

86, November 17

STATE OF MINNESOTA

STATE REGISTER

DEPARTMENT OF ADMINISTRATION—DOCUMENTS DIVISION

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STATE REGISTER

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

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

Volume 11 Printing Schedule and Submission Deadlines

| Vol. 11 Issue Number | *Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules | *Submission deadline for State Contract Notices and other **Official Notices | Issue Date |
|----------------------------|---|--|--------------------|
| 20 | Monday 3 November | Monday 10 November | Monday 17 November |
| 21 | Monday 10 November | Monday 17 November | Monday 24 November |
| 22 | Monday 17 November | Friday 21 November | Monday 1 December |
| 23 | Friday 21 November | Monday 1 December | Monday 8 December |

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

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

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

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FOR LEGISLATIVE NEWS

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

SENATE

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

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

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

HOUSE

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

This Week—weekly interim bulletin of the House.

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

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

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How to Follow State Agency Rulemaking Action in the State Register

State agencies must publish notice of their rulemaking action in the *State Register*. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a **NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION** also.

The PROPOSED RULES section contains:

- 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 requested by an agency.)
- 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 April 8, 1985 are published in the *Minnesota Rules 1985*. ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES filed after April 8, 1985 are included in a supplement published in Spring, 1986. Proposed and adopted EMERGENCY (formerly called TEMPORARY) RULES appear in the *State Register* but are generally not published in the *Minnesota Rules* 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 | Issue 39, cumulative for 1-39 |
| Issues 14-25, inclusive | Issues 40-51, inclusive |
| Issue 26, cumulative for 1-26 | Issue 52, cumulative for 1-52 |
| Issues 27-38, inclusive | |

MINNESOTA RULES AMENDMENTS AND ADDITIONS

NOTE: This listing includes all proposed and adopted rules printed in this issue except emergency rules and errata for this issue. Please see those sections for the appropriate rule numbers.

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EXECUTIVE ORDERS**Executive Order No. 86-12****Providing for the Establishment of a Governor's Advisory Council on Technology and Persons with Disabilities**

I, RUDY PERPICH, 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, disabilities affect a significant number of Minnesotans; and

WHEREAS, modern technology has been a major force in improving the quality of life for people with disabilities; and

WHEREAS, while technology is widely available in general, application to the special long term needs of persons with disabilities is slow, sporadic and uneven; and

WHEREAS, Minnesota's economy has prospered from a strong high technology industry and an outstanding medical and research community;

NOW, THEREFORE, I hereby order that:

The Governor's Advisory Council on Technology and Persons with Disabilities be created. The Council shall consist of fifteen members including a chair to be appointed by the Governor. Members should represent the private sector, consumers, service agencies, third party funding sources, education and library systems. Ex-officio members shall represent the Council on Biotechnology, the Departments of Education, Human Services, Jobs and Training, the Office of Science and Technology, Governor's Council on Developmental Disabilities, and the Minnesota State Council for the Handicapped.

EXECUTIVE ORDERS

The Advisory Council on Technology and People with Disabilities shall:

1. Establish a mechanism to gather information on existing technologies and disseminate that information through a central collection site.
2. Develop a statewide media campaign to heighten awareness of the public of available technology based products for persons with disabilities.
3. Develop a strategy for technology related training for professionals in special education, rehabilitation, county case management and other areas of caregiving as well as families.
4. Assist the private sector in identifying and documenting needs and existing technologies in order to help them design products usable by and accessible to people with disabilities.
5. Investigate the establishment of grants, tax credits, and other incentives to encourage the development, modification, and transfer of technologies to meet the needs of disabled persons and to assist consumers paying for needed devices and services.
6. Initiate legislative and rule changes that encourage rather than prevent technological advances.
7. Investigate the proposal for a Minnesota Center for Technology for Disabled Persons that would coordinate, support, and advance technology uses and applications for persons with disabilities through implementation and training, information dissemination, technical services, research and development and technology transfer.

Pursuant to Minnesota Statutes, Section 4.035, this Order shall be effective fifteen (15) days after publication in the *State Register* and filing with the Secretary of State and shall remain in effect until rescinded by proper authority or it expires in accordance with Minnesota Statutes, Section 4.035, Subdivision 3.

IN TESTIMONY WHEREOF I have set my hand this twenty-third day of October, 1986.



Rudy Perpich
Governor

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.

Department of Public Safety

Proposed Permanent Rules Relating to School Bus Driver Endorsement

Notice of Intent to Adopt Rules without a Hearing

Notice is hereby given that the State Department of Public Safety is proposing to adopt the above entitled rules without a public hearing. The Commissioner of Public Safety has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow procedures set forth in Minn. Stat. Sections 14.22 through 14.28.

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

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

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

Virginia Lockman
Department of Public Safety
Room 161 Transportation Building
St. Paul, MN 55155

The Department's authority to adopt the proposed rules is contained in Minnesota Statutes Section 171.321, Subd. 2. A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available free from the Department of Public Safety upon request to the above address.

