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STATE OF MINNESOTA

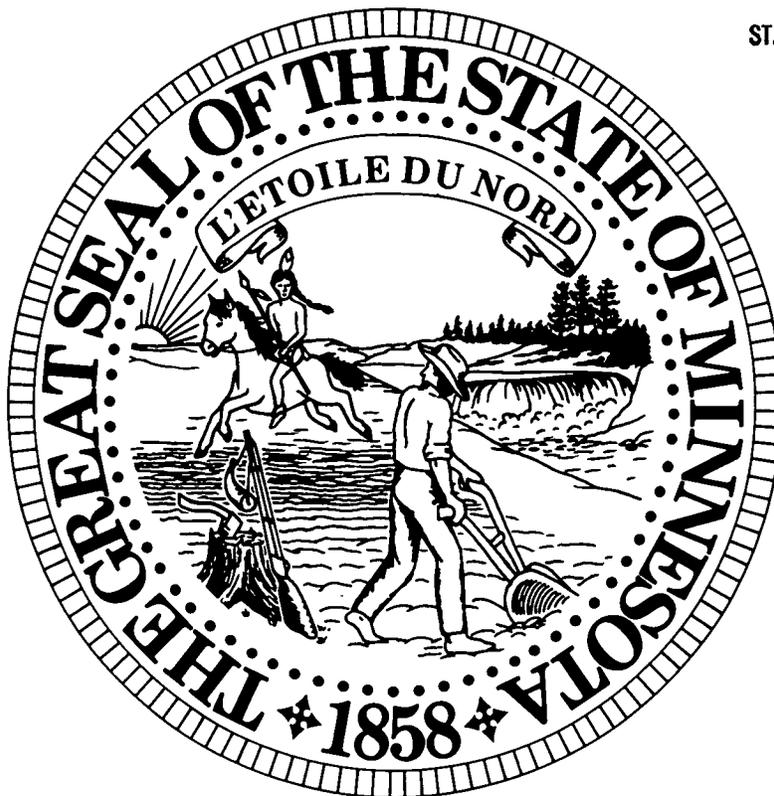
STATE REGISTER

DEPARTMENT OF ADMINISTRATION—DOCUMENTS DIVISION

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VOLUME 11, NUMBER 28

Pages 1301-1324

STATE REGISTER

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

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

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
28	Friday 26 December	Monday 5 January	Monday 12 January
29	Monday 5 January	Monday 12 January	Monday 19 January
30	Monday 12 January	Friday 16 January	Monday 26 January
31	Friday 16 January	Monday 26 January	Monday 2 February

*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 55155, (612) 296-4273.

The *State Register* is published by the State of Minnesota, Department of Administration, Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to Minn. Stat. § 14.46. Publication is weekly, on Mondays, with an index issue in September. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at \$130.00 per year, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota. Publication Number 326630. (ISSN 0146-7751) No refunds will be made in the event of subscription cancellation. Single issues may be obtained at \$3.50 per copy.

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

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FOR LEGISLATIVE NEWS

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

SENATE

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

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

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

HOUSE

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

This Week—weekly interim bulletin of the House.

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

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

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NOTICE

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.

COMMERCE DEPARTMENT

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ENERGY AND ECONOMIC DEVELOPMENT DEPARTMENT

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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.

Department of Health

Proposed Permanent Rules Relating to Family Planning Special Project Grants

Notice of Intent to Amend Rules without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Department of Health intends to adopt amendments to *Minnesota Rules*, parts 4700.1900 to 4700.2500, governing family planning special project grants. The Department will follow the procedures set forth in the Administrative Procedure Act, at *Minnesota Statutes*, sections 14.22 to 14.28, for adopting rules without a public hearing. The statutory authority to amend *Minnesota Rules*, parts 4700.1900 to 4700.2500, is contained in *Minnesota Statutes*, sections 144.05(f) and 145.925.

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

Any person may make a written request for a public hearing on the amendments within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing should state his or her name and address and is encouraged to identify the portion of the proposed amendment addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20. Comments or written requests for a public hearing must be submitted to Ruth Curwen Carlson, Family Planning Consultant, Maternal and Child Health Technical Services, Minnesota Department of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440, telephone (612) 623-5267.

