example: Four Seasons Sports;

Search: Four Seasons Sports & 4 Seasons Sports.

Common variations: this is a sample of possible variations.

<u>WORD</u>	<u>SEARCH BY</u>
<u>Minnesota</u>	<u>Minnesota, MN, Minn</u>
<u>Cooperative</u>	<u>Cooperative, Coop, Co-op</u>
<u>International</u>	<u>International, Int'l, Internat'l</u>
<u>North</u>	<u>North, No, N</u>
<u>Northeast</u>	<u>Northeast, NE</u>
<u>Agriculture</u>	<u>Agriculture, Ag, Agri</u>
<u>National</u>	<u>National, Natl</u>
<u>Brothers</u>	<u>Brothers, Bros</u>

Subp. 3. Content of reports. Reports created in response to an unofficial inquiry request not using the standard information request logic in part 8280.0440 must include the following:

A. identification of the filing officer;

B. the date the report was generated;

C. restatement of the name searched and any limitations requested by the searching party under part 8280.0460;

D. the through date applicable to the report;

E. identification of each initial financing statement filed on or prior to the through date corresponding to the unofficial inquiry criteria, by name of debtor, identification number, and file date and file time;



F. history of initial financing statement; for each initial financing statement on the report, a listing of all related financing statements filed by the filing officer on or prior to the through date; and

G. copies of all financing statements revealed by the search and requested by the searcher.

Subp. 4. **Relevant debtor names.** The filing officer shall also mention as part of the response to an unofficial inquiry filing under debtor names that do not match the criteria listed in part 8280.0430, item C, but that are relevant in the opinion of the filing officer. The filing officer is not liable for mentioning or failing to mention any particular debtor names in an unofficial inquiry.

### **FEES**

#### **8280.0480 FEES.**

Fees for financing statements delivered by telecopier delivery, electronic mail, or Web page entry must be paid for through payment modes arranged for with the Secretary of State by prior agreement or by the use of major credit cards accepted by the Secretary of State. That portion of these fees paid to private vendors for the administration of credit card services will be retained by the Secretary of State for that purpose pursuant to Laws 2000, chapter 419.

## **Adopted Rules**

A rule becomes effective after the requirements of *Minnesota Statutes* §§14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

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

#### **Exempt Rules**

An exempt rule adopted under *Minnesota Statutes* §§ 14.386 or 14.388 is effective upon its publication in the *State Register*.

#### **Emergency Expedited Rules**

Provisions for the Commissioner of Natural Resources to adopt emergency expedited Game and Fish Rules are specified in *Minnesota Statutes* §§ 84.027. The commissioner may adopt emergency expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Emergency expedited rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Emergency expedited rules are effective for the period stated or up to 18 months.

## **Board of Chiropractic Examiners**

### **Adopted Permanent Rules Relating to Rendering Opinions**

The rules proposed and published at *State Register*, Volume 25, Number 29, pages 1281-1283, January 16, 2001 (25 SR 1281), are adopted as proposed.

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

## Adopted Rules

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### Board of Chiropractic Examiners

#### Adopted Permanent Rules Relating to Approval of Examination from Another State or Jurisdiction

The rules proposed and published at *State Register*, Volume 25, Number 29, pages 1285-1287, January 16, 2001 (25 SR 1285), are adopted with the following modifications:

##### **2500.0800 APPROVAL OF EXAMINATION FROM ANOTHER STATE OR JURISDICTION.**

A practitioner who is licensed in another state or jurisdiction may request that the examination resulting in the practitioner's licensure in that state or jurisdiction be approved for Minnesota licensure. The board shall consider requests according to the requirements in items A to M.

A. The applicant must submit the required license application and all appropriate fees established in part ~~2500.1150~~ 2500.1000.

### Emergency Medical Services Regulatory Board

#### Adopted Permanent Rules Relating to Ambulance Services

The rules proposed and published at *State Register*, Volume 25, Number 16, pages 825-826, October 16, 2000 (25 SR 825), are adopted as proposed.

### Department of Public Safety

#### Adopted Permanent Rules Relating to Crime Victims Reparations

The rules proposed and published at *State Register*, Volume 25, Number 20, pages 968-971, November 13, 2000 (25 SR 968), are adopted with the following modifications

##### **3050.0100 DEFINITIONS.**

~~Subp. 2a. **Domestic partner.** "Domestic partner" means a person who was in a relationship with the victim of substantial duration with an exclusive mutual commitment similar to that of marriage and who was residing with the victim at the time of the crime.~~

Subp. 7. **Family or household members.** "Family or household members" means spouses ~~or domestic partners, former spouses,~~ parents, children, grandparents, ~~and~~ siblings, persons who are presently residing together, and persons who have a child in common regardless of whether they have been married or have lived together at any time.

##### **3050.3200 LOSS OF INCOME.**

Subp. 7. **Family members of deceased.** Payment of wage loss compensation for a parent; ~~or spouse, or domestic partner~~ of a victim who died as the direct result of a crime usually may not exceed six weeks. If the emotional disability of the parent or spouse continues past six weeks, the parent or spouse may make a request for an extension of the lost wages. The request must include an evaluation by a physician or psychologist stating that there is a continuing emotional disability due to the crime and a date by which the claimant is expected to return to work. The extension may not exceed 46 weeks. Payment of wage loss compensation for ~~other family members~~ children, grandparents, or siblings of a victim who died as the direct result of a crime may not exceed one week. No extension of lost wages for other family members is allowed, unless there are extraordinary circumstances where the limit imposes undue hardship on the secondary victim.

##### **3050.3400 SECONDARY VICTIMS.**

Subpart 1. **Victim, definition.** For the purposes of this chapter, the term "victim" includes, in addition to those meanings specifically provided in *Minnesota Statutes*, section 611A.52, the following:

A. a parent, spouse, ~~domestic partner~~, or minor child of a victim who died as the direct result of a crime;

C. ~~family members, other than those listed in item A, a grandparent, sibling, or adult child~~ of a victim who died as the direct result of a crime, if the ~~family member~~ grandparent, sibling, or child has suffered emotional injury. Payment for ~~family members, other than those listed in item A, a grandparent, sibling, or adult child~~ is limited to 20 counseling sessions;

E. a ~~family member~~ spouse, parent, child, grandparent, or sibling of a victim who was injured as a direct result of a crime. Payment for a ~~family member~~ spouse, parent, child, grandparent, or sibling of an injured victim is limited to 20 counseling sessions.

Subp. 2. **Counseling; discretionary award.** The board may award payment for additional counseling beyond 20 sessions for a secondary victim if the board finds that there is credible ~~medical~~ evidence showing that the victim may suffer serious, ~~life-threatening~~ emotional injury without additional mental health treatment.

#### **3050.3500 FAMILY MEMBERS OF INJURED VICTIMS.**

The board shall authorize payment for up to 20 counseling sessions for a ~~family member~~ spouse, parent, child, grandparent, or sibling of an injured victim if the treatment plan filed under and complying with part 3050.2700 indicates that the sessions directly benefit the victim.

When care is needed by a victim and when a determination is made by the board that a ~~family member~~ spouse, parent, child, grandparent, or sibling of the victim is an appropriate person to provide care to the victim, the board shall authorize payment to reimburse the ~~family member~~ spouse, parent, child, grandparent, or sibling for lost wages, and reasonable expenses for transportation and lodging. Total payment to claimants on behalf of any one victim under this provision must not exceed \$2,000. Computation of lost wages shall be the same as under part 3050.3200.

#### **3050.3600 HOUSEHOLD SERVICES.**

The board shall not award reparations for household services performed by a family or household member ~~or persons who are presently residing together~~.