You are hereby advised, pursuant to Minn. Stat. Section 14.115, "Small business consideration in rulemaking," that the proposed rules may have an indirect effect on some small businesses in Minnesota.

Insofar as there is an indirect effect on a small business caused by an employee's or principal's loss of a school bus driver endorsement or the ability to obtain an endorsement, the effect is outweighed by the need to insure that only qualified drivers are transporting children to and from school.

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

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

Please be advised that Minn. Stat. Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. Minn. Stat. Section 10A.01, Subd. 11 defines a lobbyist as any individual: (a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or (b) who spends more than \$250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

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

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

Paul J. Tschida, Commissioner
Department of Public Safety

Rules as Proposed

7414.0200 BASIC REQUIREMENT.

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

7414.0400 DRIVER BACKGROUND CHECK.

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

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

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

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

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

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

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

F. criminal sexual conduct under Minnesota Statutes, section 609.342, 609.343, 609.344, 609.345, or 609.3645, without regard that the conviction may have been deemed a misdemeanor or gross misdemeanor under Minnesota Statutes, section 609.13

or other law, and five years have not elapsed since the applicant's conviction or release from a correctional facility, whichever event occurred last.

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

Subp. 3. Letter required for issuance. If a conviction or a withdrawal of driving privileges based on a situation listed in items A to I of this subpart appears on the applicant's record, and the applicant is not barred from obtaining an endorsement by reason of subpart 2, the department shall issue or renew an endorsement only if the applicant submits with the application a letter recommending that the endorsement be renewed or issued to the applicant. The letter may be either from the superintendent of schools or the superintendent's agent of the school district in which the applicant is employed or will be employed, or from the contractor employing the applicant. If the letter is from the contractor, a copy must be sent to the superintendent of schools. If the conviction is for criminal sexual conduct described in subpart 2, item F, a copy of the recommending letter must be sent to the applicant's probation officer if the applicant is under the supervision of the court.

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

These provisions relate to any one of the following:

- A. conviction for possession of a controlled substance within five years preceding application;
 - B. conviction for driving while under the influence of alcohol or a controlled substance within five years preceding application;
 - C. conviction for selling a controlled substance within five years preceding application;
 - D. conviction of a felony or gross misdemeanor not against another within five years preceding application;
 - E. conviction of a felony or gross misdemeanor against another under Minnesota Statutes, sections 609.221 to 609.265, more than five years but less than ten years preceding application;
 - F. conviction for criminal sexual conduct more than five years but less than ten years preceding application;
 - G. three convictions for moving traffic violations within two years preceding application;
 - H. conviction for a moving traffic violation resulting in a revocation or suspension within three years preceding application;
- and
- I. revocation under Minnesota Statutes, section 169.123, the implied consent statute, within three years preceding application.

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 Human Services

Adopted Permanent Rule Relating to Holidays

The rule proposed and published at *State Register*, Volume 10, Number 53, pages 2612-2614, June 30, 1986 (10 S.R. 2612) is 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.

OFFICIAL NOTICES

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.

Department of Energy and Economic Development Business Financial Management Division

Notice of Availability of Tax Exempt Financing Issuance Authority

Pursuant to Minn. Laws 1986, Ch. 465, Article 1, Section 22

The Department gives notice that the amounts of tax exempt financing issuance authority available to qualified issuers as of November 10, 1986, is as follows:

Competitive Pool (Federal Volume Limitation Act)

Pursuant to Minn. Laws 1986, Ch. 465, Article 1, Section 19

Total Pool Available (Priority to:

- (a) General Obligation Projects
- (b) Manufacturing Projects \$23,225,456

For:

| | | |
|---|----|-----|
| Pollution Control/Waste Management Projects | \$ | All |
| Commercial Redevelopment | \$ | All |
| Multifamily Housing Projects | \$ | All |

Pursuant to Minn. Laws 1986, Ch. 465, Article 1, Section 19, Subd. 2, and Section 21, Subd. 2, issuers requesting allocations of issuance authority must submit applications, any applicable deposit and any other supporting documents required. Application forms are available from the Department upon request.

Higher Education Facilities Authority

Notice of Public Hearing on Proposal to Issue Revenue Bonds

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Minnesota Higher Education Facilities Authority (the "Authority") with respect to a proposal to issue revenue bonds on behalf of St. Marys College, a Minnesota nonprofit corporation and institution of higher education, whose address is Highway 14, Winona, Minnesota 55987 (the "College"), at the Authority's offices at 278 Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota on Wednesday, December 3, 1986 at 3:00 o'clock P.M.

The proposal involves the issuance of revenue bonds to provide funds to refund the outstanding \$2,825,000 Minnesota Higher Education Facilities Authority Variable Rate Demand Revenue Bonds, Series Two-H (St. Marys College), originally issued to finance construction and equipping of a theater and recital hall at the College, and to provide funds for a Project on the campus of the College in the City of Winona, Minnesota generally described as follows: the construction of the first phase of an ice arena approximately 134 feet by 220 feet in size; the first phase of an addition to Hoffman Science Hall consisting of approximately 7,000 square feet; the renovations of academic and residence facilities; the purchase and installation of a DEC VAX 8200 minicomputer for library automation and general computing; and the purchase and installation of a new campus telecommunications system.

