

85, SEPT 9

# STATE REGISTER

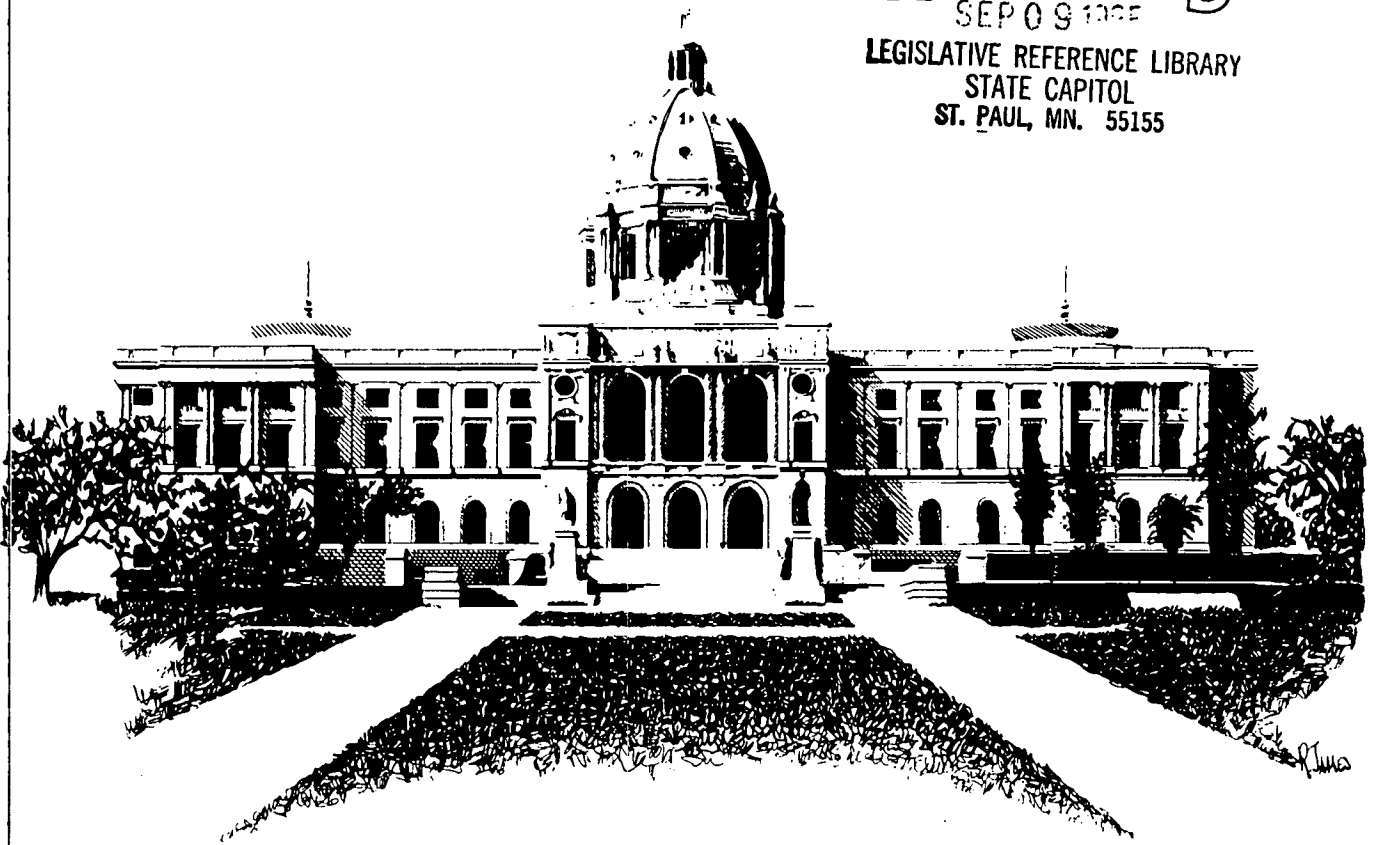
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STATE OF MINNESOTA

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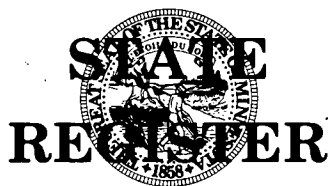
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VOLUME 10, NUMBER 11

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Pages 609-640



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### Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
SCHEDULE FOR VOLUME 10			
12	Friday August 30	Monday September 9	Monday September 16
13	Monday September 9	Monday September 16	Monday September 23
14	Monday September 16	Monday September 23	Monday September 30
15	Monday September 23	Monday September 30	Monday October 7

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

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

Instructions for submission of documents may be obtained from the Office of the State Register, 506 Rice Street, St. Paul, Minnesota 55103, (612) 296-0930.

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The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, and official notices to the public. Judicial notice shall be taken of material published in the *State Register*.

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The PROPOSED RULES section contains:

- Calendar of public hearings on proposed rules.
• Proposed new rules (including notice of hearing and/or notice of intent to adopt rules without a hearing).
• Proposed amendments to rules already in existence in the Minnesota Rules.
• Proposed emergency rules.
• Withdrawal of proposed rules (option; not required).

The ADOPTED RULES section contains:

- Notice of adoption of new rules and rule amendments adopted without change from the previously published proposed rules. (Unchanged adopted rules are not republished in full in the State Register unless an agency requests this.)
• Adopted amendments to new rules or rule amendments (adopted changes from the previously published proposed rules).
• Notice of adoption of emergency rules.
• Adopted amendments to emergency rules (changes made since the proposed version was published).
• Extensions of emergency rules beyond their original effective date.

The OFFICIAL NOTICES section includes (but is not limited to):

- Notice of intent to solicit outside opinion before promulgating rules.
• Additional hearings on proposed rules not listed in original proposed rules calendar.

ALL ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES published in the State Register and filed with the Secretary of State before July 31, 1983 are published in the Minnesota Rules 1983. ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES filed after July 31, 1983 will be included in a supplement scheduled for publication in mid-1984. Proposed and adopted EMERGENCY (formerly called TEMPORARY) RULES appear in the State Register but are generally not published in the Minnesota Rules 1983 due to the short-term nature of their legal effectiveness. Those that are long-term may be published.

The State Register publishes partial and cumulative listings of rule in the MINNESOTA RULES AMENDMENTS AND ADDITIONS list on the following schedule:

Issues 1-13, inclusive
Issues 14-25, inclusive
Issue 26, cumulative for 1-26
Issues 27-38, inclusive
Issue 39, cumulative for 1-39
Issues 40-51, inclusive
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## PROPOSED RULES

Pursuant to Minn. Stat. of 1982, §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

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

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

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

## Board of Animal Health

### Proposed Rules Relating to Bovine Paratuberculosis Control

#### Notice of Hearing

Notice is hereby given that a public hearing will be held pursuant to Minnesota Statutes, 1984, Section 14.14, Subd. 1, on the above entitled matter at the Holiday Inn Plymouth (on N.W corner of Hwy. 494 and US 55), on October 17, 1985 commencing at 2 p.m. and continuing until all representatives of associations or other interested groups of persons have had an opportunity to be heard concerning the amendment of the proposed rules.

Statements may be made orally and written material may be submitted and recorded in the hearing record by mailing the material to Administrative Law Judge, Mr. John Lunde, Office of Administrative Hearings, 400 Summit Bank Building, 310 South 4th Avenue, Minneapolis, Minnesota, 55415, telephone (612) 341-7645, either before the hearing or within five working days after the close of the hearing unless the judge orders a longer period of time not to exceed 20 calendar days. Comments received during the comment period will be available for review at the Office of Administrative Hearings. The agency and interested persons may respond in writing within 3 business days after the submission period ends to any new information submitted. The proposed rules are subject to change as a result of the rule hearing process. The Board of Animal Health therefore strongly urges those who may be affected in any manner by the substance of the proposed rules to participate in the rule hearing process.

The Board of Animal Health proposes to make five amendments to the rule on Control of Bovine Paratuberculosis in Minnesota:

1. The quarantine provisions of the current rule will be discontinued. This is being done to encourage herd owners to have Johne's like symptoms diagnosed and will take steps to free their herds of this disease.

2. To make Agar Gel Immunodiffusion Test an official test for the diagnosis of Johne's disease. This test is an accurate test that is faster and less expensive.

3. To regulate use of Mycobacterium paratuberculosis bacterin. This product must be regulated as it has public health significance to the user, it could interfere with the TB test and with herd diagnosis of Johne's and should be used in infected or high risk herds.

4. The proposed rule has provisions for establishing certified paratuberculosis-free herds. It is believed that many cattle owners will voluntarily work towards this goal. A herd with this status will be helpful to both the owner selling cattle and purchasers buying cattle.

5. This rule proposes to give all herds in the state paratuberculosis classification. This provision will encourage owners to clean up their herds and will be helpful to people buying cattle.