#### **~~3050.3900 MAXIMUM PAYMENT FOR SEXUAL ASSAULT EVIDENTIARY EXAMINATION.~~**

~~Within 30 days of the beginning of each fiscal year, the board shall determine the maximum amount allowable for a sexual assault evidentiary examination. Any payment by the county for the examination shall be deducted from the maximum amount and the board must not pay more than the remaining amount.~~

**REPEALER.** Minnesota Rules, part 3050.3900, is repealed.

<p><b>KEY: PROPOSED RULES SECTION</b> — <u>Underlining</u> indicates additions to existing rule language. <del>Strike outs</del> indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” <b>ADOPTED RULES SECTION</b> — <u>Underlining</u> indicates additions to proposed rule language. <del>Strike outs</del> indicate deletions from proposed rule language.</p>
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## Exempt Rules

Exempt rules are excluded from the normal rulemaking procedures (*Minnesota Statutes* § 14.386 and 14.388). They are most often of two kinds. One kind is specifically exempted by the Legislature from rulemaking procedures, but approved for form by the Revisor of Statutes, reviewed for legality by the Office of Administrative Hearings, and then published in the *State Register*. These exempt rules are effective for two years only.

The second kind of exempt rule is one adopted where an agency for good cause finds that the rulemaking provisions of *Minnesota Statutes*, Chapter 14 are unnecessary, impracticable, or contrary to the public interest. This exemption can be used only where the rules:

- (1) address a serious and immediate threat to the public health, safety, or welfare, or
- (2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with *Minnesota Statutes* 14.14-14.28, or
- (3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required, or
- (4) make changes that do not alter the sense, meaning, or effect of the rules.

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only.

The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

## Board of Medical Practice

### Adopted Exempt Permanent Rules Relating to Fees

#### 5600.2500 FEES.

The fees charged by the board are fixed at the following rates:

- A. physician application fee, \$200;
- B. physician annual license, \$192;
- C. physician endorsement to other states, \$40;
- D. physician emeritus license, \$50;
- E. physician temporary licenses, \$60;
- F. physician late fee, \$60;
- ~~G. physical therapist application fee, \$100;~~
- ~~H. physical therapist annual registration, \$60;~~
- ~~I. physical therapist late fee, \$20;~~
- ~~J. physical therapist temporary permit, \$25;~~
- ~~K. G.~~ physician assistant application fee, \$120;
- ~~L. H.~~ physician assistant annual registration (prescribing), \$135;
- ~~M. I.~~ physician assistant annual registration (nonprescribing), \$115;
- ~~N. J.~~ physician assistant temporary registration, \$115;
- ~~O. K.~~ physician assistant temporary permit, \$60;
- ~~P. L.~~ physician assistant locum tenens permit, \$25;
- ~~Q. M.~~ physician assistant late fee, \$50;
- ~~R. N.~~ acupuncture temporary permit, \$60;
- ~~S. O.~~ acupuncture inactive status fee, \$50;
- ~~T. P.~~ respiratory care annual registration, \$90;
- ~~U. Q.~~ respiratory care application fee, \$100;
- ~~V. R.~~ respiratory care late fee, \$50;

- ~~W~~. S. respiratory care inactive status, \$50;  
~~X~~. T. respiratory care temporary permit, \$60;  
~~Y~~. U. respiratory care temporary registration, \$90;  
~~Z~~. V. duplicate license or registration fee, \$20;  
~~AA~~. W. certification letter, \$25;  
~~BB~~. X. verification of status, \$10;  
~~CC~~. Y. education or training program approval fee, \$100;  
~~DD~~. Z. report creation and generation, \$60 per hour billed in quarter-hour increments with a quarter-hour minimum; and  
~~EE~~. AA. examination administrative fee:  
 (1) half day, \$50; and  
 (2) full day, \$80.

The renewal cycle for physician assistants under items ~~L~~ H and ~~M~~ I begins July 1. The duration of the permit issued under item ~~P~~ L is one year.

## Board of Physical Therapy

### Adopted Exempt Permanent Rules Relating to Incorporation of Statutory Changes Relating to Fees

#### 5601.0300 CONTENTS OF APPLICATION.

The application must be submitted on forms prepared by the board together with the fee described under part ~~5600.2500~~ 5601.3000, ~~item G~~ items A and B. To be complete, the application must include the following information:

[For text of items A to P, see M.R.]

#### 5601.0700 REGISTRATION WITHOUT EXAMINATION.

The board may register a person as a physical therapist in this state without examination if that person completes or presents evidence satisfactory to the board of having passed an examination in accordance with *Minnesota Statutes*, section 148.70, administered by a state licensing agency. An applicant for registration without examination shall submit an application on forms provided by the board together with the fees described in part ~~5600.2500~~ 5601.3000. The form must include the following information:

[For text of items A to C, see M.R.]

#### 5601.1700 RENEWAL OF REGISTRATION.

When they renew their registrations each year in compliance with *Minnesota Statutes*, section 148.73, physical therapists must submit lists of locations or institutions where they have practiced during the past five years. Applicants for reregistration who have not practiced the equivalent of eight full weeks during the past five years are required to achieve a passing score on retaking the registration examination or complete no less than eight weeks of council-approved clinical experience with a broad base of treatment modalities and patient diagnoses. In addition, every two years, the applicant must submit verification of compliance with the continuing education requirements of parts 5601.2100 to 5601.2500. An application submitted after the reregistration deadline date must be accompanied by the late fee described in part ~~5600.2500~~ 5601.3000.

#### 5601.2900 TEMPORARY PERMIT.

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

**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.

## Exempt Rules

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Subp. 2. **Application.** The application for a temporary permit to practice physical therapy under supervision must be submitted on forms prepared by the board together with the fee described in part ~~5600.2500~~ 5601.3000.

[For text of subp 3, see M.R.]

### **5601.3000 FEES.**

The fees charged by the board are fixed at the following rates:

- A. physical therapist application, \$100;
- B. annual registration, \$60;
- C. late fee, \$20;
- D. temporary permit, \$25;
- E. duplicate license or registration, \$20;
- F. certification letter, \$25;
- G. verification of status, \$10;
- H. education or training program approval, \$100;
- I. report creation and generation, \$60 per hour billed in quarter-hour increments with a quarter-hour minimum; and
- J. examination administration:
  - (1) half day, \$50; and
  - (2) full day, \$80.

## Board of Physical Therapy

### Adopted Exempt Permanent Rules Relating to Hearings

#### **5601.0600 INELIGIBILITY FOR EXAMINATION**

If the board determines that an applicant is ineligible for examination, the board shall notify the applicant of this determination and the grounds for it. The applicant may be granted a hearing ~~in accordance with the provisions of~~ according to part ~~5615.0300~~ 5601.3115 of the Board of ~~Medical Practice~~ Physical Therapy by filing a statement of issues with the board within 20 days after receiving notice from the board. After the hearing, the board shall notify the applicant in writing of its decision.

#### **5601.2800 HEARING UPON REFUSAL TO RENEW.**

A registrant whose registration renewal materials fail to comply with ~~the requirements of~~ part 5601.1700 as determined by the board shall be notified of this determination and the grounds for it and may be granted a hearing under part ~~5615.0300~~ 5601.3115 by filing a statement of issues with the board within 20 days after receipt of notice from the board. After the hearing, the board shall notify the applicant in writing of its decision.

#### **5601.3105 DEFINITIONS.**

Subpart 1. Scope. The terms used in parts 5601.3105 to 5601.3165 have the meanings given them in this part.