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

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

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed amendments has been prepared and is now available from Ms. Carlson at the above address.

The implementation of these amendments will not require the expenditure of public money by local bodies of greater than \$100,000 in either of the two years following their adoption, nor do the rules have any impact on agricultural land. The adoption of these amendments will affect small businesses.

If no hearing is required, upon adoption of the amendment, the amendments and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent that form relates to legality. Notice of the date of

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PROPOSED RULES

submission to the Attorney General will be mailed to any person who requests to receive the notice. Requests to receive notice of the submission, or a copy of the adopted amendment, must be submitted to Ms. Carlson at the above address.

Dated: 4 December 1986

Sister Mary Madonna Ashton
Commissioner of Health

Rules as Proposed

FAMILY PLANNING SPECIAL PROJECT GRANTS

4700.1900 PURPOSE, SCOPE, AND APPLICABILITY.

The purpose and scope of parts 4700.1900 to ~~4700.2500~~ 4700.2600 is to prescribe requirements applicable to family planning special project grants, to establish minimum standards for family planning services supported in whole or in part by family planning special project grant funds, and to provide a criteria for the review of family planning special project grant applications. ~~An applicant is not required to provide all family planning service components to be eligible for funding.~~ The following parts of ~~part~~ parts 4700.0100 to 4700.1800 and no others also apply to family planning special project grants: parts 4700.0100; 4700.0200; 4700.0300; 4700.0400, item C; 4700.0500; 4700.0600; 4700.0700; 4700.0800, items A and B; 4700.0900; 4700.1000; 4700.1100, items C and E; 4700.1300; 4700.1400, items A to E, subitems (1), (4), (5), and (6); ~~4700.1200~~ 4700.1500; and 4700.1700.

Minnesota Statutes, section 145.925, contains provision prohibiting use of these funds for abortions, family planning services to unemancipated minors in an elementary or secondary school buildings building, requiring notice to parents or guardians of unemancipated minors to whom abortion or sterilization is advised, except as provided in Minnesota Statutes, sections 144.341 and 144.342, and prohibiting coercing anyone to undergo an abortion or sterilization.

4700.2000 DEFINITIONS.

Subpart 1. [Unchanged.]

Subp. 2. **Family planning methods.** "Family planning methods" means agents and devices for the purpose of fertility regulation prescribed by a licensed physician, and other agents and devices for the purpose of fertility regulation including, spermicidal agents, diaphragms, condoms, oral contraceptives, intrauterine devices, natural family planning methods, sterilizations, and the diagnosis and treatment of infertility by a licensed physician, which can be paid for in whole or in part by family planning special project grant funds.

Subp. 3. **Family planning services components.** "Family planning services components" means ~~each of~~ the public information, outreach, counseling, method, referral, and follow-up services categories under which all services provided by family planning service providers must be described. The minimum standards in part 4700.2200 serve to define these components.

Subp. 4. **High risk person.** "High risk person" means an individual whose age, health, prior pregnancy outcome, or socio-economic status increases her chances of experiencing an unplanned pregnancy or problems during pregnancy. High risk persons include, but are not limited to, women under 18 or over 35; women who have experienced premature labor and delivery; women with existing health problems such as diabetes, anemia, and obesity; and persons whose individual or family income is determined to be at or below 200 percent of the income official poverty line as defined by the Federal Office of Management and Budget and revised annually in accordance with United States Code, title 42, section 9902, as amended through December 31, 1982. The official income poverty guideline is published as provided by the Federal Register, volume 50, page 9517 (1985). A copy of the most current guideline is available from Joan Turek-Brezina, Office of Planning and Evaluation, Department of Health and Human Services, Washington, D.C., 20201, (202) 245-6141.

Subp. 5. **Linkages.** "Linkages" means formal or informal arrangements between the applicant and other family planning providers including contracts, reciprocal referral agreements, and committees.

Subp. 6. **Provide.** "Provide" means to directly supply or render or to pay for in whole or in part.

Subp. 7. **Publicly subsidized.** "Publicly subsidized" means funded by federal, state, county, or city tax dollars, title XIX of the Social Security Act medical assistance funds excluded.