Copies of the proposed rule are available by writing the Board of Animal Health, 160 Agriculture Bldg., 90 W. Plato Blvd., St. Paul, MN 55107, telephone (612) 296-4138. Copies will also be available at the door on the date of hearing.

The proposed changes in the rule will have no financial impact on the livestock industry as it is completely voluntary, and will have no impact on small business. The discontinuation of quarantines may be a financial benefit to the owners of the affected herds. Livestock producers and small business operators are encouraged to participate in the rulemaking process and to express their views regarding implementation of the proposed rules. In addition, the Board has taken into consideration the requirements of Minnesota Statute § 14.11 (1982), and has found and determined that the proposed rule will not require the expenditure of public moneys by local public bodies and will not have a direct or substantial impact on agricultural land.

Minnesota Statute Chapter 10A requires each lobbyist to register with the Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minnesota Statute § 10A.01, Subd. 11 (1979 Supp.) as any individual:

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

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

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota, 55155, telephone (612) 296-5148.

Notice: Any person may request notification of the date on which the Judge's Report will be available, after which date the department may not take any final action on the rules for a period of five working days. Any person may request notification of the date of which the hearing record has been submitted (or resubmitted) to the Attorney General by the department. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Judge (in the case of the Judge's Report) or to the Board (in the case of the Board's submission or resubmission to the Attorney General).

Notice is hereby given that 25 days prior to the hearing, a Statement of Need and Reasonableness will be available for review at the Board and at the Office of Administrative Hearings. This Statement of Need and Reasonableness will include a summary of all the evidence and arguments which the Board anticipates presenting at the hearing justifying both the need for and reasonableness of the proposed rule or rules. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Administrative hearings at a minimal charge.

The rule hearing procedure is governed by Minn. Stat., 1984, 14.05-14.20, as amended, and by Minn. Rules. Part 1400.0250 to 1400.1200. Any questions about procedure may be directed to the Judge. The Board is authorized to make these amendments by Minn. Stat., Sec. 35.03.

August 23, 1985

George E. Keller  
for  
Dr. T. J. Hagerty  
Executive Secretary  
Minnesota Board of Animal Health

**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

## Rules as Proposed

### 1705.0640 DEFINITIONS.

**Subpart 1. Board.** "Board" means the Board of Animal Health or its authorized agent.

**Subp. 2. Herd.** "Herd" means all cattle under common ownership or supervision that are grouped on one or more parts of a single premises or all cattle on two or more premises geographically separated but on which the cattle have been interchanged or where there has been contact of cattle between the premises.

**Subp. 3.** [See Repealer.]

**Subp. 4. Owner.** "Owner" means the legal owner, his or her agents, and the person in possession of or caring for the cattle referred to.

**Subp. 4a. Positive.** An animal is "positive" if it is diagnosed positive by a recognized Johnin test, is positive to an agid test, a fecal culture test, or any other test approved by the board, or if paratuberculosis is diagnosed histopathologically at a laboratory approved by the board.

**Subp. 5. to 7.** [See Repealer.]

**Subp. 8. Recognized test; testing.** "Recognized test" and "testing" mean means the cervical intradermic injection of intradermal Johnin and palpation of the injection site 48 hours after the injection or test, the caudal fold intradermal Johnin test, the intravenous injection of Johnin with recording of postinjection temperatures by a veterinarian, or smears of rectal scrapings or fecal samples for culturing submitted to an official laboratory by a veterinarian for evaluation test, the agar gel immunodiffusion (agid) test, the fecal culture test, or any other tests as test approved by the board.

**Subp. 8a. Vaccinated cattle.** "Vaccinated cattle" means cattle vaccinated with the *Mycobacterium paratuberculosis* bacterin which is licensed by the United States Department of Agriculture according to the procedures specified in parts 1705.0640 to 1705.0732.

**Subp. 9. Veterinarian.** "Veterinarian" means a veterinarian licensed and accredited in Minnesota or a veterinarian of employed by the USDA United States Department of Agriculture.

### 1705.0660 DEMAND FOR TESTS.

The board may demand tests of cattle or herds suspected of being infected with or exposed to paratuberculosis when necessary to protect other cattle from the infection.

### 1705.0670 APPROVED TESTING PROCEDURES.

Approved procedures are to be used in application of the tests.

**Subpart 1. Cervical intradermal Johnin test.** The cervical intradermal Johnin test must be made by injecting intradermally 0.1 cubic centimeters Johnin in a shaved or clipped cervical area and must be observed 48 hours later by vision and palpation. A visible or palpable thickening of the skin at the injection site constitutes a positive test.

**Subp. 2. Caudal fold intradermal Johnin test.** The caudal fold intradermal Johnin test must be made by injecting intradermally 0.1 cubic centimeter Johnin in a cleaned caudal fold area and must be observed 72 hours later by vision and palpation. A visible or palpable thickening of the skin at the injection site constitutes a positive test.

**Subp. 3. Intravenous Johnin test.** The intravenous Johnin test must be made by injecting from two to three cubic centimeters Johnin intravenously in the jugular vein after a preinjection rectal temperature is recorded. The test must not be performed on cattle whose preinjection temperature exceeds 102.5 degrees Fahrenheit. Postinjection rectal temperatures must be taken at three, six, and nine hours. An animal is positive if the rectal temperature increases at least 1.5 degrees Fahrenheit and the final temperature reaches at least 103.2 degrees Fahrenheit.

**Subp. 4. Agid test.** The agid test must be made by a laboratory approved by the board using a serum sample submitted by a veterinarian or must be performed by a veterinarian using a United States Department of Agriculture licensed agid test kit.

**Subp. 5. Fecal culture test.** The fecal culture test must be made by collecting fecal material directly from the rectum using a separate sleeve for each animal and submitting the fecal sample to a laboratory approved by the board for culturing.

**Subp. 6. Tests by veterinarian.** All tests made for paratuberculosis must be made by a veterinarian.

### 1705.0720 IDENTIFICATION OF CATTLE.

Cattle tested shall ~~must~~ be individually identified by an official ear tag, with the Minnesota prefix, inserted in the right ear, by a tattoo, by a registry number, or other permanent identification by an ear tag inserted by the owner.



**1705.0725 REPORTS OF RECOGNIZED TESTS.**

**Subpart 1. Johnin or agid tests.** Johnin tests and the agid test must be reported to the board by the veterinarian who made the test within 14 days after observation of test results.

**Subp. 2. Serum or fecal tests.** A veterinarian submitting either serum or fecal samples to an approved laboratory for paratuberculosis testing must provide that laboratory completed official test charts in triplicate at the time of sample submission. The laboratory must report results of the test to the board.

**1705.0726 SALE OF MYCOBACTERIUM PARATUBERCULOSIS BACTERIN.**

Manufacturers, wholesalers, distributors, and other agencies may sell *Mycobacterium paratuberculosis* bacterin only to a veterinarian authorized by the board and must send a copy of each sale invoice to the board.

**1705.0727 REQUIREMENTS FOR USE OF MYCOBACTERIUM PARATUBERCULOSIS BACTERIN.**

*Mycobacterium paratuberculosis* bacterin may be used only when the following requirements are met:

- A. The bacterin may be administered only by a veterinarian.
- B. The bacterin may be used only in cattle herds in which one or more members of the herd are positive to the fecal culture test or the agid test, or have been diagnosed as infected by histopathological diagnosis at a laboratory approved by the board.
- C. All cattle in the herd 24 months of age or over must be negative to a caudal fold intradermal tuberculin test made within 60 days prior to the vaccination starting date.
- D. The bacterin may be used only in calves from one to 35 days of age.
- E. Vaccinated calves must be identified pursuant to part 1705.0720. Vaccinated calves must be further identified by a tattoo in the left ear which includes a number representing the quarter of the year when the calf was vaccinated followed by the letter "J" followed by a number representing the year in which the calf was vaccinated.
- F. The veterinarian must have a permit issued by the board for use of the bacterin in a specified herd.
- G. A report of the vaccination must be submitted to the board within 14 days after the vaccine is administered.

**1705.0728 CERTIFICATION OF PARATUBERCULOSIS-FREE HERD.**

**Subpart 1. Requirements for certification.** A herd may be certified paratuberculosis-free if the owner submits evidence of three consecutive negative tests made no less than 12 months apart on cattle 24 months of age and over in the herd. The first and second test may be the fecal culture or agid test. The third test must be a fecal culture test. The certified paratuberculosis-free herd status begins upon receipt by the board of the third negative fecal culture test results and expires 365 days later. The board will issue a paratuberculosis-free herd certificate which includes the beginning and ending dates of the certification period.

The paratuberculosis-free herd certification must be extended for one year after the expiration date in herds containing vaccinated cattle if the owner submits evidence of a negative fecal culture test on cattle 24 months of age or older in the herd. Herds not containing vaccinated cattle may submit evidence of either a negative fecal culture or a negative agid test on cattle 24 months of age or older in the herd. These tests may be made not more than two months before or not more than two months after the expiration date. The board may approve other laboratory tests for use in certifying and recertifying paratuberculosis-free herds.