Subp. 2. Board. "Board" means the Minnesota Board of Physical Therapy or any member or members the board authorized by law to adjudicate contested cases.

Subp. 3. Contested case. "Contested case" means a proceeding before the board in which the legal rights, duties, or privileges of specific parties under the provisions of any statute granting jurisdiction to the board are required by law or constitutional right to be determined after a board hearing.

Subp. 4. Party. "Party" includes the board, the respondent, and any person, other than a member of the board in the member's official capacity, who has been permitted to appear in the proceeding.

Subp. 5. Respondent. "Respondent" means any person against whom an accusation or charge has been filed under any statute granting jurisdiction to the board, or any person who is subject to a dispute concerning any legal rights, duties, or privileges granted or conferred by the statute.

**5601.3110 ACCUSATION.**

A hearing to determine whether a right, license, or privilege should be revoked, suspended, qualified, restricted, limited, or conditioned, must be initiated by the issuance of an accusation by the board. The accusation must be a written statement of charges which sets forth in ordinary and concise language the acts or omissions with which the respondent is charged and must be in sufficient detail to enable the respondent to prepare a defense. It must specify the statutes and rules that the respondent is alleged to have violated. The accusation may also include any additional information that the board considers appropriate. The accusation must be verified by a member of the board. The verification may be on information and belief.

**5601.3115 STATEMENT OF ISSUES.**

Subpart 1. **Initiation of hearing.** A hearing to determine whether a right, license, or privilege should be granted, issued, or renewed must be initiated either by the board or by the applicant by filing a statement of issues. The statement of issues must be a written statement specifying the statutes and rules with which the applicant must show compliance by producing proof at the hearing and, in addition, any additional matters that have come to the attention of the initiating party and that would bear upon the issues presented.

Subp. 2. **Verification.** The statement of issues must be verified by the initiating party. The verification may be on information and belief.

Subp. 3. **Service of statement of issues.** If the board is the initiating party, the statement of issues must be served in the same manner as an accusation, and must be accompanied by a notice of hearing substantially in the form set forth in part 5601.3130. If the applicant is the initiating party, the statement of issues must be served on the board by registered or certified mail, addressed to the board at its office in Minneapolis, Minnesota. Service is considered a request for hearing.

Subp. 4. **Notice of hearing.** Within ten days after service, the board shall deliver or mail to the applicant a notice of hearing, substantially in the form set forth in part 5601.3130.

Subp. 5. **Time of hearing.** In either case, the hearing must be held not less than 20 days nor more than 120 days after service of the statement of issues.

Subp. 6. **Place of hearing.** Hearings must be held in Minneapolis, Minnesota, at a place designated by the board, unless the parties, by agreement, select another place within the state.

**5601.3120 SERVICE OF ACCUSATION.**

Upon the issuance of an accusation, the board shall serve a copy on the respondent as provided in this part.

If the respondent is a resident of Minnesota and can be found in the state, the accusation and all accompanying information must be served upon respondent personally in the manner provided by law for the service of a summons in a civil action.

If the respondent is not a resident of Minnesota, or if the respondent is a resident of Minnesota but cannot be found in the state, the accusation and all accompanying information must be served upon respondent by registered or certified mail, addressed to the most recent address furnished by the respondent to the board. The accusation and accompanying information are considered received by respondent five days after having been deposited in the United States mail, postage prepaid, addressed to such address.

The appearance of respondent in the proceeding constitutes a waiver of any defect in service.

Service may be proved by the affidavit of the person making the service.

**5601.3125 TIME AND PLACE OF HEARING.**

The board shall determine the time and place of the hearing on the accusation which must be held not less than 20 days nor more than 120 days after service of the accusation upon the respondent. The hearing must be held in Minneapolis, Minnesota, at a place designated by the board, unless the parties, by agreement, select another place within the state.

**5601.3130 NOTICE OF HEARING.**

A notice of hearing on the accusation must be served by the board upon respondent at the same time and in the same manner as the service of the accusation. The notice of hearing must be substantially in the following form:

<p><b>KEY: PROPOSED RULES SECTION</b> — <u>Underlining</u> indicates additions to existing rule language. <del>Strike outs</del> indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." <b>ADOPTED RULES SECTION</b> — <u>Underlining</u> indicates additions to proposed rule language. <del>Strike outs</del> indicate deletions from proposed rule language.</p>
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## Exempt Rules

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You are hereby notified that a hearing will be held before the Minnesota Board of Physical Therapy at \_\_\_\_\_ on \_\_\_\_\_, 2\_\_\_\_, at the hour of \_\_\_\_\_ M., o'clock, upon the charges made in the accusation served upon you. You may be present at the hearing; may be, but need not be, represented by counsel of your own choosing; may present any relevant evidence on your own behalf and will be given full opportunity to cross-examine all witnesses who testify. If you fail to appear at the time and place described above, the failure will constitute a waiver of your right to a hearing and the Minnesota Board of Physical Therapy may proceed upon the accusation with or without a hearing.

### **5601.3135 DEPOSITIONS.**

On request of the respondent, or upon notice from the board to the respondent, the board may permit the testimony of any material witness, residing within or without the state, to be taken for use as evidence in the hearing, by deposition in the manner prescribed by law for such depositions in civil actions. The request or notice must set forth the nature of pending proceedings, the name and address of the witness whose testimony is desired, a showing of the materiality of the testimony, and a showing that the witness will be unable to attend. The board shall then forward a request to the witness to appear and testify before an officer named in the request.

### **5601.3140 CONDUCT OF HEARING.**

Subpart 1. **Role of board members.** Every hearing in a contested case must be presided over by a member of the board. A case may be heard by three or more members of the board.

Subp. 2. **Legal counsel.** The attorney for the board shall advise the member or members of the board concerning the conduct of the hearing and rulings on the admission or exclusion of evidence and other matters of law.

Subp. 3. **Disqualification of board member.** Any member of the board shall voluntarily be disqualified and withdraw from any case in which the member cannot accord a fair and impartial hearing or consideration. Any party may request the disqualification of any board member by filing an affidavit, prior to the taking of evidence at a hearing, stating with particularity the grounds upon which it is claimed that a fair and impartial hearing cannot be accorded. The issue must be determined by the other members of the board. No board member may withdraw voluntarily or be subject to disqualification if the disqualification would prevent the existence of a quorum qualified to act in a particular case.

Subp. 4. **Record of hearings.** All proceedings at the hearing must be reported in writing, and the board shall prepare an official record, including testimony and exhibits in each contested case. The board need not transcribe the record unless requested for purposes of rehearing or court review.

### **5601.3145 EVIDENCE.**

Subpart 1. **Oath.** All evidence may be taken only on oath or affirmation.

Subp. 2. **Rights of parties.** Each party may call and examine witnesses, introduce exhibits, cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in direct examination, impeach any witness regardless of which party first called that witness to testify, and rebut the evidence against that party. If the respondent does not testify in the respondent's own behalf, the respondent may be called and examined as if under cross-examination.

Subp. 3. **Admissible evidence.** The board may admit and give probative effect to relevant evidence that possesses probative value and is not bound by the technical rules relating to evidence and witnesses; provided, however, that the board shall give effect to the rules of privilege recognized by law. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but is not sufficient in itself to support a finding unless it would be admissible over objection in civil actions. All evidence including records and documents, except tax returns and tax reports, in the possession of the board of which it desires to avail itself must be offered and made a part of the record in the case. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.

### **5601.3150 DECISION IN CONTESTED CASE.**

Subpart 1. **Votes required.** No right, license, or privilege may be granted, issued, renewed, revoked, suspended, limited, qualified, restricted, or conditioned except upon the affirmative vote of at least three members of the board.