The Project and the theater and recital hall have been owned and operated by the College at all times since commencement of construction and will be owned and operated by the College upon completion of construction. The maximum principal amount of revenue bonds of the Authority to be issued under the proposal is \$6,000,000.

At said time and place the Authority shall give all parties who appear an opportunity to express their views with respect to the

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proposal. A copy of the Application of the College is on file at the offices of the Authority and is available for inspection during regular business hours, 8:00 A.M. to 4:00 P.M., Monday through Friday.

Dated: 17 November 1986.

BY ORDER OF THE MINNESOTA HIGHER
EDUCATION FACILITIES AUTHORITY
Joseph E. La Belle, Executive Director

Teachers Retirement Association

Meeting Notice

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Friday, December 5, 1986 at 9:00 a.m. in Room 302 Capitol Square Building to consider matters which may properly come before the Board.

STATE CONTRACTS

Pursuant to the provisions of Minn. Stat. § 16B.17, 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

Contracts and Requisitions Open for Bid

Call 296-6152 for Referral to Specific Buyers.

| <u>Commodity for Bid</u> | <u>Bid Closing Date at 2 pm</u> | <u>Department or Division</u> | <u>Delivery Point</u> | <u>Requisition #</u> |
|--|-------------------------------------|-----------------------------------|---------------------------|----------------------|
| Computer Furniture | November 17, 1986 | State University | Rochester | 02-310-15128 |
| Microfilm Reader/Printer | November 18, 1986 | Transportation | Duluth | 79-000-72411 |
| Carpeting & Install | November 18, 1986 | Human Services | Fergus Falls | 55-101-07113 |
| Pool Lift | November 18, 1986 | State University | St. Cloud | 26-073-19203 |
| Spectrophotometer | November 18, 1986 | Community College | Inver Grove Heights | 27-157-47687 |
| Janitorial Contract | November 19, 1986 | State University | Minneapolis | 26-176-02588 |
| Price Contract for Carpeting & Installation | November 19, 1986 | Various | Various | Various-Variou |
| Workstations | November 19, 1986 | Public Utilities Comm. | St. Paul | 82-000-00316 |
| Auto & Marine Spark Plugs | November 19, 1986 | Various | Various | Price-Contract |

STATE CONTRACTS

| <u>Commodity for Bid</u> | <u>Bid Closing Date at 2 pm</u> | <u>Department or Division</u> | <u>Delivery Point</u> | <u>Requisition #</u> |
|--|---------------------------------|-------------------------------|-----------------------|----------------------|
| Plumbing Supplies | November 19, 1986 | State Hospital | St. Peter | 55-105-06874 |
| Paint Brushes | November 19, 1986 | Various | Various | Price-Contract |
| Sperry Terminals | November 20, 1986 | State University | St. Cloud | 26-073-19192 |
| Sperry Equip. | November 20, 1986 | State University | Mankato | 26-137-03861 |
| Sperry Equip. | November 20, 1986 | State University | Mankato | 26-137-03860 |
| Boiler | November 20, 1986 | Public Safety | New Brighton | 07-700-39572 |
| Carbonless Sets | November 20, 1986 | Community College Bd. | St. Paul | 27-138-49549 |
| Carpeting & Install | November 20, 1986 | Administration: Plant Mgmt. | St. Paul | 02-307-51288 |
| Aluminum Tags | November 20, 1986 | Natural Resources | St. Paul | 29-000-44982 |
| Vehicle Liability Insurance | November 20, 1986 | Various | Various | Sch. 127 |
| Overhead Door (Rebid) | November 21, 1986 | Correctional Facility | Stillwater | 78-620-00072 |
| H.P. Programmable Calculators | November 21, 1986 | Transportation | St. Paul | 79-000-72358 |
| Microterm Models—Rebid | November 21, 1986 | State University | Moorhead | 26-072-09955 |
| Modification to Chevrolet Astro | November 21, 1986 | Jobs & Training | White Bear Lake | 21-606-68597 |
| Video Cassette Recorder | November 24, 1986 | State University | St. Cloud | 26-073-19233 |
| Purchase of Engineering/Drafting/Photocopy Machine | November 24, 1986 | Transportation | Rochester | 79-000-71952 |
| Phone Cabling | November 24, 1986 | Military Affairs | Camp Ripley | 01-000-04825 |

Minnesota Department of Health Maternal and Child Health Division

Request for Proposals for Technical Services Contract

Services for Children with Handicaps (SCH), the Crippled Children's Service agency in Minnesota, seeks to improve the health of children with diabetes by assuring the availability of up-to-date health care services for these children in the State of Minnesota.

Therefore, SCH is requesting a proposal from a health care and education organization or facility to assist SCH in providing continuing education programs to accomplish its goal by means of a technical services contract.