An animal may not be represented as originating from a certified paratuberculosis-free herd unless it has been a member of the herd for at least 60 days and has been included on the most recent herd test.

A herd will lose its paratuberculosis-free herd certification if any cattle in the herd are positive to the fecal culture test or the agid test.

**1705.0731 CLASSIFICATION OF HERDS OTHER THAN PARATUBERCULOSIS-FREE.**

**Subpart 1. Herd in process of becoming paratuberculosis-free.** A herd that is negative on the most recent fecal culture or agid test and for which the owner submits a herd plan in writing to establish a paratuberculosis-free herd is a herd in process of becoming paratuberculosis-free.

**Subp. 2. Paratuberculosis-positive program herd.** A herd in which any cattle were positive on the most recent fecal culture or

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## PROPOSED RULES

agid test and for which the owner submits a herd plan in writing which documents that the owner is carrying out procedures to eliminate paratuberculosis from the herd is a paratuberculosis-positive program herd.

**Subp. 3. Paratuberculosis-positive herd.** A herd in which any cattle were positive on the most recent fecal culture or agid test and for which the owner has submitted no herd plan for eliminating paratuberculosis from the herd is a paratuberculosis-positive herd.

**Subp. 4. Paratuberculosis-unknown status herd.** A herd in which there has been no testing to determine the status of the herd is a paratuberculosis-unknown status herd.

### **1705.0732 COST OF TESTS AND VACCINATION.**

All tests and vaccinations must be done by a practicing veterinarian at the cattle owner's expense unless a veterinarian employed by the state or federal government is assigned by the board.

### **1705.0735 PREVIOUSLY ISSUED QUARANTINES.**

Quarantines issued under previous rules will be released when parts 1705.0640 to 1705.0735 become effective.

**REPEALER.** Minnesota Rules, parts 1705.0640, subparts 3, 5, 6, and 7; 1705.0650; 1705.0680; 1705.0690; 1705.0700; 1705.0710; 1705.0730; 1705.0740; 1705.0750; 1705.0760; 1705.0770; 1705.0780; 1705.0790; 1705.0800; 1705.0810; 1705.0820; and 1705.0830 are repealed.

## Board of Animal Health

### Proposed Rules Relating to Livestock Exhibitions and Markets

#### Notice of Hearing

Notice is hereby given that a public hearing will be held pursuant to Minnesota Statutes, 1984, Section 14.14, Subd. 1, in the above-entitled matter in the Holiday Inn Plymouth (on the N.W. corner of Hwy. 494 and U.S. 55), on October 17, 1985 commencing at 9:30 a.m. and continuing until all representatives of associations or other interested groups of persons have had an opportunity to be heard concerning the amendment of the proposed rule.

Statements may be made orally and written material may be submitted and recorded in the hearing record by mailing the material to Administrative Law Judge, Mr. John Lunde, Office of Administrative Hearings, 400 Summit Bank Building, 310 South 4th Avenue, Minneapolis, Minnesota, 55415, telephone (612) 341-7645, either before the hearing or within five working days after the close of the hearing unless the judge orders a longer period of time not to exceed 20 calendar days. Comments received during the comment period will be available for review at the Office of Administrative Hearings. The agency and interested persons may respond in writing within 3 business days after the submission period ends to any new information submitted. The proposed rules are subject to change as a result of the rule hearing process. The Board of Animal Health therefore strongly urges those who may be affected in any manner by the substance of the proposed rules to participate in the rule hearing process.

The Board of Animal Health proposes to make five amendments to the Exhibition Rule:

1. A definition of Exhibition is being added to the rule.
2. The proposed rule will include pseudorabies test requirements for swine being exhibited. This amendment brings this rule into agreement with the Pseudorabies Control rule.
3. The new rule proposes to discontinue the mandatory tuberculosis testing of goats for exhibition. This change is being made because tuberculosis is no longer a problem in goats or cattle in Minnesota.
4. Horses consigned to race tracks licensed by the Minnesota Racing Commission will be required to comply with this rule. This requirement will protect the horse industry in the state and will also protect those horses stabled at the race track.
5. This proposed rule will require poultry from outside the state to meet both the requirements of the importation rule and the requirements of this rule. This will have the effect of giving more protection to the poultry industry, particularly from Mycoplasma gallisepticum in turkeys and salmonella typhimurium in turkeys. The state of Minnesota has a formal program to control those two diseases.

Copies of the proposed rule are available by writing the Board of Animal Health, 160 Agriculture Bldg., 90 W. Plato Blvd., St. Paul, MN 55107, telephone (612) 296-4138. Copies will also be available at the door on the date of the hearing.

The proposed changes will have no financial impact as the pseudorabies testing requirement is already in effect. Preparing goats for exhibition will cost less. No additional personnel will be needed to administer this rule at the trace track. Poultry exhibitors from outside the state will be required to test the poultry for Mycoplasma gallisepticum and salmonella typhimurium which will be a small additional cost. This will be the only impact on small business.

The Board has taken into consideration the requirements of Minn. Stat. § 14.11 (1982), and has found and determined that the proposed rule will not require the expenditure of public moneys by local public bodies and will not have a direct or substantial impact on agricultural land.

Minn. Stat., Ch. 10A requires each lobbyist to register with the Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, Subd. 11 (1979 Supp.) as any individual:

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

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

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota, 55155, telephone (612) 296-5148.

Notice: Any person may request notification of the date on which the Judge's Report will be available, after which date the department may not take any final action on the rules for a period of five working days. Any person may request notification of the date of which the hearing record has been submitted (or resubmitted) to the Attorney General by the department. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Judge (in the case of the Judge's Report) or to the Board (in the case of the Board's submission or resubmission to the Attorney General).

Notice is hereby given that 25 days prior to the hearing, a Statement of Need and Reasonableness will be available for review at the Board and at the Office of Administrative Hearings. This Statement of Need and Reasonableness will include a summary of all the evidence and arguments which the Board anticipates presenting at the hearing justifying both the need for and reasonableness of the proposed rule or rules. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Administrative Hearings at a minimal charge.

The rule hearing procedure is governed by Minn. Stat., 1984, 14.05-14.20, as amended, and by Minn. Rules, Part 1400.0250 to 1400.1200. Any questions about procedure may be directed to the Judge.

The Board is authorized to make these amendments by Minn. Stat., Sec. 35.03.

August 23, 1985

George E. Keller  
for  
Dr. T. J. Hagerty  
Executive Secretary  
Minnesota Board of Animal Health

## Rules as Proposed

### 1715.0005 DEFINITIONS.

Subpart 1. Scope. As used in parts 1715.0005 to 1715.0162, the terms defined in this part have the meanings given.

Subp. 2. Board. "Board" means the Board of Animal Health or its authorized agents.

Subp. 3. Official veterinarian. "Official veterinarian" means a veterinarian licensed and accredited in Minnesota selected by the management of an exhibition and authorized by the board to carry out parts 1715.0005 to 1715.0162.

Subp. 4. Public exhibition of livestock and poultry in Minnesota. "Public exhibition of livestock and poultry in Minnesota" means bringing livestock or poultry owned by two or more persons to one location for judging or for display to the public, except when there is only one animal of each species exhibited.

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**Subp. 5. Slaughter classes.** “Slaughter classes” means livestock or poultry classes in which no animals or poultry in the class will be returned to the premises of the owner, all animals will be slaughtered during or immediately after the exhibition, and the entire class is kept isolated in a separate building from all other livestock and poultry at the exhibition.

**Subp. 6. Poultry.** “Poultry” means turkeys, including wild turkeys maintained in captivity, chickens, pheasants, partridges, guinea fowl, quail, and other domesticated or wild fowl maintained in captivity.

### 1715.0010 SUPERVISION.

All public exhibitions of livestock and poultry shall be ~~are~~ under the supervision of the ~~Minnesota Board of Animal Health,~~ hereinafter called the board.

### 1715.0020 EXEMPTION.

Performing livestock and poultry used by rodeos, circuses, and as animal acts, if kept isolated from other livestock and poultry on the exhibition premises, are exempt from the requirements of part 1715.0040, items C and D and parts 1715.0060 to 1715.0190.

### 1715.0030 EXHIBITIONS IN CONNECTION WITH CONSIGNMENT SALE.

Exhibitions held in connection with a consignment sale of livestock or poultry ~~and during which the livestock and poultry are on the sale premises for not more than 18 hours~~ will must be supervised by the official veterinarian authorized under parts 1715.0200 to 1715.0580 who must enforce the requirements of parts 1715.0005 to 1715.0162 if livestock and poultry are on exhibition premises more than 18 hours.

### 1715.0040 MANAGEMENT OF EXHIBITION.

The management of an exhibition shall:

A. Comply with all reasonable orders of the board or the official veterinarian pertaining to the sanitation of premises and the health status of all livestock and poultry exhibited.