Subp. 2. **Exceptions and argument before the board.** Whenever, in a contested case, a member of the board who has not participated in the hearing votes in the decision of the case, a final decision, if adverse to the respondent, must not be made until a proposed decision, including the statement of reasons, has been served on the respondent, and opportunity has been afforded to file exceptions and present argument to all of the members of the board who are to render the final decision.

Subp. 3. **Respondent's argument and evidence.** The respondent shall have the opportunity to present either oral or written argument and to present additional newly discovered evidence after the close of the record but prior to final decision.

Subp. 4. **Informal dispositions.** Informal disposition of a contested case may be made in the manner prescribed by law.



**5601.3155 FORM OF DECISION AND FINDINGS.**

Every decision and order adverse to a party to the proceeding must be in writing and, except when the decision or order is made pursuant to stipulation with or the consent of the respondent, shall contain a statement of findings or reasons, a determination of the issues presented, and the penalty, if any, or decision of the board. The findings must consist of a statement of the conclusions upon each contested issue of fact necessary to the decision. Parties to the proceedings must be notified of the decision and order in person or by mail. A copy of the decision and order and accompanying statement of reasons together with proof of service must be delivered or mailed, upon request, to the respondent or to the respondent's attorney of record.

**5601.3160 EFFECTIVE DATE OF DECISION.**

The decision or order of the board is effective immediately upon its service on respondent. However, the board may, in its discretion, stay the enforcement of its decision pending appeal or reconsideration within 30 days after service.

**5601.3165 REVIEW OF DECISION IN CONTESTED CASE.**

The board may, upon its own motion or upon petition by respondent, reconsider or grant a rehearing of any decision rendered in a contested case or may condition any such decision upon just and reasonable grounds.

The filing of a petition for review does not automatically stay the enforcement of the board's decision.

## Board of Physical Therapy

### Adopted Exempt Permanent Rules Relating to Incorporation of Statutory Changes Relating to Change of Name and Other Matters

**5601.0100 DEFINITIONS.**

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

Subp. 2. **Board.** "Board" means the Board of ~~Medical Practice~~ Physical Therapy.

Subp. 3. **Physical therapist assistant.** "Physical therapist assistant" means a skilled technical worker who is a graduate of a physical therapist assistant educational program accredited by the American Physical Therapy Association or a comparable accrediting agency. The physical therapist assistant performs selected physical therapy treatments and related duties as delegated by the physical therapist to assist the physical therapist in patient-, client-, and resident-related activities.

Subp. 4. **Physical therapy aide.** "Physical therapy aide" means a supportive worker who has been trained on the job to perform tasks assigned by a supervising ~~registered~~ licensed physical therapist.

[For text of subps 5 to 9, see M.R.]

**5601.0200 APPLICATION.**

An applicant for admission to a ~~registration~~ licensing examination to practice physical therapy shall file an application with the board. If the board finds that the application is complete and that all of the requirements of *Minnesota Statutes*, section 148.70, and this chapter have been met, it shall advise the applicant of the date and place of the examination.

**5601.0300 CONTENTS OF APPLICATION.**

The application must be submitted on forms prepared by the board together with the fee described under part 5600.2500, item G. To be complete, the application must include the following information:

[For text of item A, see M.R.]

B. a recommendation of the applicant's ethical and moral character by two physical therapists duly registered or licensed to practice physical therapy in the United States or Canada;

[For text of items C to P, see M.R.]

<p><b>KEY: PROPOSED RULES SECTION</b> — <u>Underlining</u> indicates additions to existing rule language. <del>Strike outs</del> indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." <b>ADOPTED RULES SECTION</b> — <u>Underlining</u> indicates additions to proposed rule language. <del>Strike outs</del> indicate deletions from proposed rule language.</p>
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## Exempt Rules

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### 5601.0700 ~~REGISTRATION~~ LICENSURE WITHOUT EXAMINATION.

The board may ~~register~~ license a person as a physical therapist in this state without examination if that person completes or presents evidence satisfactory to the board of having passed an examination in accordance with *Minnesota Statutes*, section 148.70, administered by a state licensing agency. An applicant for ~~registration~~ licensure without examination shall submit an application on forms provided by the board together with the fees described in part 5600.2500. The form must include the following information:

[For text of items A to C, see M.R.]

### 5601.0800 REQUIREMENTS FOR FOREIGN-TRAINED APPLICANTS.

Subpart 1. **Scope and documentation.** An applicant for ~~registration~~ licensure who is a foreign-trained physical therapist must fulfill the requirements in subparts 2 to 5, providing certified English translations of board-required relevant documentation.

Subp. 2. **Education evaluation.** The applicant must present evidence of completion of physical therapy schooling equivalent to that required in *Minnesota Statutes*, section 148.705, and part 5601.0500. This evidence will be evaluated by the Board of Physical Therapy Council with the assistance of a credentials evaluation service familiar with educational standards and professional qualification. Agencies providing evaluation services must be approved by the American Physical Therapy Association or meet its standards. The applicant shall be responsible for the expenses incurred as a result of the evaluation.

[For text of subp 3, see M.R.]

Subp. 4. **Experience.** The applicant must have practiced satisfactorily for at least six months under the supervision of a ~~registered~~ licensed physical therapist at a board-approved facility. A facility that offers such practice must provide a broad base of experience including a variety of physical agents, therapeutic exercises, evaluation procedures, and patient diagnoses. Supervision must be provided by a ~~registered~~ licensed physical therapist with at least three years of clinical experience. A proposed outline of clinical experiences must be approved by the Board of Physical Therapy Council before the facility begins offering the experience.

[For text of subp 5, see M.R.]

### 5601.0900 ADDRESS.

Every physical therapist shall provide the board with a current address. A physical therapist who moves from the address on the physical therapist's ~~registration~~ license shall notify the board of the change within 30 days.

### 5601.1400 DELEGATION OF DUTIES.

The physical therapist may delegate patient treatment procedures only to a physical therapist assistant who has sufficient didactic and clinical preparation. The ~~registered~~ licensed physical therapist may not delegate the following activities to the physical therapist assistant or to other supportive personnel: patient evaluation, treatment planning, initial treatment, change of treatment, and initial or final documentation.

The ~~registered~~ licensed physical therapist must observe the patient's status before and after the treatment administered by a physical therapy aide. The physical therapy aide may perform tasks related to preparation of patient and equipment for treatment, house-keeping, transportation, clerical duties, departmental maintenance, and selected treatment procedures. The tasks must be performed under the direct supervision of a ~~registered~~ licensed physical therapist who is readily available for advice, instruction, or immediate assistance.

The ~~registered~~ licensed physical therapist is responsible for all duties delegated to the physical therapist assistant or tasks assigned to the physical therapy aide.

### 5601.1500 OBSERVATION AND DOCUMENTATION OF DELEGATED DUTIES.

When components of a patient's treatment are delegated to a physical therapist assistant, a ~~registered~~ licensed physical therapist must provide on-site observation of the treatment and documentation of its appropriateness at least every six treatment sessions.

### 5601.1600 SUPERVISION OF PHYSICAL THERAPIST ASSISTANTS.

A ~~registered~~ licensed physical therapist may supervise no more than two physical therapist assistants.