4700.2100 CONTENT OF APPLICATION.

In lieu of ~~part 4700.0800, item C, subitems (1) to (8)~~, The application shall identify the geographic area to be served by the applicant and shall ~~address~~ provide the following required information ~~and requirements~~:

A. An inventory of existing family planning services provider agencies in the geographic area served by the applicant. The inventory shall include, for each provider agency, at least ~~names and addresses~~ the agency name; addresses of all agency service sites; the target population served, including total number served if available (if unavailable, estimates will be acceptable); and the family planning service components provided.

B. An assessment of unmet needs of the geographic area to be served by the applicant ~~including, but not limited to, an identification of.~~ The assessment of unmet needs must, at least, identify unavailable family planning service components and/or or unserved or underserved population populations. A description of the method used in making the assessment shall be provided by the applicant.

C. A description of the family planning service components to be provided by the applicant. ~~Procedures for referral and follow up shall be incorporated into all family planning services available on an individual basis.~~ Each component to be provided with family planning special project funds must meet the standards for that component described in part 4700.2200. The application must include a budget and budget justification and summary of applicable training or experience of persons providing services relevant to these components. Also, for each component to be provided, the application must describe:

- (1) the goals;
- (2) the population to be served (target population);
- (3) the specific objectives to be achieved during the funding period;
- (4) the methods by which each objective will be achieved; and
- (5) the criteria to be used to evaluate the progress towards each objective;
- ~~(6) a budget and budget justification; and~~

~~(7) a summary of the training and/or experience relevant to the component(s) to be provided of the person(s) providing the service.~~

D. A description of the linkages between the applicant and other family planning services in the geographic area ~~including, but not limited to, plans for contracts and/or cooperative agreements with other organizations, agencies, or individual providers.~~ All funded projects must establish linkages to facilitate access to outreach, counseling, and other component services for service recipients.

E. A description of fees, if any, to be charged individuals for any family planning services. ~~Proposed Fees must be charged and must be in accordance with a sliding fee schedule for services and supplies based on the cost of such services or supplies and on the individual's ability to pay as determined by income, family size, and other relevant factors. When applicable, the maximum fee charged shall not exceed the maximum reimbursement available from title XIX, medical assistance.~~ Services shall not be denied based on ability to pay as specified in item H.

F. [Unchanged.]

G. ~~A description of the policies and procedures that will be employed to maximize the use of third-party sources of funding Assurance that the use of third-party sources of funding will be employed whenever possible.~~

H. and I. [Unchanged.]

J. ~~When the applicant proposes to use family planning special project grant funds to supplant community health services subsidy funds planned and budgeted for family planning services, the amount to be supplanted must be described in the application.~~

~~K. Assurance that the privacy of the service recipient will be maintained in accordance with law.~~

K. Original signature on face sheet and budget forms.

4700.2210 MINIMUM STANDARDS FOR FAMILY PLANNING SERVICE COMPONENTS.

An applicant is not required to provide all components to be eligible for funding. However, the applicant must make available the names and addresses of other family planning services provider agencies in the geographic area, if any, who offer components and services not offered by the applicant.

Procedures for referral and follow-up must be incorporated into all services that are provided by the applicant on a one-to-one basis.

The provision of all service components except public information shall include information on family planning services available from the applicant.

Service components to be provided by the applicant shall be defined by, and shall meet or exceed, the following minimum standards:

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

PROPOSED RULES

A. Public information must include specific activities designed to inform the general population about family planning and how to obtain information on all family planning service components available in the geographic area.

B. Outreach must include specific activities designed to inform members of the target population about family planning and all the family planning service components available in the geographic area. Outreach activities shall include one-to-one or small group contacts with the target population.

Outreach must be conducted at times and places convenient to the target population. Persons conducting outreach shall have training or experience in family planning services.

C. Counseling must include utilization of nondirective techniques in a decision-making format which enables individuals to voluntarily determine their participation in family planning services and their family planning method of choice, if any. "Nondirective techniques" means techniques that employ open-ended questions to enable individuals to consider their feelings, attitudes, and values about alternatives and outcomes. A decision-making format means a format that allows individuals to consider alternatives and outcomes, weigh advantages and disadvantages, and make choices.