B. Clean and disinfect all building and exhibit areas for the use of livestock and poultry prior to the opening date of the exhibition and during the exhibition if livestock and poultry are released and new livestock and poultry are brought to the exhibition premises, and maintain ~~them~~ the areas in a sanitary condition.

C. Provide quarantine facility for any livestock or poultry showing symptoms of infectious or communicable disease. If a quarantine facility is impractical, any livestock or poultry showing symptoms of infectious or communicable disease shall be removed from the premises by the exhibitor when ordered to do so by the official veterinarian.

D. Employ an official veterinarian when cattle, swine, sheep, goats, horses, or poultry are exhibited; ~~the management shall submit the name of a veterinarian accredited in Minnesota who, when authorized in writing by the board, shall act as official veterinarian.~~

### 1715.0050 RESPONSIBILITIES OF OFFICIAL VETERINARIAN.

The official veterinarian shall:

A. approve the cleaning and disinfection of the exhibition premises prior to the exhibition and during the exhibition if livestock and poultry are released and new livestock and poultry are brought to the exhibition premises;

B. inspect all livestock and poultry on the day admitted to the exhibition;

C. refuse admission of livestock and poultry exhibiting symptoms of any infectious or communicable disease, or of livestock or poultry not meeting the admission requirements of this ~~rule~~ part;

D. inspect all livestock and poultry at least once daily during the exhibition and order the immediate removal to the quarantine facility or removal from the exhibition premises of any livestock or poultry with symptoms of infectious or communicable disease, and order and supervise the cleaning and disinfection of the area from which the diseased livestock or poultry was removed;

E. conduct any necessary tests at any time to determine the health status of the livestock or poultry on the exhibition grounds;

F. at the conclusion of the exhibition, report to the board violations of ~~the rule~~ parts 1715.0005 to 1715.0162 and other information concerning the exhibition as requested by the board; and

G. retain for a period of one year all official forms

## ENTRANCE REQUIREMENTS FOR LIVESTOCK AND POULTRY ORIGINATING IN MINNESOTA

### 1715.0060 SLAUGHTER CLASSES.

All livestock and poultry entered in the class which are kept isolated in a separate building from all other livestock and poultry at

the exhibition and which are slaughtered during or immediately following the exhibition do not need ~~health certificates, tests, or individual identification.~~

**1715.0070 IDENTIFICATION OF CATTLE WHICH MUST BE TESTED.**

Cattle which must be tested shall be individually identified by ear tag number, tattoo number, or registry number.

**1715.0080 BOVINE BRUCELLOSIS.**

All cattle, except those exempted from test ~~and those diagnosed "vaccinate"~~ under parts 1705.0060 to 1705.0540, must meet one of the following:

A. negative brucellosis test within 90 days prior to the opening date of the exhibition; record of the test with the result shall be entered on a test chart, certificate of brucellosis test, or health certificate and presented to the official veterinarian at time of entry;

B. originate from a herd certified brucellosis-free pursuant to parts 1705.0060 to 1705.0540, certified herd number and date of last qualifying test to be reported to the official veterinarian at time of entry.

**1715.0090 IDENTIFICATION OF SWINE ~~TO~~ WHICH MUST BE TESTED.**

Swine which must be tested ~~shall~~ must be individually identified by ear tag number, tattoo number, registry number, or other identification satisfactory to the board.

**1715.0100 SWINE BRUCELLOSIS.**

All swine eligible for test under parts 1705.1500 to 1705.1780 shall meet one of the following:

A. negative brucellosis test conducted within 90 days prior to the opening date of the exhibition; record of the test with the result shall be entered on a test chart, certificate of brucellosis test, or health certificate and presented to the official veterinarian at time of entry;

B. originate from a herd validated brucellosis-free pursuant to parts 1705.1550 to 1705.1780, validated herd number and date of last qualifying test to be reported to the official veterinarian at time of entry.

**1715.0105 SWINE PSEUDORABIES.**

All swine, except swine entered in a slaughter class pursuant to part 1715.0060, must:

A. have had a negative pseudorabies test conducted within 30 days prior to the opening date of the exhibition, a record of which and the result must be entered on a test chart or health certificate and presented to the official veterinarian at the time of entry;  
or

B. originate from a qualified pseudorabies negative herd or a pseudorabies-controlled vaccinated herd pursuant to parts 1705.2480 and 1705.2490, with the qualified herd number or pseudorabies-controlled vaccinated herd number and date of last qualifying test reported to the official veterinarian at the time of entry.

**1715.0110 EXHIBITION SHEEP.**

Sheep shall be examined by the official veterinarian on the day admitted to the exhibition.

**1715.0120 IDENTIFICATION OF GOATS ~~TO~~ WHICH MUST BE TESTED.**

Goats which must be tested ~~shall~~ must be individually identified by ear tag number, tattoo number, ~~or registry number and, if the goats are over six months of age,~~ accompanied by a record of the following tests entered on a test chart or health certificate ~~if the goats are over six months of age:~~ tuberculosis, a negative test within 90 days prior to the opening date of the exhibition; brucellosis, a negative brucellosis test within 90 days prior to the opening date of the exhibition entered on a test chart or health certificate.

**1715.0130 EXHIBITION HORSES.**

Horses ~~shall~~ must be examined by the official veterinarian on the day admitted to the exhibition. Trail rides are exempt from the requirements of part 1715.0040, items C and D and this part. Those horse shows which are programmed to be completed within a period of 12 hours and at which horses are not stabled overnight are exempt from the requirements of part 1715.0040, items C and D and this part. The commission veterinarian shall enforce the provisions of this part on horses brought to a racetrack licensed by the Minnesota Racing Commission. If no commission veterinarian has been appointed, the management shall employ an official veterinarian as defined in part 1715.0005.

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## PROPOSED RULES

### 1715.0140 ~~IDENTIFICATION~~ EXHIBITION OF POULTRY.

Poultry, except waterfowl and pigeons, must be individually identified with a leg or wing band and accompanied by a form approved by the board to show compliance with one of the following: negative test for pullorum-typhoid disease conducted within 90 days prior to the opening date of the exhibition; originate directly from parent stock tested and found negative for pullorum-typhoid disease within the last 12 months.

### 1715.0150 EXHIBITION OF DOGS OVER SIX MONTHS OF AGE.

Dogs over six months of age ~~shall~~ must be accompanied by a certificate of rabies vaccination issued by a licensed veterinarian. Vaccinations ~~will~~ must be recognized for that period of time specified in parts 1705.1090 to 1705.1210.

### ENTRANCE REQUIREMENTS FOR LIVESTOCK AND POULTRY ORIGINATING OUTSIDE MINNESOTA

### 1715.0160 CATTLE, GOATS, SWINE, POULTRY, AND SHEEP, AND SHEEP, AND GOATS.

All cattle, goats, swine, poultry, and sheep, and goats shall must meet all requirements in parts 1715.0005 to 1715.0162 for livestock and poultry originating in Minnesota and must also meet the Minnesota Board of Animal Health board's importation requirements of parts 1700.0100 to 1700.1500, 1700.1800 to 1700.2000, 1700.2600 to 1700.3000, ~~1700.1800 to 1700.2000,~~ and ~~LSB 20.~~ These rules are outlined in the health requirements and regulations governing interstate shipments published by USDA 1700.3100 to 1700.3800, 1700.4600, and 1700.4700. Health certificates and required tests, except pseudorabies tests for swine which must be made within 30 days, will be accepted if issued and conducted within 90 days prior to the opening date of the exhibition.

### 1715.0162 DOGS AND HORSES.

Dogs and horses must meet all requirements outlined in parts 1715.0005 to 1715.0162 for livestock and poultry originating in Minnesota.

## ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

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

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

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

## Department of Agriculture

### Adopted Rule Relating to Seed Variety Labels

The rule proposed and published at *State Register*, Volume 9, Number 52, pages 2733-2735, June 24, 1985 (9 S.R. 2733) is adopted as proposed.

## Department of Health

### Adopted Rules Relating to Relocation of Residents from Nursing Homes and Certified Boarding Care Homes

The rules proposed and published at *State Register*, Volume 9, Number 42, pages 2330-2333, April 15, 1985 (9 S.R. 2330) are adopted as proposed.

## Department of Labor and Industry Occupational Safety and Health Division

### Adopted Rules Relating to Occupational Safety and Health; Farm Workers Right to Know

The rules proposed and published at *State Register*, Volume 9, Number 28, pages 1551-1555, January 7, 1985 (9 S.R. 1551) are adopted with the following modifications:

#### Rules as Adopted

DEPARTMENT OF LABOR AND INDUSTRY  
OCCUPATIONAL SAFETY AND HEALTH DIVISION  
~~FARMING OPERATIONS TRAINING PROGRAMS~~  
FARMING OPERATIONS TRAINING PLAN

#### 5206.1300 PURPOSE.

The standards in parts 5206.1300 to 5206.1900 implement provisions of the Employee Right-to-Know Act of 1983, Laws of Minnesota 1983, chapter 316, which require the commissioner of the Department of Labor and Industry to develop and implement a training program for farming operations. These standards, which apply to farming operations only, require each employer who is engaged in a farming operation and employs more than ten employees or who is engaged in a farming operation and maintains a temporary labor camp and employs any of its residents to provide training and information to employees who are routinely exposed to hazardous substances or harmful physical agents.