### 5601.1700 RENEWAL OF ~~REGISTRATION~~ LICENSURE.

When they renew their ~~registrations~~ licenses each year in compliance with *Minnesota Statutes*, section 148.73, physical therapists must submit lists of locations or institutions where they have practiced during the past five years. Applicants for ~~reregistration~~ licensure who have not practiced the equivalent of eight full weeks during the past five years are required to achieve a passing score on retaking the ~~registration~~ licensure examination or complete no less than eight weeks of ~~council approved~~ board-approved clinical experience with a broad base of treatment modalities and patient diagnoses. In addition, every two years, the applicant must submit verification of compliance with the continuing education requirements of parts 5601.2100 to 5601.2500. An application submitted after the ~~reregistration~~ deadline date must be accompanied by the late fee described in part 5600.2500.

**5601.1800 INITIATION OF TREATMENT FOR A CONDITION NOT PREVIOUSLY DIAGNOSED.**

A. A physical therapist who has had more than one year of clinical experience may initiate treatment of a patient for a condition not previously diagnosed for up to 30 calendar days from the date of initial treatment once within a four-month period without referring to a licensed health care professional. Subsequent treatments for a condition not previously diagnosed of up to 30 calendar days within a four-month period beginning with the start of the initial treatment may only be made if the patient's complaint and symptoms are unrelated to the complaint and symptoms of the original treatment.

B. Item A does not apply to patients who have been referred for physical therapy treatment by order or referral of a licensed health care professional or an individual licensed in advanced practice nursing when such orders or referrals from the advanced practice nurse are made in collaboration with a physician, chiropractor, podiatrist, or dentist.

**5601.2100 CONTINUING EDUCATION REQUIREMENT.**

Every two years, each physical therapist ~~registered~~ licensed by the board shall obtain 20 contact hours of continuing education credit as required by parts 5601.2200 to 5601.2600.

**5601.2200 TWO-YEAR CONTINUING EDUCATION CYCLE.**

Subpart 1. **Initial registration or licensure on or after January 1, 1991.** For physical therapists initially registered or licensed on or after January 1, 1991, the first two-year continuing education cycle begins on the January 1 following the date of initial registration or licensure. Future cycles will run consecutively from that point. Continuing education courses taken between the date of initial registration or licensure and January 1 of the following year may be credited toward the first cycle.

Subp. 2. **Initial registration before January 1, 1991.** For physical therapists renewing their registrations or licenses on or after January 1, 1991, but who were initially registered before that date, the first two-year continuing education cycle begins as described in item A or B and runs consecutively from that date.

[For text of items A and B, see M.R.]

**5601.2600 VERIFICATION OF COMPLIANCE.**

At the January ~~registration~~ license renewal immediately following their two-year continuing education cycle, ~~registrants~~ licensees shall provide a signed statement to the board on a form provided by the board indicating compliance with parts 5601.2100 to 5601.2500. The board shall also accept certification of other state regulatory agencies whose continuing education requirements are equal to or greater than those in parts 5601.2100 to 5601.2500.

Periodically, the board shall select a sample of the ~~registered~~ licensed physical therapists and request evidence of the continuing education to which they attested. Documentation may come directly from the ~~registrant~~ licensee or from state or national organizations that maintain those types of records.

A ~~registrant~~ licensee failing to submit a statement or who submits a statement that, on its face, indicates noncompliance with parts 5601.2100 to 5601.2500 may be subject to the disciplinary provisions in part 5601.2700.

**5601.2700 PENALTIES FOR NONCOMPLIANCE.**

The board shall refuse to renew or grant, or shall suspend, condition, limit, or qualify the ~~registration~~ licensure of any person who the board determines has failed to comply with parts 5601.2100 to 5601.2600.

**5601.2800 HEARING UPON REFUSAL TO RENEW.**

A ~~registrant~~ licensee whose ~~registration~~ licensure renewal materials fail to comply with the requirements of part 5601.1700 as determined by the board shall be notified of this determination and the grounds for it and may be granted a hearing under part 5615.0300 by filing a statement of issues with the board within 20 days after receipt of notice from the board. After the hearing, the board shall notify the applicant in writing of its decision.

**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.

## Withdrawn Rules

An agency may choose to withdraw rules it has proposed, thus cancelling any time-sensitive schedule for public comment, hearing, or further movement toward the rules' adoption. These rules will be listed as withdrawn by their individual rules numbers in the *State Register's* index to rulemaking activity. **Minnesota Rules: Amendments and Additions.** An agency that chooses to withdraw proposed rules, may reintroduce those same rules at a later date.

## Department of Health

### Division of Environmental Health

#### Notice of Withdrawal of Proposed Rules

##### Withdrawal of Proposed Amendment to Rules Relating to Certified Work Experience Requirements for Asbestos Workers, *Minnesota Rules*, part 4620.3300

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Health, Division of Environmental Health is withdrawing *Minnesota Rules*, part 4620.3300, subparts 2 and 4, from its proposed amendments to *Minnesota Rules*, chapter 4620. The full text of the proposed amendments to chapter 4620 were published in the October 2, 2000 *State Register* (25 SR 763).

Dated: 23 April 2001

Patricia A. Bloomgren, Director  
Division of Environmental Health

## Executive Orders

The governor has the authority to issue written statements of orders, called Executive Orders, as well as Emergency Executive Orders. The governor's authority is specified in the *Constitution of the State of Minnesota*, Article V, and in *Minnesota Statutes* 4.035. Emergency Executive Orders, for protection from an imminent threat to health and safety, become effective immediately, are filed with the secretary of state, and published in the *State Register* as soon as possible after they are issued. Other Executive Orders become effective 15 days after publication in the *State Register* and filing with the secretary of state. Unless otherwise specified, an executive order expires 90 days after the date the governor who issued the order vacates office.

## Office of the Governor

### Emergency Executive Order 01-04 Providing for Assistance to the State of Minnesota

**I, JESSE VENTURA, GOVERNOR OF THE STATE OF MINNESOTA**, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

**WHEREAS**, major overland flooding is threatening the Mississippi River and its tributaries; and

**WHEREAS**, these conditions threaten to inflict widespread and considerable damage to the public infrastructure as well as to homes, farms and businesses; and

**WHEREAS**, as a result, there is a threat to public safety for citizens in the vicinity of the Mississippi River and its tributaries.

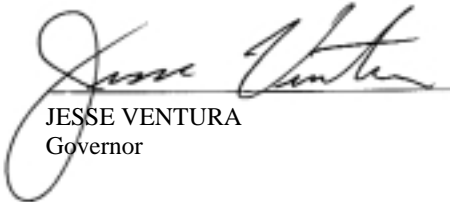
**NOW, THEREFORE**, I hereby order that:

1. State agencies be authorized to provide assistance to local jurisdictions as coordinated through the State Emergency Operations Center.
2. The Division of Emergency Management continue to implement the State's Emergency Operations Plan.
3. Kevin Leuer, Director of Emergency Management, be appointed as the Governor's Authorized Representative (GAR) for coordination of the flood-fighting operations in Minnesota.
4. The Director of the Division of Emergency Management acting as the GAR is authorized to request assistance from and coordinate with the federal government to enhance the flood-fighting activity in Minnesota.
5. The Adjutant General of Minnesota order to state active duty on or about April 7, 2001, in the service of the State, such personnel and equipment of the military forces of the State as required, and for such period of time as necessary to protect the lives and property of the citizens of Minnesota from spring flooding.

6. The Adjutant General is authorized to purchase, lease or contract goods or services necessary to accomplish the mission.
7. The cost of subsistence, transportation, fuel, pay and allowances of said individuals shall be defrayed from the general fund of the State, as provided for in *Minnesota Statutes* 2000, Sections 192.49, subd. 1; 192.51 and 192.52.