The contractor's duties shall be to provide a nurse practitioner, nutritionist, pediatrician, and psychologist skilled in the understanding and clinical management of juvenile diabetes mellitus. This team will provide diabetes continuing education programs for physicians, health professionals, and families of children with diabetes in six (6) regions of the State. These programs shall include the following, at minimum:

1. An update on diabetes management and research.
2. The definition of optimal health care plans for management of diabetes in children.
3. The discussion of resources available to assist primary care physicians with the health care of children with diabetes.

4. The provision of appropriate written educational materials to participants in the programs.

5. The provision of a report to the State listing the number of participants at each program session and summarizing participant's evaluation of the sessions.

The total obligation of the State for all compensation and reimbursements to contractor shall not exceed fourteen thousand five hundred twenty-five dollars (\$14,525).

Proposals shall be submitted to Alpha Adkins, Section Chief, Services for Children with Handicaps, 717 Delaware Street S.E., P.O. Box 9441, Minneapolis, Minnesota, 55440, two weeks following publication of this request. The contract period will extend from January 10, 1987 through June 30, 1987.

State Designer Selection Board

Request for Proposal for Construction Project for the State School and Resource Center for the Arts

To Registered Professionals in Minnesota:

The State Designer Selection Board has been requested to select designer for the State School and Resource Center for the Arts. Design firms who wish to be considered for the project should submit proposals on or before 4:00 P.M., December 16, 1986, to George Iwan, Executive Secretary, State Designer Selection Board, Room G-10, Administration Building, St. Paul, Minnesota 55155-1495.

The proposal must conform to the following:

1. Six copies of the proposal are required.

2. All data must be on 8½" × 11" sheets, soft bound; the proposal shall not consist of more than 20 faces.

3. The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 7 below, together with the designer's firm name, address, telephone number, and the name of the contact person.

4. Mandatory Proposal contents in sequence:

a) Identity of firm and an indication of its legal status, i.e. corporation, partnership, etc. If the response is from a joint venture, this information must be provided for firms comprising the joint venture.

b) Names of the persons who would be directly responsible for the major elements of the work, including consultants, together with brief descriptions of their qualifications. If desired, identify roles that such persons played in projects which are relevant to the project at hand.

c) A commitment to enter the work promptly, if selected, by engaging the consultants, and assigning the persons named in 4b above along with adequate staff to meet the requirements of work.

d) A list of State and University of Minnesota current and past commissions under contract or awarded to the prime firm(s) submitting this proposal during the three (3) years immediately preceding the date of this request for proposal. The prime firm(s) shall list and total all fees associated with these projects whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other speciality consultants employed on the projects listed pursuant to the above.

e) A section containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualification for the work. The graphic material must be identified. It must be work in which the personnel listed in "c" have had significant participation and their roles must be clearly described. It must be noted if the personnel named were, at the time of the work, employed by other than their present firms.

The proposal shall consist of no more than twenty (20) faces. **Proposals not conforming to the parameters set forth in this request will be disqualified and discarded without further examination.**

5. Statutory Proposal Requirements:

In accordance with the provisions of Minnesota Statutes, 1981 Supplement, Section 363.073; for all contracts estimated to be in excess of \$50,000.00, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted. **The proposal will not be accepted unless it includes one of the following:**

a) A copy of the firm's current certificate of compliance issued by the Commissioner of Human Rights;

or

STATE CONTRACTS

b) A statement certifying that firm has a current certificate of compliance issued by the Commissioner of Human Rights;
or

c) A statement certifying that the firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months; or

d) A statement certifying that the firm has an application pending for a certificate of compliance.

6. Design firms wishing to have their proposals returned after the Board's review must follow one of the following procedures:

a) Enclose a self-addressed stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded; or

b) Enclose a self-addressed stamped mailing envelope with the proposals. When the Board has completed its review, proposals will be returned using this envelope.

In accordance with existing statute, the Board will retain one copy of each proposal submitted.

Any questions concerning the Board's procedures or their schedule for the project herein described may be referred to George Iwan at (612) 296-4656.

7) PROJECT—10-86

Minnesota School and
Resource Center for the Arts

The Minnesota School and Resource Center for the Arts is seeking an architect to design its School and Resource Center building and student residence facilities.

The total cost of this project is estimated at between \$25 and \$30 million. The Minnesota School and Resource Center building and student residences will be located on a site in Minneapolis or St. Paul, Minnesota to be determined at a School and Resource Center Board meeting on Friday, November 21, 1986. All the potential locations are in urban settings.

The Minnesota School and Resource Center Board of Directors will be requesting bonding authority from the Minnesota State Legislature in its 1987 biennial session. The Board wishes to select an architect at this time so that the designer can participate in the curriculum and Resource center development process.

The Minnesota School and Resource Center for the Arts will house a high school for literary, performing, and visual arts. This will include approximately 550 students in grades 9-12. Approximately half of the students (275) will reside at the site, with the remainder of the students commuting from the greater metropolitan area. Day-time parking of 200 vehicles and evening parking for 300 vehicles will be necessary.