#### 5206.1600 HAZARDOUS SUBSTANCES AND HARMFUL PHYSICAL AGENTS.

**Subpart 1. Hazardous substances list.** The commissioner has determined that part 5206.0400, subpart 2 "Exemptions" and subpart 4 § "List of hazardous substances" shall be incorporated by reference and shall be covered by the provisions of parts 5206.1300 to 5206.1900. The list of hazardous substances includes the majority of hazardous substances, including pesticides, that will be encountered in Minnesota. It does not include all hazardous substances and will not always be current. Employers shall exercise reasonable diligence in evaluating their farming operation with respect to other recognized hazardous substances and assure that employees are provided with the training required in part 5206.1700.

**Effective Date.** Minnesota Rules, parts 5206.1300 to 5206.1900 are effective March 1, 1986.

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# OFFICIAL NOTICES

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Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

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

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## Department of Agriculture

### Notice of Special Local Need Registration

Pursuant to Minnesota Statute Section 18A.23, and 3 MCAR, Section 1.0338 B, the Minnesota Department of Agriculture, on August 13, 1985, issued a Special Local Need Registration (24c) for "Paraquat Plus" manufactured by Universal Cooperatives, Inc. Minneapolis, Minnesota. The State Registration Number assigned is SLN MN85-0001.

In addition to the uses prescribed on the product label, this Special Local Need Registration permits the use of this pesticide for post harvest desiccation of Kentucky Bluegrass seed fields to facilitate burning.

This SLN Registration will remain in effect until December 21, 1987, unless otherwise cancelled by this department or request withdrawn by the manufacturer.

If you have any questions regarding this registration, please contact this office.

Larry P. Palmer  
Pesticide Control Specialist  
Agronomy Services Division  
296-8312

## Department of Agriculture

### Soil and Water Conservation Board Meeting Notice

The Minnesota Soil and Water Conservation Board has changed the meeting place for their September meeting from Conference Room A, Department of Agriculture Building, St. Paul, Minnesota, to the Holiday Inn, St. Cloud, Minnesota. The Board will resume their regular schedule on October 8, 1985.

## Department of Health

### Emergency Medical Services Licensure Application—ALF Ambulance

As of September 9, 1985 a complete application for a license to operate an advanced life support transportation service was submitted by ALF Ambulance (Apple Valley, Lakeview and Farmington), 8747-208th St. W., Lakeville, Minnesota, to operate out of a base of operation at 15000 Hayes Road, Apple Valley Fire Station #1, Apple Valley, Minnesota.

This notice is given pursuant to Minnesota Statutes 1979, Section 144.802, which requires in part that the Commissioner of Health publish the notice at the applicant's expense in the *State Register*.

Each municipality, county, community health services agency, and any other interested person wishing to comment on this application may submit comments to the Metropolitan Health Board, 300 Metro Square Building, 7th and Robert, St. Paul, Minnesota 55101. The comments must reach the Health Systems Agency before October 9, 1985 or be submitted at the public hearing.

After a public hearing has been held, the Health Systems Agency shall recommend that the Commissioner of Health grant or deny a license or recommend that a modified license be granted. The Health Systems Agency shall make the recommendations and reasons available to any individual requesting them.

Within 30 days of receipt of the recommendation to the Commissioner of Health, the Commissioner shall grant or deny the license to the applicant.



## **Department of Human Services**

### **Outside Opinion Sought Concerning Rules Regarding Preadmission Screening and Alternative Care Grants**

Notice is hereby given that the Minnesota Department of Human Services is considering draft amendments to DHS rule parts 9505.2250 through 9505.2380, Preadmission Screening and Alternative Care Grants.

Parts 9505.2250 through 9505.2380 govern county responsibilities in the completion of preadmission screening for all applicants to licensed nursing homes or boarding care homes. The rule parts also govern the distribution of alternative care grant (ACG) funds to applicants who choose to remain in the community and use community services.

The proposed amendments will clarify existing rule provisions and administrative practices and specify new requirements under 1985 changes to Minnesota Statutes, section 256B.091. The 1985 changes mandate preadmission screening of *all* applicants to licensed nursing homes and boarding care homes. Prior to 1985, preadmission screening was mandated only for applicants who are eligible for medical assistance or who would become eligible for medical assistance within 180 days of being admitted to a licensed nursing home or boarding care home.

The proposed amendments will also specify the new requirements of Minnesota Statutes 1985, section 256B.091, subdivision 8, that limit ACG funds to individuals for whom a preadmission screening team would recommend licensed nursing home or boarding care home admission if the alternative care were not available; who are receiving medical assistance or who would be eligible for medical assistance within 180 days of admission to a licensed nursing home or boarding care home; who need services at that time that are not available at that time in the county through other public assistance; and who are age 65 or older.

All interested or affected persons or groups are requested to participate. Statements of information and comment may be made orally or in writing. Written statements may be addressed to:

Mary Bruns  
DHS Preadmission Screening and Alternative Care Grants Program  
6th Floor, Space Center Building  
444 LaFayette Road  
St. Paul, MN 55101

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 297-2243.

## **Metropolitan Council**

### **Public Hearing: Recreation Open Space Development Guide/Policy Plan**

The Metropolitan Systems Committee of the Metropolitan Council will hold a public hearing on Monday, September 30, 1985, at 7:00 p.m. in the Council Chambers, 300 Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota, to receive public comment on the updated *Recreation Open Space Development Guide/Policy Plan*.

The Minnesota Legislature has charged the Metropolitan Council with two distinct responsibilities for parks and recreation in the Twin Cities Metropolitan Area. The first charge is to "prepare and adopt . . . a comprehensive development guide for the Metropolitan Area" that "shall recognize and encompass physical, social or economic needs . . . including . . . land use, parks and open space land needs" (Minn. Stat., Ch. 473.145, 1978). The second charge, in the Metropolitan Parks Act (Minn. Stat., Ch. 473.147, 1978), contains a specific mandate to plan and administer a program of grants to implementing agencies for the acquisition and development of a system of regional recreation open space.

The *Recreation Open Space Development Guide/Policy Plan* responds to both legislative directives. It updates and replaces the Recreation Open Space chapter of the *Metropolitan Development Guide* adopted by the Council in November 1980. The Council and the Metropolitan Parks and Open Space Commission will use this policy plan as a basis for awarding acquisition and development grants for regional park funds; as a set of policies, standards and criteria to review state and federal park grants and other matters referred to the Council for review; and as a set of procedures for the activities and responsibilities of the Council, commission and implementing agencies that carry out the acquisition, development, operation and maintenance of the regional system.

All interested persons are encouraged to attend the hearing and offer comments. People may register to speak in advance by contacting Lucy Thompson at 291-6521. Questions about the policy plan should be directed to Jack Mauritz of the Council's Parks

## OFFICIAL NOTICES

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and Environmental Planning staff at 291-6602. Copies of the draft plan are available free of charge beginning August 26, 1985, from the Council's Communications Department at 291-6464. Copies are also available for public inspection beginning August 26 at the following locations:

Metropolitan Council Library  
300 Metro Square Bldg.  
St. Paul, Minnesota 55101

Minneapolis Public Library  
Government Documents Room  
300 Nicollet Mall  
Minneapolis, Minnesota 55102

St. Paul Public Library  
Science and Industry Room  
90 W. Fourth Street  
St. Paul, Minnesota 55102

Anoka County Library—Blaine Branch  
707 Highway 10  
Blaine, Minnesota 55434

Carver County Library—Chaska Branch  
314 Walnut Street  
Chaska, Minnesota 55318

Dakota County Library—Burnsville Branch  
1101 W. County Road 42  
Burnsville, Minnesota 55337

Hennepin County Library—Southdale Branch  
7001 York Avenue  
Roseville, Minnesota 55435

Ramsey County Library—Roseville Branch  
2180 N. Hamline Avenue  
Roseville, Minnesota 55113

Scott County Library—Shakopee Branch  
235 S. Lewis Street  
Shakopee, Minnesota 55379

Washington County Library—Park Grove Br.  
7510-80th Street South  
Cottage Grove, Minnesota 55106

Sandra S. Gardebring  
Chair

## Department of Transportation

### Amended Order No. 70455 and Notice of Street and Highway Routes Designated and Permitted to Carry the Gross Weights Allowed Under Minn. Stat. § 169.825—Trunk Highway 61

Whereas, the Commissioner of Transportation has made his Order No. 68884 as amended by Orders Nos. 69226, 69269, 62970, 69344, 69353, 69595, 69770, 69796, 70006, 70031, and 70152 designating and permitting certain street and highway routes, or segments of those routes, to carry the gross weights allowed under Minnesota Statutes § 169.825, and

Whereas, the Commissioner has determined that the additional following routes, or segment of routes, should be designated to carry the gross weights allowed under Minnesota Statutes § 169.825.