Pursuant to *Minnesota Statutes* 2000, Section 4.035, subd. 2, this Order is effective immediately and shall remain in effect until such date as elements of the military forces of the State are no longer required or the flooding conditions no longer pose a threat to life and property.

**IN TESTIMONY WHEREOF**, I have set my hand this seventeenth day of April, 2001.



JESSE VENTURA  
Governor

File According to Law:



MARY KIFFMEYER  
Secretary of State

## Official Notices

*Pursuant to Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking. The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

## Department of Administration

### Applicants Sought for Capitol 2005 Commission

The State of Minnesota is accepting applications from those interested in serving on the Capitol 2005 Commission. The Commission was created by Executive Order of the Governor on March 23, 2001.

The Commission will be composed of 15 members with 11 members appointed by the Governor, 4 members appointed by the legislature, and will consist of leaders from both the public and private sector. Commission members will serve a four-year term beginning in June 2001 through June 2005.

The Commission will:

- Participate with the Department of Administration and the Capitol Area Architectural and Planning Board (CAAPB) in identifying historically appropriate improvements to the public and ceremonial spaces of the Capitol consistent with the pre-design for the State Capitol and with the original architectural design of the Capitol.
- Provide leadership for obtaining private funds in order to implement plans for the Capitol's restoration and centennial celebration.
- Develop a fundraising program to secure donations from the private sector to help fund the restoration of the State Capitol Building and for the Capitol's centennial celebration.
- Submit periodic progress reports to the Governor and the legislature.

Anyone interested in serving on the Commission should submit letters of interest to Rachel Wobschall, Office of the Governor, 130 State Capitol, 75 Constitution Avenue, St. Paul, MN 55155, or **email:** [rachel.wobschall@state.mn.us](mailto:rachel.wobschall@state.mn.us). Letters of interest will be accepted through **May 11, 2001**.

## Official Notices

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### Department of Administration

#### State Designer Selection Board (SDSB)

#### State Designer Selection Board Meeting Schedule

Pursuant to SDSB *Minnesota Rule* 3200.0400, below is the schedule of State Designer Selection Board meeting dates, times and agenda items as of April 18, 2001:

**May 1, 2001**

Shortlisting Project 01-03 Department of Transportation, Replacement of the Enfield Safety Rest Area

**May 8, 2001**

Interviews/Selection Project 01-03 Department of Transportation, Replacement of the Enfield Safety Rest Area

Unless otherwise stated, all meetings are held in the Administration Building, 50 Sherburne Avenue, St. Paul, Room G-10/Conference Room A. Other matters may come before the Board and be added to the agenda as needed. For additional information, including meeting start times, contact Winnie Sullivan at 651-297-1545.

### Department of Agriculture

#### Agronomy and Plant Protection Division

#### Notice of Special Local Need Registration

Pursuant to Minnesota Statutes 18B.27 and parts 1505.0880-1505.0930, the Minnesota Department of Agriculture issued on April 18, 2001, Special Local Need (SLN) registrations for Copper Sulfate Crystals, manufactured by Chem One, Houston, TX 77040 and for Triangle Brand Copper Sulfate Crystals, manufactured by Phelps Dodge Refining Corporation, El Paso, TX 79998. These registrations allow the use of copper sulfate for the control of swimmer's itch in lakes, ponds, and reservoirs.

A federal or state agency, a local unit of government, or any person or groups of persons filing with the commissioner a petition that contains the signatures and addresses of 500 or more individuals of legal voting age, shall have 30 days from publication of notice in the *State Register* to file written objections with the commission regarding the issuance of the special local need registration. Objections may be submitted to: John C. Sierk, Minnesota Department of Agriculture, Agronomy and Plant Protection Division, 90 West Plato Boulevard, St. Paul, MN 55107. Comment deadline is May 30, 2001.

### Department of Labor and Industry

#### Labor Standards Unit

#### Notice of Addition to Highway/Heavy Prevailing Wage Rates

**Additional** rates have been added to the Highway/Heavy Prevailing Wage Rates certified 10/23/00, for **Labor Codes 101-109 in Regions 1-10**.

Copies of the certified wage rates for these Counties may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road North, St. Paul, Minnesota 55155-4306, or by calling, **phone:** (651) 296-6452. Charges for the cost of copying and mailing are \$.65 per page. Make check or money order payable to the State of Minnesota.

Gretchen B. Maglich  
Commissioner

## Department of Health

### Health Technology Advisory Committee

#### Notice of: 1) Availability of Preliminary "Tumescent Liposuction" Evaluation Report; and 2) Solicitation of Written Comments

The Health Technology Advisory Committee (HTAC) is charged under *Minnesota Statutes* 62J.152 with conducting evaluations of specific technologies and their specific use and application. For the purposes of evaluation, the definition of technologies in statute includes" ... drugs, devices, procedures, or processes applied to human health care ... "As part of the evaluation process, HTAC is required to submit a report to the Legislative Oversight Commission on Health Care Access and to solicit written comments on the report. Before completing its final comments and recommendations on the HTAC technology evaluation report, HTAC solicits public comment on the report.

The Health Technology Advisory Committee (HTAC) has recently completed the preliminary evaluation report, "Tumescent Liposuction".

##### Brief Summary of the Preliminary HTAC Report: Tumescent Liposuction

Approximately 270,000 liposuctions are performed annually. A main safety concern with tumescent liposuction is the potential for plasma lidocaine concentrations that reach dangerous levels, but toxicity can develop even when plasma lidocaine levels are in suggested therapeutic ranges. Data obtained from the reviewed studies does not give clear guidelines on maximum dosages, of lidocaine solution contents, or lidocaine concentrations.

The tumescent solution thickens the subcutaneous fat layer. Tumescent liposuction was developed and is considered by some to be an improvement in the liposuction procedure. When performed correctly the buildup of toxic systemic levels of lidocaine are inhibited, bleeding is limited during and after tumescent liposuction, the anesthetic effect of the lidocaine is prolonged, and lidocaine absorption is delayed, allowing larger doses to be administered safely.

Tumescent liposuction is performed primarily by dermatologic surgeons and by plastic surgeons. However, different professionals use different techniques for performing tumescent liposuction. The procedure is usually performed in outpatient settings with local anesthesia. Several deaths have occurred in patients who received tumescent liposuction and there is disagreement over the causes of death.

Individuals or organizations requesting information or a copy of the report should contact HTAC. Written comments regarding the report are due within 30 days from the publication of this notice. Any written material received by HTAC shall be subject to the requirements of the Minnesota Data Practices Act (*Minnesota Statutes*, Section 13) and should be forwarded to:

Nancy Cusick  
Health Technology Advisory Committee  
121 East 7th Place, Suite 400  
St. Paul, MN 55101  
**Phone:** (651) 282-6374  
**Fax:** (651) 282-5628  
**Website:** <http://www.health.state.mn.us/htac/index.htm>

## Department of Human Services

#### Notice of Availability of the Minnesota Health Care Programs Provider Participation List [Also known as DHS Rule 101 provider compliance list]

**NOTICE IS HEREBY GIVEN** that the Minnesota Health Care Programs provider participation list for April 1, 2001 is now available. The provider participation list is a compilation of fee-for-service health care providers who are in compliance with DHS Rule 101. The list of providers is separated by provider type, each section is in alphabetical order by provider name, and there is no additional information on the list other than the provider's name. This list is distributed on a quarterly basis to the Department of Employee Relations, the Department of Labor and Industry, and the Department of Commerce. To obtain the list contact Kelly Crawford, Rule 101 specialist at **phone:** (651) 296-0766, **toll-free:** (800) 657-3991, **fax:** (651) 296-5690 or **mail:** Customer Services Division, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3856.