In addition to the School activities, extensive media resource facilities and offices will be needed for the Resource Center. Student activities in theatre, dance, and music will require extensive and highly flexible performance areas. Student activities in visual and media arts will require irregular, open and technically equipped space. Standard facilities for academic study including science laboratories and language laboratories will also be needed.

The Board of the Minnesota School and Resource Center for the Arts anticipates a student curriculum which is flexible and integrated. This will require an architectural design which reflects these needs.

Questions regarding this project may be referred to James Undercofler at 296-1302.

Richard F. Whiteman, Chairman
State Designer Selection Board

NON-STATE PUBLIC CONTRACTS

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

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

Metropolitan Transit Commission

Request for Proposals Transit Advertising and Marketing

The Metropolitan Transit Commission is requesting proposals for advertising and marketing services. Copies of the RFP may be obtained from the Manager of Communications, MTC, 560 Sixth Avenue North, Minneapolis, Minnesota 55411. Proposals are due November 24, 1986.

SUPREME COURT CALENDAR

Listed below are the cases scheduled to be heard by the Minnesota Supreme Court in the next few weeks. This listing has been compiled by the Minnesota State Law Library for informational purposes only. Cases may be rescheduled by the Court subsequent to publication in the *State Register*. Questions concerning dates, locations, cases, etc., should be directed to: Clerk of the Appellate Courts, Room 230 State Capitol, St. Paul, MN 55155 612-296-2581.

Cases Scheduled for December 1986

Compiled by Charles A. Beckjord, (612) 297-4050

Listed below are the cases scheduled to be heard by the Minnesota Supreme Court in the next few weeks. This listing has been compiled by the Minnesota State Law Library for informational purposes only. Cases may be rescheduled by the Court subsequent to publication in the *State Register*. Questions concerning the time and location of hearings should be directed to: Clerk of the Appellate Courts, Room 230 State Capitol, St. Paul, MN 55155 (612) 296-2581.

Monday 1 December 1986, 9:00 AM

C9-86-2106

James B. Lund and Ingrid Severson
Lund, Relators,
vs. County of Hennepin,
Respondent.

James B. Lund

Thomas L. Johnson and Robert T.
Rudy.

Order Tax Court.

Whether the tax statute providing for the calculation of taxes on real property classified as "homestead residential" violates either the uniformity clause of the state constitution or the equal protection clause of the federal constitution.

C6-84-2215

In the Matter of the Application
for the Discipline of Clark F.
Isaacs, an Attorney at law of
the State of Minnesota.
Petition for Disciplinary Action

William J. Werz

Collins, Buckley, Sauntry, & Haugh
and Dan O'Connell

Was attorney's alcoholism mitigating factor in temporary conversion of client's funds, and failure to maintain proper trust account records over five year period?

SUPREME COURT CALENDAR

Tuesday 2 December 1986, 11:00 AM at Hamline Law School

C7-85-1259

**Michael Balder and Zita Balder,
Respondents,**

**Holmes & Graven and Jeffrey R.
Brauchle**

vs.

**Thomas W. Haley, Defendant and Third
Party Plaintiff**

**and Republic Water Heater Company,
Respondent,
and Honeywell, Inc., petitioner,
Appellant,**

**Murnane, Conlin, White, Brandt &
Hoffman and Paul D. McKeen
Faegre & Benson
George W. Flynn and Scott W. Johnson
Thomas A. Zupanc**

**vs. Josephine Pirkl, Third Party
Defendant, Respondent.**

Opinion Court of Appeals

Was the jury's verdict, finding Honeywell not negligent in the design and manufacture of its V5130 gas control valve adequately supported by the evidence?

Was the jury's verdict, finding that the V5130 valve was not in a defective, unreasonably dangerous condition when it left the possession of Honeywell adequately supported by the evidence?

Was the jury's verdict, finding Michael Balder negligent, adequately supported by the evidence?

Wednesday 3 December 1986, 9:00 AM

C5-86-685

**State of Minnesota,
Respondent,**

**Thomas L. Johnson and Paul R.
Jennings**

vs.

**James Wilford,
Appellant.**

**C. Paul Jones and Jonathan G.
Steinberg**

Judgment Hennepin County

Did the trial court abuse its discretion by denying appellant's request to inquire as to the nature of the prior felonies committed by the State's witnesses in order to establish that it was the State's witnesses, and not appellant, who committed the charged offense?

Was appellant denied a fair trial where the prosecution elicited irrelevant and prejudicial testimony?

Were jurors exposed to extraneous prejudicial information?

CX-86-1265

**Julie Gutz,
Relator,
Steve Keefe, Commissioner of the
Department of Labor and Industry,
intervenor, Relator,**

Horvei & Krueger, and David R. Vail

**Hubert H. Humphrey, III and Harold
W. Schultz, II**

vs.

**Honeywell, Inc., self-insured,
Respondent.**

**Birdell Law Firm
Carl J. Sommerer**

Order Worker's Compensation Court of Appeals

Are the findings and order of the rehabilitation review panel supported by substantial evidence of record?