IT IS HEREBY ORDERED that Commissioner of Transportation Order No. 68884 is amended this date by adding the following designated streets and highway routes, or segment of routes, as follows:

#### TRUNK HIGHWAYS

T.H. 61 — From Broad St. in Red Wing to Hastings (effective 5-15).

August 30, 1985

R. J. McDonald  
for Richard P. Braun  
Commissioner

## Department of Transportation

### Petition of the City of Duluth for a Variance from State Aid Standards for Design Speed

Notice is hereby given that the City Council of the City of Duluth has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from minimum standards for construction projects on Fifth Avenue

West, Fourth Avenue West, Second Avenue West, First Avenue West, Lake Avenue, First Avenue East, Second Avenue East, and Third Avenue East.

The request is for a variance from Minnesota Rules for State Aid Operations § 8820.9912 adopted to Minnesota Statutes Chapter 161 and 162, so as to permit design speeds varying from 15 miles per hour to 18 miles per hour instead of the required 30 miles per hour.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

August 30, 1985

Richard P. Braun  
Commissioner of Transportation

## **Department of Transportation**

### **Petition of the County of Cook for a Variance from State Aid Standards for Roadway Width and Inslopes within Recovery Area**

Notice is hereby given that the County Board of Cook County has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from minimum standards for a construction project on County State Aid Highway 1 from a point 1.765 miles west of Trunk Highway 61 to a point 3.304 miles west of Trunk Highway 61.

The request for a variance from Minnesota Rules for State Aid Operations § 8820.9910 adopted to Minnesota Statutes Chapter 161 and 162, so as to permit a roadway width of 30' instead of the required 32'; 3:1 inslopes in cut sections and 2:1 inslopes in fill sections instead of the required 4:1 inslopes within recovery areas.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

August 30, 1985

Richard P. Braun  
Commissioner of Transportation

# STATE CONTRACTS

Pursuant to the provisions of Minn. Stat. § 16.098, subd. 3, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over \$2,000.

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

Commodities contracts with an estimated value of \$5,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers by calling 296-6152. If the appropriate buyer is not available, contact Harvey Leach or Barbara Jolly at 296-3779.

## Department of Administration Procurement Division

### Commodities Contracts and Requisitions Currently Open for Bidding

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
78-620-25501	Repair Steam Pipes	MN Correctional Facility	Stillwater	Contact buyer
Rebid 02-410-46519	Service Contract Pillar Generators	Administration— Information Management Bureau	St. Paul	Contact buyer
21-200-10570	IBM Ribbons	Jobs & Training	St. Paul	Contact buyer
55-000-92693-95- 96-97-99	Vending Machines	Human Services— Services for the Blind	Various locations	Contact buyer
55-000-92694	Vending Machines	Human Services— Services for the Blind	Minneapolis	Contact buyer
65-300-02975 Contract	Environmental Control System Rubbish Disposal	Supreme Court N. Hennepin Community College	St. Cloud Minneapolis	Contact buyer Contact buyer
55-201-06262	Rubbish Disposal	Human Services— Cambridge State Hospital	Cambridge	Contact buyer
78-830-07820 & 07822	Carpeting and Installation	MN Correctional Facility	St. Cloud	Contact buyer
60-000-04490-1907	Focus on Financial Aid	Higher Education Coordinating Board	St. Paul	Contact buyer
27-152-46219-1764	Salmagundi Student newspaper	Anoka Ramsey Community College	Coon Rapids	Contact buyer
02-310-14016 Rebid	Lexan	Human Service— St. Peter State Hospital	St. Peter	Contact buyer
26-175-06141 Rebid	Roof Repair as Needed	Southwest State University	Marshall	Contact buyer
78-770-02169	Purchase of Photocopy Machine	MN Correctional Facility	Sauk Centre	Contact buyer
26-073-18009	Purchase of Photocopy Machine	St. Cloud State University	St. Cloud	Contact buyer
26-071-15257	Lab Glassware Washer	Mankato State University	Mankato	Contact buyer
26-071-15909-1961	1986-87 Graduate Bulletin	Mankato State University	Mankato	Contact buyer
37-010-11201	Used Bus	Education	St. Paul	Contact buyer
29-000-38383	Drill Observation Wells	Natural Resources— Waters Div.	St. Paul	Contact buyer

## STATE CONTRACTS

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
Contract	Flashlights; Radio, Photo and Flashlight Batteries	Various	Various	Approx. \$25,000
26-071-15795	Scientific Equip.	Mankato State University	Mankato	Contact buyer
21-200-10574-2065	1986 Tax Rate Notice	Jobs & Training	St. Paul	Contact buyer
63-000-00814-2079	1985 Comprehensive Annual Financial Report		St. Paul	Contact buyer
04-121-29375-1758	Blue Certification Seed Tags	Agriculture	St. Paul	Contact buyer
02-307-46002	Window Washing Capitol Complex	Administration—Plant Management	St. Paul	Contact buyer
Rebid				
79-000-49388, etc.	FWD Tractor Shovels	Transportation	Various	Contact buyer
Sch. 5	Poultry for the months of Oct., Nov., & Dec.	Various	Various	Contact buyer
Sch. 4	Meat & Meat Products for the month of October, 1985	Various	Various	Contact buyer
02-410-46710	Purchase of 3081 Computer Memory	Administration—Information Management Bureau	St. Paul	Contact buyer
42-150-08839-2532	Health Care Providers Guide	Labor & Industry	St. Paul	Contact buyer
29-000-40586	Truck	Natural Resources	St. Paul	Contact buyer
79-000-49182	Purchase of Plotter, Controller & Plotter	Transportation	St. Paul	Contact buyer
79-000-49225	Purchase of Plotter	Transportation	Brainerd, Duluth, N. St. Paul	Contact buyer
79-900-02953	Elevator Maint.	Transportation	No. St. Paul	Contact buyer
Contract	Fine Papers	Administration; Printing & Mailing; Central Stores	Lino Lakes	\$300,000-325,000
07-300-34779	Electronic Equipment	Public Safety—Bureau of Criminal Apprehension	St. Paul	Contact buyer
26-072-09521	Carpeting & Install	Moorhead State University	Moorhead	Contact buyer
26-070-11303	Repair Tennis Courts	Bemidji State University	Bemidji	Contact buyer
55-303-10774	Andover Control	Human Services—Faribault State Hospital	Faribault	Contact buyer
02-310-14007	Laminated Security Glass	Human Services—St. Peter State Hospital	St. Peter	Contact buyer
Rebid				
07-300-34759	Cars	Public Safety	St. Paul	Contact buyer

Contact 296-6152 for referral to specific buyers.

### Department of Education Partnership Effectiveness Division

#### Request for Proposals for Educational Evaluation Services

The Minnesota Department of Education is seeking qualified individuals or organizations with experience in educational evaluation to assist the Department in directing and developing an evaluation of adult refugee education programs (funded by the Department of Human Services).

The evaluation should include, but is not limited to, the following:

1. A descriptive analysis of current programs.

## STATE CONTRACTS

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2. An assessment of the relative effectiveness of different program designs, curriculum approaches and teacher methodology for various target groups.
3. A process for incorporating ESL Teacher and Administrator input into the evaluation.
4. Recommendations regarding program design, curriculum content and teaching strategies relative to the various target populations. Progress and final reports are required.

The formal RFP may be requested, and inquiries should be directed to:

Diane Pecoraro, Refugee Education Specialist  
Community Education Section  
Room 991—Capitol Square Building  
550 Cedar Street  
St. Paul, MN 55101  
612-296-7500

It is anticipated that the cost of services to be provided during the contract period from November 15, 1985 through April 15, 1986 will be \$20,000.

A meeting to answer any questions which prospective responders may have will be held on September 27, 1985, at 2:00 p.m. in Conference Rooms A & B, Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101.

The deadline for submission of completed proposals will be 3:30 p.m., October 21, 1985.

## Department of Human Services Faribault State Hospital

### Request for Proposals for Low Back Injury Prevention Program

Faribault State Hospital is requesting proposals for the development and implementation of a Low Back Injury Prevention Program for use by its 1,200 employees. It is anticipated that the cost of services to be provided through the contract period is \$30,000-\$35,000.

Proposals should be directed to:

Sandra Olson, R.N.  
Staff Development  
Faribault State Hospital  
Faribault, MN 55021

Proposals for this request will be accepted until 4:00 p.m., September 20, 1985. The formal Request for Proposals document is printed for your convenience in this issue of the *State Register*.

### Request for Proposals

Faribault State Hospital is requesting this proposal in order to establish a program designed to reduce the incidence and severity of job-related low back injuries and resulting Worker's Compensation costs.

This Request For Proposals does not obligate the State to complete the project. The State reserves the right to cancel solicitation if it is considered to be in its best interests.