Michael O'Keefe, Commissioner  
Department of Human Services

## Official Notices

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### Legislative Coordinating Commission

#### Contract Available for Developing and Managing a Charter School Forum

The Legislative Coordinating Commission (LCC) is soliciting proposals from qualified individuals and organizations to develop and manage a national forum for policymakers to exchange ideas about the role of charter schools in the mainstream of public education.

All proposals must satisfy the criteria as outlined in the full text of the Request For The proposals must not exceed \$60,000.

For a copy of the full text of the Request For Proposal, please contact:

Jennifer Ridgeway  
Administrative Assistant  
Legislative Coordinating Commission  
Room 85 State Office Building  
100 Constitution Avenue  
St. Paul, Minnesota 55155  
**Phone:** (612) 296-9002

The full text of the Request for Proposal may also be retrieved from the **Website:** [www.commissions.leg.state.mn.us/lcc/charter\\_forum.pdf](http://www.commissions.leg.state.mn.us/lcc/charter_forum.pdf)

Proposals must be received by **May 11, 2001, at 4:00 p.m.** No late applications will be accepted. All expenses incurred in responding to this notice shall be borne by the responder.

### Minnesota Historical Society

#### State Review Board Regular Meeting

A meeting of the State Review Board of the Minnesota Historical Society to consider nominations to the National Register of Historic Places will be held on Tuesday, May 22, 2001, in the Cargill Commons, MacMillan Education Wing, Minnesota Historical Society History Center, St. Paul, Minnesota. The State Review Board will meet at 7:00 p.m. for an informational presentation on program activities made by the Preservation Office staff. The meeting will be called to order and consideration of the meeting's agenda will begin at 7:30 p.m. A sign language interpreter is available with one weeks notice, and auxiliary aids are available with two weeks notice. Call (651) 296-5434, or TTY 800-627-3529. For further information contact the State Historic Preservation Office, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102, (651) 296-5434.

### State 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 \$25,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: agency name and address, name of agency contact person, description of project and tasks, cost estimate and final submission date and time of completed proposal. Certain quasi-state agencies and MnSCU institutions are exempted from these provisions. In accordance with *Minnesota Rules* 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. Certified Economically Disadvantaged Businesses and individuals shall receive the equivalent of a 4% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (651) 296-2600 or [TTY (651) 282-5799.]

### Pollution Control Agency

#### Commissioner's Office

#### Organization Development and Training Unit

#### Proposals Sought for Various Organization Development and Training Services

**NOTICE IS HEREBY GIVEN** that the Minnesota Pollution Control Agency (MPCA) is seeking proposals from contractors qualified to perform various organization development and training services including assessment, planning, design, training,



development, facilitation, coaching, consulting, support and maintenance in the areas of; management development, process re-engineering, project management, employee development, human resources, performance management, organization development, customer service, computer based learning, relationship building, interpersonal communication, change leadership, strategic planning and thinking.

Work is proposed to start after July 1, 2001. The duration will be three years with the estimated dollar amount of \$200,000.00. This proposal does not obligate the agency to spend the estimated dollar amount.

A Request for Proposal will be available by mail from this office through Tuesday May 15, 2001. **Call or write for the full RFP, which will be sent free of charge to interested vendors.** After Tuesday May 15, 2001, the Request for Proposal must be picked up in person. The Request for Proposal can be obtained from:

Kristin Coe  
Minnesota Pollution Control Agency  
Organization Development and Training Unit  
520 Lafayette Road  
St. Paul, Minnesota 55155  
**Phone:** (651) 296-1251  
**Email:** *Kristin.coe@pca.state.mn.us*  
**Fax:** (651) 297-1456

Proposals (three copies) submitted in response to the Request for Proposal in this advertisement must be received via post or hand delivery at the address above no later than **2:00 p.m., May 31, 2001. Proposals via email or fax will not be considered. Late proposals will not be considered.** No time extensions will be granted.

Other department personnel are NOT allowed to discuss the Request for Proposal with anyone, including responders, before the proposal submission deadline.

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

## **Department of Children Families & Learning**

### **Office of Community Services**

#### **Notice of Request for Proposal to Conduct Analysis of Child Care Provider Market Rate Survey Data in Minnesota**

The Department of Children, Families & Learning is soliciting proposals from qualified parties to conduct an analysis of data collected through the Child Care Provider Market Rate Survey in Minnesota.

The Department of Children, Families & Learning has received federal funding for child care activities. The Department will award one contract to an individual or organization with expertise in conducting analysis of data collected through Child Care Provider Market Rate surveys.

The goal of this project is to conduct an analysis of the county level data gathered by the Minnesota Child Care Resource & Referral Network. The analysis will provide annual:

1. Information on the rates charged by providers;
2. Information on the absence policies of providers;
3. Summary information at the geographical level of analysis for each type of rate structure; and
4. Recommendations for improving the approach to gathering and analyzing rate survey data.

The intent of this RFP is to select a vendor to provide annual analysis, for a period of up to five years, of the Minnesota Child Care Resource & Referral data base

The Department estimates that the costs of this analysis should not exceed \$30,000 annually, or \$150,000 over the 5 year period.

Anticipated project period is July 1, 2001 through June 30, 2006. The first contract period is anticipated to be July 1, 2001 through June 30, 2002 with continuation based upon continued funding and the state's satisfaction with the vendor's performance.

For a copy of the complete Request for Proposal, please contact:

## State Contracts

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Julie Nash  
Office of Community Services  
Department of Children, Families & Learning  
1500 Highway 36 West  
Roseville, Minnesota 55113-4567  
**Phone:** (651) 582-8562  
**Fax:** (651) 582-8496  
**Email:** *child.care@state.mn.us*

**Completed proposals are due no later than 3:00 p.m. on May 21, 2001. Late proposals will not be considered.**

In compliance with *Minnesota Statutes* 16C.07, the availability of this contracting opportunity is being offered to state employees. We will evaluate the responses of any state employee along with other responses to this Request for Proposal.

## Minnesota State Colleges and Universities

### Dakota County Technical College

#### Bids Sought for CNC Sinker Electrical Discharge Machine

**NOTICE IS HEREBY GIVEN** that Dakota County Technical College will receive bids for CNC Sinker Electrical Discharge Machine. Bid Specifications will be available April 30, 2001 from the Dakota County Technical College Purchasing Department, 1300 145th St., East, Rosemount, MN, 55068, **phone:** (651) 423-8236.

Sealed bids must be received by Pat Adams at Dakota County Technical College, 1300 145th St. East, Rosemount, MN 55068 by **2:00 p.m., Monday, May 14, 2001.**

Dakota County Technical College reserves the right to reject any or all bids or portions thereof, or to waive any irregularities or informalities in proposals received.

## Department of Employee Relations

### Employee Insurance Division/Workers' Compensation Program

#### Notice of Request for Proposals for Provision of Rehabilitation/Disability Management and Job Placement Services

**The Minnesota Department of Employee Relations (DOER) is Soliciting Bids** from qualified rehabilitation consultants or registered placement vendors to provide statutory rehabilitation/disability management and/or job placement services to qualified employees. To view the RFP, see *www.doer.state.mn.us\ei-disimg\disabmgt.htm* and click on **RFP for Rehabilitation/Disability Management and Job Placement Services.**

If you have any questions, contact:

Elaine Dixen  
Disability Administrator  
Minnesota Department of Employee Relations  
Employee Insurance Division/Workers' Compensation Program  
P.O. Box 64081  
St. Paul, MN 55164-0081  
**Phone:** (651) 296-5440  
or leave a message with Jeanne Hosch-Jones **phone:** (651) 215-1517

All proposals must be received by DOER by **4:00 p.m. on June 4, 2001.**

## Department of Human Services

### Health Care Operations Division

#### Notice of availability of Request for Proposals (RFP) for the requirement analysis and planning of a statewide immunization registry information system.