Did the employee voluntarily retire or remove herself from the labor market to avoid work or obtain compensation?

Is the law in effect on the date of the Rehabilitation Review Panel litigation the appropriate statute to use to determine the Employee's rights following a 1976 injury?

Can the Commissioner of the Department of Labor and Industry and the Rehabilitation Review Panel constitutionally determine eligibility for retraining and monetary retraining benefits?

SUPREME COURT DECISIONS

Does the Commissioner of the Department of Labor & Industry have jurisdiction to determine causal connection of the need for retraining to the effect of an injury?

Thursday 4 December 1986, 9:00 AM

C2-86-336

**Regie de l'assurance Automobile du
Quebec, individually and as Trustee
for the heirs of Marguerite Grapes,
deceased,**

Respondent,

vs.

Lauritz Jensen, petitioner,

Appellant.

**Dosland, Dosland, Nordhougen,
Lillehaug & Johnson**

Cahill & Maring

Order Court of Appeals

Is an action brought by a Canadian No-Fault insurer for recovery of the equivalent of survivor's economic loss benefits paid as a result of an automobile accident occurring in Minnesota, a subrogation action which is barred by Minn. Stat. Sec. 65?

Where a Canadian no-fault insurer commenced an action in Minnesota in its own name for recovery of benefits paid as a result of the wrongful death of its insured within the three year time limitation of Minn. Stat. Sec. 573.02, but did not arrange for the appointment of a trustee until more than three years had elapsed from the date of insured's death, did the amendment and appointment of a trustee relate back so as to avoid the bar of the statute?

Does a Canadian insurer, which paid survivor's economic loss benefits, have standing to prosecute a wrongful death action under Sec. 573.02, where all proceeds of such action will admittedly go to the insurer, rather than decedent's next of kin?

Friday 12 December 1986, 10:00 AM

C1-84-2140

**In Re Proposed Amendments to Rules
on Lawyers Professional Responsibility**

Hearing on Proposed Rules

SUPREME COURT DECISIONS

Decisions Filed Friday 7 November 1986

Compiled by Wayne O. Tschimperle, Clerk

C4-86-791 Ruth Parker/Lindberg v. Friendship Village and St. Paul Companies, Relators, and Aetna Life and Casualty, intervenor, State of Minnesota, Department of Human Services, intervenor. Workers' Compensation Court of Appeals.

The appeal from the hearing judge's order affirming the settlement was premature.

Whether intervenors were effectively excluded from settlement proceedings and thus guaranteed full reimbursement of their intervention interests is a matter for decision by the compensation judge.

The lack of intervenors' signatures does not invalidate the settlement between employer/insurer and employee.

Reversed and remanded. Yetka, J.

Took no part, Coyne, J.

C9-85-1490 Edward Pirrotta, petitioner, Relator v. Independent School District No. 347, Willmar. Court of Appeals.

Teacher A is not collaterally estopped from claiming seniority over Teacher B by a prior unrequested leave proceeding to which Teacher A was not a party and in which Teacher B was given seniority.

Petitioner did not waive his right to contest seniority by failing to grieve a posted seniority list where the list did not present the seniority issue involved here.

Reversed and remanded. Simonett, J.

SUPREME COURT DECISIONS

CX-86-777 State of Minnesota, Appellant v. Jeffrey Alan Gurske. Ramsey County.

Without violating the Double Jeopardy Clause of the fifth amendment of the United States Constitution, an appellate court may not entertain an appeal from an order or judgment, the legal effect of which amounts to an adjudication of acquittal.

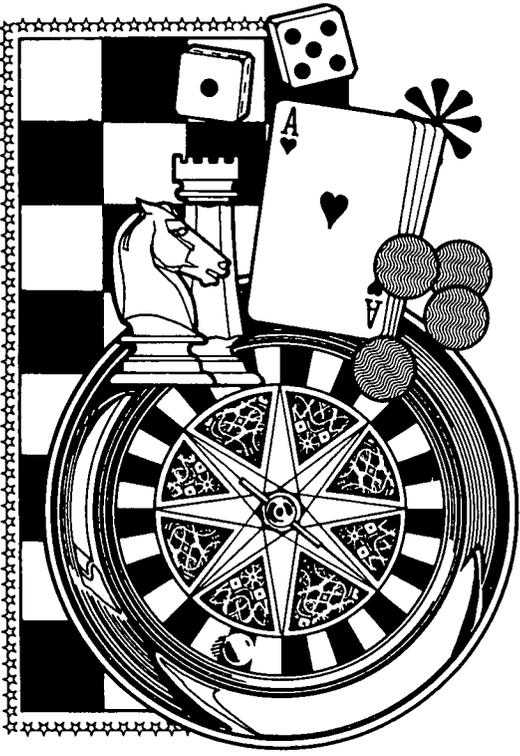
The appeal is dismissed and the case is remanded to the trial court for further proceedings. Kelley, J.

C0-86-416 J. L. Shiely Company v. County of Stearns, Relator and Hubert H. Humphrey, III, Attorney General of the State of Minnesota. Tax Court.