#### A. SCOPE OF PROJECT

This project is undertaken to reduce and control the escalating Worker's Compensation costs by reducing the incidence and severity of on-the-job sustained low back injuries through a preventive program of education and exercise.

#### B. GOALS AND OBJECTIVES

The major goal of this project is to significantly reduce that portion of the cost of Worker's Compensation that results from low back injuries sustained by employees while on-the-job at Faribault State Hospital.

Specific objectives of the project are:

- to determine the current physical condition of employees;
- to increase and maintain the level of physical fitness in employees with special emphasis to those areas determined to be vulnerable to back injury;

- to track and evaluate the changes in fitness level of the participants;
- to determine the economic impact of low back injuries to Faribault State Hospital;
- to increase employee awareness of the economic impact of low back injuries to Faribault State Hospital;
- to increase employee awareness regarding the prevention of low back injuries; and
- to determine the incidence, among Faribault State Hospital employees, of job-related low back injuries.

### **C. PROJECT TASKS**

Assess the problems that exist, develop a program that specifically addresses those problems and implement the program. Specific tasks include:

- conduct a physical fitness profile for each employee of Faribault State Hospital;
- develop and implement a worksite program of exercise designed specifically for Faribault State Hospital employees to increase to, and maintain, desired levels of fitness;
- conduct periodic fitness evaluations to determine program effectiveness and make indicated changes in the exercise program;
- analyze all worker's compensation claims occurring between January 1983, and the present;
- inform employees of the economic impact and direct expense to the budget of worker's compensation;
- develop and implement an education program designed to increase awareness and change the behaviors of employees in regard to potential injury producing events as they might occur in the work setting at Faribault State Hospital; and
- analyze data from incident reports filed between January 1983, and the present.

Responder may propose additional tasks or activities if they will substantially improve the results of the project.

### **D. DEPARTMENT CONTACTS**

Prospective responders who have any questions regarding this Request for Proposal may call or write Sandra Olson, R.N., Staff Development, Faribault State Hospital, Faribault, MN 55021, Telephone (507) 332-3537.

Please note other department personnel are not allowed to discuss the project with responders prior to the submittal of the proposed deadline.

### **E. SUBMISSION OF PROPOSALS**

Proposals must be sent to Sandra Olson, R.N., Staff Development, Faribault State Hospital, Faribault, MN 55021. Please submit two (2) copies of the proposal. Proposals will be accepted until 4:00 p.m., September 20, 1985. Late proposals will not be accepted. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. Proposals must be signed in ink, by an authorized member of the firm. Prices and terms of the proposal as stated must be valid for the length of the project.

### **H. EVALUATION**

All proposals received by the deadline will be evaluated by representatives of Faribault State Hospital. In some instances, an interview will be part of the evaluation process. The factors upon which the proposal will be judged will include but are not limited to the following:

1. Expressed understanding of the project's objectives.
2. Project work plan.
3. Project cost detail.
4. Qualifications of both company and personnel. Experience of project personnel will be given greater weight than that of the firm.

Evaluation and selection will be completed by September 27. Results will be sent immediately by mail to all responders.

### **F. PROJECT COMPLETION DATE**

The project will be completed by October 1, 1986, or within 12 months from the date of project authorization.

### **G. PROPOSAL CONTENTS**

The following shall be considered minimum contents of the proposal:

1. A restatement of the objectives, goals, and tasks to show or demonstrate the responder's view of the nature of the project.

## STATE CONTRACTS

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2. Identify and describe all services to be provided by the responder.
3. Outline the responder's background and experience with particular emphasis on prior design of Low Back Injury Prevention programs. Identify personnel to conduct the project and detail their training and work experience. No change in personnel assigned to the project will be permitted without the approval of the Project Director.
4. Responder will prepare a detailed cost and work plan which will identify the major tasks to be accomplished and may be used as a scheduling and managing tool and the basis for invoicing.
5. Identify the level of the Department's participation in this project as well as any other services to be provided by the Department.
6. Provide a method of evaluating the effectiveness of the project including, but not limited to a final written report.

## Iron Range Resources and Rehabilitation Board

### Request for Proposals for Contractual Food Service/Dining/Bar Concessionaire(s)

The Iron Range Resources and Rehabilitation Board is seeking proposals from Minnesota food/liquor service concerns to operate comprehensive food and liquor services within the chalet at the Giants Ridge Recreation Area, located in the Twon of White, near Biwabik, Minnesota.

For formal Request for Proposal documents, interested parties should contact:

Iron Range Resources and Rehabilitation Board  
P.O. Box 441  
Eveleth, Minnesota 55734  
Phone: 218-744-2993

Proposals must be submitted no later than 4:30 p.m., September 30, 1985, at the IRRRB Administration Building located west-ernly adjacent to Highway #53, four miles south of Eveleth, Minnesota. The project is expected to cost somewhere between \$25,000 and \$30,000.

## Department of Transportation

### Notice and Order of Suspension/Debarment from MN/DOT Contracts: Roger Peterson; Robert O. Ulland; Ulland Brothers, Inc.; Lawrence Moore

#### Suspension Order to: Roger Peterson

Pursuant to Laws 1984, Chapter 654, Article 2, Section 8 and Minnesota Rule 1230.4200 you are suspended and disqualified from entering into or receiving a Minnesota Department of Transportation (Mn/DOT) contract and from serving as a subcontractor or supplier of materials or services under such a contract for a period of 60 days from the date of this order.

Minnesota Rule 1230.3100, Subpart 9. states:

Subp. 9. Mn/DOT contract. "Mn/DOT contract" means a written instrument:

- A. containing the elements of offer, acceptance, and consideration to which the Minnesota Department of Transportation is a party, or acts as an agent for a party under Minnesota Statutes, section 161.36, subdivisions 2 and 3, 360.016, subdivisions 2 and 3, or 360.039, subdivisions 2 and 3;
- B. for which competitive bids are required or taken; and
- C. which is subject to the approval of the commissioner.

Minnesota Rule 1230.4200, Subpart 1. states:

Order of suspension. The commissioner of transportation shall suspend a person or business by order upon receiving notice or learning of a conviction for conduct described in part 1230.3200 or upon receiving evidence of an affiliation described in part 1230.3600, subpart 2.



1. You are suspended because you were convicted of bidrigging in violation of Minn. Stat. Chapter 325D in Mower County in District Court in the Third Judicial District in Minnesota on April 26, 1985.

Debarment proceedings against you will begin within 10 days.

8/21/85

Richard P. Braun  
Commissioner

### **Suspension Order to: Robert O. Ulland**

Pursuant to Laws 1984, Chapter 654, Article 2, Section 8 and Minnesota Rule 1230.4200 you are suspended and disqualified from entering into or receiving a Minnesota Department of Transportation (Mn/DOT) contract and from serving as a subcontractor or supplier of materials or services under such a contract for a period of 60 days from the date of this order.

Minnesota Rule 1230.3100, Subpart 9. states:

Subp. 9. Mn/DOT contract. "Mn/DOT contract" means a written instrument:

- A. containing the elements of offer, acceptance, and consideration to which the Minnesota Department of Transportation is a party, or acts as an agent for a party under Minnesota Statutes, section 161.36, subdivisions 2 and 3, 360.016, subdivisions 2 and 3, or 360.039, subdivisions 2 and 3;
- B. for which competitive bids are required or taken; and
- C. which is subject to the approval of the commissioner.

Minnesota Rule 1230.4200, Subpart 1. states:

Order of suspension. The commissioner of transportation shall suspend a person or business by order upon receiving notice or learning of a conviction for conduct described in part 1230.3200 or upon receiving evidence of an affiliation described in part 1230.3600, subpart 2.

1. You are suspended because you were convicted of violation of Minn. Stat. sections 325D.53, subd. 1(2)(a) and 325D.56, subd. 2 in Mower County in District Court in the Third Judicial District in Minnesota on April 26, 1985.

Debarment proceedings against you will begin within 10 days.

8/21/85

Richard P. Braun  
Commissioner

### **Suspension Order to: Ulland Brothers, Inc.**

Pursuant to Laws 1984, Chapter 654, Article 2, Section 8 and Minnesota Rule 1230.4200 you are suspended and disqualified from entering into or receiving a Minnesota Department of Transportation (Mn/DOT) contract and from serving as a subcontractor or supplier of materials or services under such a contract for a period of 60 days from the date of this order.

Minnesota Rule 1230.3100, Subpart 9. states:

Subp. 9. Mn/DOT contract. "Mn/DOT contract" means a written instrument:

- A. containing the elements of offer, acceptance, and consideration to which the Minnesota Department of Transportation is a party, or acts as an agent for a party under Minnesota Statutes, section 161.36, subdivisions 2 and 3, 360.016, subdivisions 2 and 3, or 360.039, subdivisions 2 and 3;
- B. for which competitive bids are required or taken; and
- C. which is subject to the approval of the commissioner.