The Minnesota Department of Human Services (DHS), through its Health Care Operations (HCO) division, and in partnership with the Minnesota Department of Health (MDH), is seeking proposals from vendors who are interested in identifying requirements, providing analysis, making recommendations and outlining a strategic plan for the acquisition or development of a statewide immunization registry information system. The system to be acquired or developed will be done through a separate RFP; a vendor awarded a contract under this RFP will be ineligible to submit proposals for any subsequent RFPs issued specifically about this project.

A complete copy of the RFP may be obtained by contacting Joyce Fischer at the mailing address, e-mail address or telephone number below:

**Ms. Joyce Fischer**  
**Minnesota Department of Human Services**  
Health Care Operations  
444 Lafayette Road  
St. Paul, MN 55155  
**Phone:** (651) 296-6429  
**Email:** Joyce.Fischer@state.mn.us

DHS will hold a Vendors Conference on Friday, May 11, 2001 from 8:30 a.m. to 10:00 a.m. in Conference Rooms 1A and B at 444 Lafayette Road, St. Paul, Minnesota.

Attendance at the vendors conference is not mandatory, but will provide potential proposers with an opportunity to ask questions and learn more about the RFP. Questions before the vendors conference regarding this RFP may be submitted via e-mail only to Joyce Fischer. All such questions will be responded to as provided in the RFP document.

All proposals must be received no later than **2 p.m. on Friday, 2001** in the manner specified in the RFP document.

## Non-State Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

## Metropolitan Council

### Notice of Request for Proposals (RFP) for Sale, Posting and Maintenance of Exterior Bus Advertising Contract Number 01P050/Project Number 44401

The Metropolitan Council is requesting proposals for the sale, posting and maintenance of exterior bus advertising.

<i>Issue Request for Proposals</i>	May 4, 2001
<i>Receive Proposals</i>	June 1, 2001
<i>Metropolitan Council authorization</i>	July 11, 2001
<i>Contract negotiated, executed, NTP</i>	July 16, 2001

All firms interested in being considered for this project and desiring to receive a RFP package are invited to submit a Letter of Interest to:

## Non-State Contracts & Grants

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Amanda Peterson, Administrative Assistant, Contracts and Procurement Unit  
Metropolitan Council Environmental Services  
230 East Fifth Street  
Mears Park Centre  
St. Paul, MN 55101  
**Phone:** (651) 602-1585  
**Fax:** (651) 602-1138  
**Email:** [amanda.petersen@metc.state.mn.us](mailto:amanda.petersen@metc.state.mn.us)

Inquiries regarding technical aspects of the project should be directed to Gordon Backlund, **phone:** (651) 602-1801.

*Minnesota Statutes*, Sections 473.144 and 363.073, and *Minnesota Rules*, Parts 5000.3400 to 5000.3600 will be incorporated into any contract based upon the Proposal or any modifications to it. If a contract for the project is awarded in excess of \$100,000, the requirements of *Minnesota Rules* 5000.3530 will be applicable.

## University of Minnesota

### Notice of Bid Information Service (BIS) Available for All Potential Vendors

The University of Minnesota offers 24 hour/day, 7 day/week access to all Request for Bids/Proposals through its web based Bid Information Services (BIS). Subscriptions to BIS are \$75/year. Visit our web site at [bidinfo.umn.edu](http://bidinfo.umn.edu) or call the BIS Coordinator at (612) 625-5534.

Requests for Bids/Proposals are available to the public at no charge each business day from 8:00 a.m. to 4:30 p.m. in Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Mpls., MN 55454.

## Proclamations

The governor's office issues proclamations and certificates of commendation upon request. Proclamations are declared by the governor to designate a special day of celebration, remembrance, or attention to a given cause. Certificates of commendation may be requested for individuals, groups or organizations, schools, special projects, and public and private agencies that have made outstanding achievements in their field. *Minnesota Statutes* § 4.03 states, "All proclamations of the governor required or authorized by law shall be filed with the secretary of state." For assistance with proclamations or certificates, contact the governor's office at (651) 296-3391.

## Office of the Governor

### Proclaiming May 3, 2001 to be Birchview Elementary School 30th Anniversary Day

**WHEREAS:** Birchview Elementary School is located in the Wayzata School District 284; and

**WHEREAS:** Birchview Elementary School is a Minnesota School of Excellence; and

**WHEREAS:** Birchview Elementary School is unique as it is the only school in the Wayzata School District with an open pod configuration; and

**WHEREAS:** Birchview Elementary School will be celebrating its 30th Anniversary on May 3, 2001.

**NOW, THEREFORE, I JESSE VENTURA**, Governor of Minnesota, do hereby proclaim, Wednesday, May 3, 2001 shall be observed as:

**BIRCHVIEW ELEMENTARY SCHOOL 30TH ANNIVERSARY DAY**

in Minnesota.

## Available at Minnesota Bookstore

Order form on back page

### *Did you know that Minnesota's Bookstore offers more than 5,000 lake-depth maps?*

Are you frustrated when you go looking for a lake-depth map of your favorite nearby "fishing hole"? Minnesota's Bookstore has more than 5,000 lake-depth maps charted by the MN Dept. of Natural Resources. Give us a call and tell us the name of the lake, the county in which it is located, and any nearby town or landmark. We'll check our listings and chances are, we'll have your lake map!  
**Call Mon-Fri/8am-5pm 651.297.3000 metro 800.657.3757 nationwide**

#### **Minnesota Lake Master CDROM**

This new CDROM by Lake Master features 101 MN lakes with detailed lake-depth information and hotspots PLUS a GPS interface and the capacity to chart your favorite fishing spots with pin-point accuracy. Software allows you to input the date, time of day, lure used, species, etc. on every lake map. (Windows 95, 98 or 2000. 32MB RAM, 100 MHz.) **Stock Number 20-50 \$49.00**

#### **North Central GPS Companion**

Pocket-sized book charts the latitude of 8200 cities and landmarks throughout Minnesota, Iowa and Wisconsin. Great for the avid angler, explorer, hunter, aviator... Softcover, 178pp. **Stock No. 12-4 \$13.95**

#### **MN Muskie Fishing Guide**

This Sportsman's Connection book guides you to great spots throughout the state for muskie fishing. With over 50 marked fishing maps, tips and hot spots from experts, and GPS grids for large lakes, you'll have an upper hand in the battle with the muskie. Spiral-bound, 184pp. **Stock No. 20-14 \$19.95**

### **DREAMING OF THE FISHING OPENER!**



#### **Twin Cities Fishing Guide**

This book by Sybil Smith features lake-depth maps, stocking information and hot spots along with great fishing tips for successful angling in the metro area. Softcover, 217pp. **Stock No. 19-55 \$14.95**

#### **Better Homes & Gardens New Garden Book**

From a trusted publisher comes this truly comprehensive, full-color book. More than 400 photos let you see exactly what plants look like, from flowers to trees to vegetables, both close up and in garden settings. Learn step-by-step all the tricks to caring for a variety of plants. One hundred pages of illustrated plant portfolios and 65 pages of handy charts give you thorough descriptions of more than 800 plants, diseases and pests. Softcover, 384pp. **Stock No. 19-102 \$16.95**

#### **Herbs for Northern Gardeners**

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