Differential regulation of certain geographical areas by statute designed to meet the needs and expressed preferences of the affected localities is a matter for legislative discretion except where there is a clear conflict with constitutional limitations.

The differing needs and preferences of 22 designated counties, coupled with the avoidance of adverse effects upon competition within a three-county economic unit, and the regional characteristics of the aggregate industry afford a rational basis for legislation requiring those 22 counties to impose a production tax on the removal of aggregate material.

Reversed. Coyne, J.



Charitable Gambling Directory

A complete listing in alphabetical order of organizations licensed for charitable gambling in the state. Includes the name, address, zip code and name of contact person. 64 pages. Code # 1-11. \$20.00

SPECIAL NOTE: New Charitable Gambling Rules will be available this fall in booklet form. Governing those organizations that operate charitable gambling events, like bingo, this booklet soon to be available.

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The Minnesota Documents Division offers several subscription services of activities, awards, decisions and special bulletins of various Minnesota state agencies.

Use the handy order form on the back of the *State Register* to order. Simply fill in the subscription code number, include your name, address and zip and your check made out to the State of Minnesota (PREPAYMENT IS REQUIRED) and send it in. We'll start your subscription as soon as we receive your order, or whenever you like.

| Subscription | Cost | Code Number |
|---|----------|-------------|
| Career Opportunity Bulletin, 1 year | \$ 20.00 | 90-3 |
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| Human Services Bulletin List | \$ 20.00 | 90-7 |
| LRL (Legislative Reference Library) Checklist | \$ 75.00 | 90-8 |

| Subscription | Cost | Code Number |
|---|----------|-------------|
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| Minnesota Statutes Subscription Includes the complete 10-volume set of Minnesota Statutes 1986 and the 1987 Supplement | \$135.00 | 18-8 |
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| State Register, 3 mos. trial Can be converted to a full subscription for \$90 at end of trial | \$ 40.00 | 90-2 |
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| Workers Compensation Decisions, unpublished subs run Jan-Dec; can be prorated | \$320.00 | 90-12 |
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| Vol. 39. | \$ 95.00 | 90-13 |

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Minnesota Manufacturers' Directory 1986-87

NEW: In the directory this year are two titles (where applicable) Chief Engineer and Data Processing Manager.



UPDATED: Name, address, phone number, staff size, sales volume, market area, year of establishment, type of firm, C.E.O., Sales or Marketing Manager, Purchasing Manager and four major manufactured products. Code #40-2, \$68.50.



REVISED: There are more than 7,000 changes to the 7,068 entries



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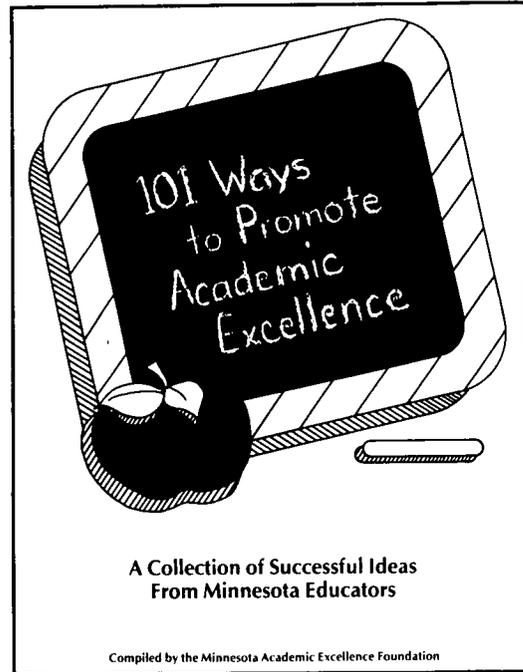
Minnesota: national leader in education

101 Ways to Promote Academic Excellence

A collection of nuts-and-bolts methods educators have successfully used to foster academic achievement. These are techniques that directly help students, can be replicated easily, are cost-effective, and that work in meeting public education's great challenge: helping every single child learn. Code #5-1, \$4.50.

Education Directory, 1986-87

This popular comprehensive directory contains Minnesota school districts, superintendents, principals, addresses, phone numbers and enrollment. 128 pages, paperbound.



A Collection of Successful Ideas
From Minnesota Educators

Compiled by the Minnesota Academic Excellence Foundation

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Successful business means successful sales

The Minnesota Documents Division has a variety of mailing lists of licensed professionals and permit holders that will enable you to focus your marketing efforts on a targeted audience.

Types of lists available are: registered nurses, real estate agents, physicians, insurance agents, boatowners, hunters, cosmetologists, teachers, and many more! And you can get them on printouts, cheshire/pressure sensitive labels, as well as 9-track magnetic tapes.

What's more, you can choose from several selection capabilities. You will find our selections most helpful and beneficial to your business when you learn that you can acquire names and addresses of individuals in the areas you need to target most.