Minnesota Rule 1230.4200, Subpart 1. states:

Order of suspension. The commissioner of transportation shall suspend a person or business by order upon receiving notice or learning of a conviction for conduct described in part 1230.3200 or upon receiving evidence of an affiliation described in part 1230.3600, subpart 2.

## STATE CONTRACTS

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1. You are suspended because you were convicted of Minn. Stat. sections 325D.53, subd. 1(2)(a) and 325D.56, subd. 2 in Mower County in District Court in the Third Judicial District in Minnesota on April 26, 1985.

Debarment proceedings against you will begin within 10 days.

8/21/85

Richard P. Braun  
Commissioner

### **In the Matter of the Debarment of Lawrence Moorse, d/b/a Hi-Way Surfacing; Debarment Order**

Pursuant to Laws 1984, Chapter 654, Article 2, Section 8 and Minnesota Rule 1230.3400, you are debarred and disqualified from entering into or receiving a Minnesota Department of Transportation contract and from serving as a subcontractor or material supplier under a Mn/DOT contract. Neither you nor any business or entity owned by, controlled by, or associated with you may enter into a contract with Mn/DOT or serve as a subcontractor or supplier of materials or services under a Mn/DOT contract.

Minnesota Rule 1230.3100, Subpart 9. states:

Subp. 9. Mn/DOT contract. "Mn/DOT contract" means a written instrument:

A. containing the elements of offer, acceptance, and consideration to which the Minnesota Department of Transportation is a party, or acts as an agent for a party under Minnesota Statutes, section 161.36, subdivisions 2 and 3, 360.016, subdivisions 2 and 3, or 360.039, subdivisions 2 and 3;

B. for which competitive bids are required or taken; and

C. which is subject to the approval of the commissioner.

Your failure to request a hearing within 20 days of the date of the Notice of Proposed Debarment is considered your admission of the truth of the allegations in the Notice and your consent to the debarment.

This order takes effect on the date shown on this Order and continues until and including: November 27, 1985.

8/27/85

Richard P. Braun  
Commissioner

## **State Board of Vocational-Technical Education; and Department of Jobs and Training State Job Training Office**

### **Request for Pre-Proposals for JTPA-Education Coordination Services for Special Needs Groups**

The State Board of Vocational-Technical Education and the State Job Training Office are seeking pre-proposals to provide job training services to individuals having identified special needs. These individuals include youth and/or adults who are handicapped (physically, mentally or emotionally including chemically dependent), minorities (including migrant workers), displaced homemakers, limited English speakers, single parents, offenders/ex-offenders, high school dropouts or public assistance recipients.

All pre- and full proposals should be jointly developed by local Job Training Partnership Act (JTPA) service delivery area agencies and local education agencies. Proposals must also include input from special needs, community agencies. The training services, which will be provided under contract, are outlined in the Request For Proposals (RFP).

A two-stage process will be used to select pre-programs for funding consideration. The first stage requires bidders to submit two-page pre-proposals for Committee consideration. The committee will then select pre-proposals and the appropriate agencies will then be invited to submit full proposals for funding consideration.

Bidder's conferences will be conducted in September. The purpose of these meetings will be to discuss the RFP process and to

answer any questions. For further information on these meetings or on the proposal application, contact Steve Frantz (612/296-8493) or Kay Tracy (612/296-6064). The formal RFP should be requested from:

Art Vadnais  
State Board of Vocational-Technical Education  
519 Capitol Square Building  
550 Cedar Street  
St. Paul, Minnesota 55101  
(612) 296-3753

A total of \$413,851 is available statewide for funding of these proposals. Pre-proposals should be presented to the local JTPA service delivery area administrator no later than Friday, November 15, 1985 for review and approval by the local Private Industry Council. Pre-proposals must be *received* by Art Vadnais at the above address by 4:30 on Friday, December 13, 1985.

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**SUPREME COURT DECISIONS****Decisions Filed Friday, August 30, 1985****Compiled by Wayne O. Tschimperle, Clerk****C4-84-1306 State of Minnesota v. Eligha McMorris, Appellant. Court of Appeals.**

By failing to object in a timely manner, defendant forfeited his right to have the appellate court decide if the trial court abused its discretion in responding as it did to a jury request to review evidence; further, the partial transcript provided by defendant on appeal fails to establish that any error was prejudicial.

Reversed; judgment of conviction reinstated. Amdahl, C.J.

**C0-85-65 Kenneth R. Lamping, et al., Relators v. County of Freeborn. Tax Court.**

The findings of the tax court, determining the estimated market value of relators' farmland and rejecting relators' claim of inadequate consideration of relevant assessment factors resulting in excessive valuation, are affirmed.

Affirmed. Simonett, J.

**C4-84-561 State of Minnesota v. Carlene Ann Buschkopf, Appellant. Olmsted County.**

The trial court properly admitted, over hearsay objection, statements made by a coconspirator in the course of and in furtherance of a conspiracy to conceal the charged conspiracy and to collect insurance proceeds.

Taped telephone conversations recorded with the consent of one party to the conversations were properly admitted.

Evidence obtained during a warrantless search of a dwelling occupied by a coconspirator was admissible under the third party consent exception to the warrant requirement.

Evidence obtained during a warrantless search of defendant's motel room was admissible under the plain view exception to the warrant requirement.

Defendant was not denied her rights to due process and a fair trial by the trial court's rulings on her motions for a second change of venue, for continuances, and for exclusion of certain testimonial and physical evidence.

Affirmed. Wahl, J.

**C1-84-2252 State of Minnesota v. Donald Wayne Howard, Appellant. Winona County.**

*Payton v. New York*, 445 U.S. 573 (1980), holds that, absent exigent circumstances or consent, police without an arrest warrant may not cross the threshold and enter a suspect's residence to arrest him, but does not bar nonexigent warrantless arrests initiated at the threshold if the suspect voluntarily opens the door in response to knocking.

Affirmed. Coyne, J.

Kelley, J., Took no part.

**C3-85-1212 In the Matter of the Office of District Public Defender for the First Judicial District, State of Minnesota. Supreme Court.**

Once the judges of a judicial district file an order with the State Board of Public Defense establishing the public defender system in their district, they may not withdraw their district from the public defender system. Minn. Stat. § 611.26, subd. 1 (1984).

## SUPREME COURT DECISIONS

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Minn. Stat. § 611.26, subd. 2 (1984), providing that "the state board of public defense shall appoint a district public defender after receiving recommendations from the judges of the district," does not require the board to appoint a candidate recommended by the judges of the district.

Let the writ of prohibition issue. Per Curiam.

### Orders

**C1-85-1368 In Re petition for Appointment of a Trustee Regarding John J. Flanagan. Supreme Court.**

Appointed Trustee. Amdahl, C.J.

**C8-84-1034 In the Matter of the Application for the Discipline of Brian C. Southwell, an Attorney at Law of the State of Minnesota. Supreme Court.**

Suspended. Amdahl, C.J.

**C1-84-811 In the Matter of the Application for the Discipline of Douglas M. McMillan, an Attorney at Law of the State of Minnesota. Supreme Court.**

Suspended. Amdahl, C.J.

## TAX COURT

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Pursuant to Minn. Stat. § 271.06, subd. 1, an appeal to the tax court may be taken from any official order of the Commissioner of Revenue regarding any tax, fee or assessment, or any matter concerning the tax laws listed in § 271.01, subd. 5, by an interested or affected person, by any political subdivision of the state, by the Attorney General in behalf of the state, or by any resident taxpayer of the state in behalf of the state in case the Attorney General, upon request, shall refuse to appeal. Decisions of the tax court are printed in the *State Register*, except in the case of appeals dealing with property valuation, assessment, or taxation for property tax purposes.

### State of Minnesota Tax Court Regular Division

**William Silbernagel, Appellant, v. Commissioner of Revenue, Appellee, Docket  
No. 4344**

#### Order for Summary Judgment Dated August 26, 1985

This matter is an appeal from an Order of the Commissioner of Revenue dated April 10, 1985, relating to the Sales Tax liability of appellant for tax periods ending January 31, 1981 through December 31, 1983, plus penalty and interest, for a total of \$5,277.97.

Appellee moved for summary judgment and the motion was heard at the Hennepin County Government Center in Minneapolis, Minnesota at 9:45 a.m. on July 1, 1985, before the Honorable M. Jean Stepan, Judge of the Minnesota Tax Court.

Neil F. Scott, Special Assistant Attorney General, appeared for appellee.

Mark V. Lofstrom, of Harrigan and Hanley, appeared for appellant.

The Court, having heard the arguments of counsel and upon all of the affidavits, files and proceedings herein,

DOES HEREBY GRANT SUMMARY JUDGMENT for the appellee and against appellant and thereby affirms the Commissioner's Order dated April 10, 1985 in all respects.

IT IS SO ORDERED.

August 26, 1985

By the Court,  
M. Jean Stepan, Judge  
Minnesota Tax Court

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