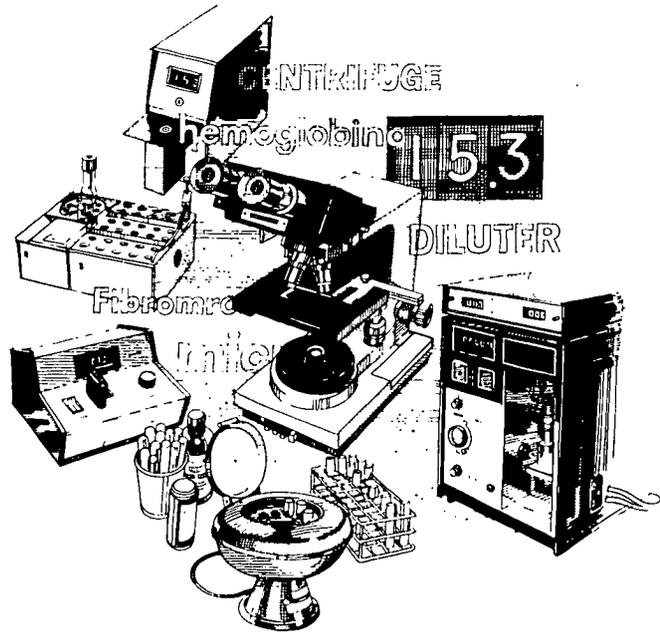
Find out more about our mailing lists by writing for our free mailing list catalog. In a hurry? Call (612) 297-2552 for more information. Requests can be sent to: Minnesota Documents Division, Mailing List Operation, 117 University Avenue, St. Paul, MN 55155.

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Are You Buying Or Selling?

In either case, The Medical Alley Directory can help you do your job better. Double your business; the 1986 edition is nearly twice as large as last year's. Reach the decision-makers without delay at more than 300 medical and bio-tech companies and healthcare delivery organizations.

Entries include major products and/or services, company background, special interests, trade name(s), major activities, and addresses and phone numbers. Code # 40-7, \$109.00.

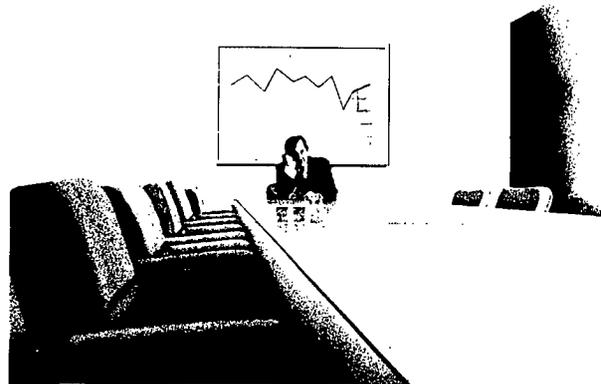


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Business and NonProfit Corporation Act

Laws governing establishment and conduct of for-profit and non-profit businesses and corporations. Covers incorporation, bylaws, mergers, dissolution, franchises, and definitions. Laws in effect on January 1, 1985. Contains Minnesota Statutes Chapters 80B, 302A, and 317. Paperbound, 102 papers, Code # 2-87, \$10.00.



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Pheasants in Minnesota

This new title by the Dept. of Natural Resources, Wildlife Section, is a delightful and fascinating booklet devoted exclusively to the ringneck pheasant. Included is a capsule history of the bird, its origin, development and introduction to this region. There is much practical information on the present distribution of this popular game bird, the maintenance of wildlife habitat and the wise management of the hunt. Many beautiful full-color photographs show off the pheasant in various Minnesota settings. A great gift for each member of your hunting party, or as a memento to a special Minnesota hunting vacation. Quantity discounts available. Code # 9-13, \$5.95.



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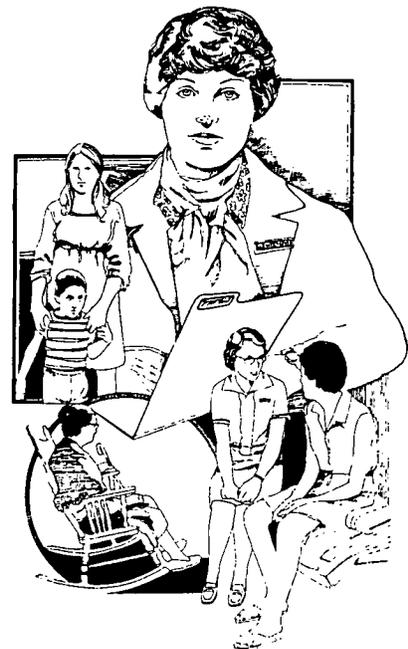
Selling business and financial services to physicians?

Physicians Directory 1985

Names and addresses of licensed chiropractors, doctors of medicine, and osteopaths, optometrists, podiatrists and registered physical therapists in alphabetical order by discipline. Includes members of all the state medical profession boards. Code # 1-1, \$15.00.

Medical Alley Directory 1986

A guide to more than 300 high-tech medical, bio-tech and health care companies, institutions and organizations and their products and services. Code #40-7, \$109.00.



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