When individuals are seeking to prevent pregnancy, counseling shall include the provision and explanation of factual information on all family planning pregnancy prevention methods in a nonjudgmental manner. "Nonjudgmental manner" means a manner in which the counselor's personal values and beliefs do not interfere with the client's choices.

When individuals are seeking to attain pregnancy, counseling shall include the provision and explanation of factual information on infertility diagnosis and treatment and services for pregnant women available in the geographic area.

Counseling shall be available to any individual in the target population and shall be conducted at times and places convenient to the target population.

Counseling shall include documentation that information required in Minnesota Statutes, section 145.925, has been provided. Counseling shall be conducted by persons with training or experience in counseling and family planning services.

D. Method must include the provision to a service recipient of the recipient's family planning method of choice. Provision of any family planning method must include:

(1) procedures which document that the service recipient participated in counseling prior to selecting a family planning method to prevent pregnancy;

(2) voluntary selection of the family planning method by the service recipient;

(3) information on the advisability of females obtaining a gynecological examination with Pap smear prior to initiating any family planning method;

(4) education on the use of the selected family planning method, including the risks and benefits of the method; and

(5) medical/laboratory services prior to the provision of a family planning method when the selected method requires medical intervention for prescription, fitting, insertion or for surgical or diagnostic procedure. When the selected method does not require medical intervention, as described herein, the applicant shall encourage service recipients to obtain medical/laboratory services, but provision by the applicant is not required. Medical/laboratory services shall include:

(a) social and medical/surgical history with emphasis on the reproductive system;

(b) height, weight, and blood pressure measures;

(c) bimanual pelvic examination for females;

(d) breast examination and instruction on self-examination for females;

(e) hemoglobin or hematocrit;

(f) urinalysis for sugar and protein;

(g) Pap smear; and

(h) when indicated by history or symptoms, for both male and female as appropriate, diagnosis and treatment of venereal disease, diagnosis and treatment of vaginitis, diagnosis of pregnancy, and for females, as appropriate, provision of rubella immunization.

Medical services shall be rendered by licensed physicians, or professional nurses with documentable training in gynecological care conducted under the supervision of a licensed physician, or nurse midwives certified by the American College of Nurse Midwifery, under the supervision of a physician; or physician's assistants, under the supervision of a licensed physician. Laboratory tests shall be conducted by personnel trained to conduct such tests.

E. Referral must include the provision, in writing, of information to service recipients which enables them to participate in family planning and other needed health and human services. Documentation of referrals must be maintained.

F. Follow-up must include specific procedures of continuing care designed to encourage safe and consistent utilization of family planning and other needed health and human services, using protocols based on accepted professional standards of care.

4700.2300 CRITERIA FOR AWARD OF FAMILY PLANNING SPECIAL PROJECT GRANTS.

Subpart 1. [Unchanged.]

Subp. 2. **Priority.** Applications proposing to provide all family planning service components in counties with no other in-county ~~subsidized~~ publicly-subsidized family planning service as of ~~December 31, 1978,~~ will be given priority above all other applications.

Subp. 3. **Quality and content.** Applications will be evaluated on the basis of:

A. part 4700.1100, items C and E;

B. the extent the funds will be used to meet unmet needs in the geographic area as identified in the application;

C. the extent the application proposes an identifiable expansion in the ~~capacity~~ scope of the family planning service system in the geographic area to be served by the applicant; ~~and~~

D. the extent the application proposes to coordinate family planning services with organizations, agencies, and individual providers in the geographic area to be served;

E. the extent the application proposes to serve high risk persons; and

F. the extent the application proposes to maximize use of alternative sources of funding.

Subp. 4. [Unchanged.]

Subp. 5. **Review and comment by the local board of health.** Prior to submission to the commissioner, the applicant shall submit the proposal to the local board of health for review and comment. Any comments of a local board of health shall be submitted to the commissioner within ~~20~~ 45 days of the date the proposal was ~~mailed to~~ received by the local board.

4700.2400 CONTINGENCY FUNDING PRORATION.

Subpart 1. **Funding criteria recommendations.** If after ~~processing~~ reviewing applications in accordance with part 4700.2300, the total amount of funds ~~budgeted applied for in these~~ the applications exceeds the amount of family planning special project grant funds available, applications will be funded in accordance with the following:

A. Budget recommendations must be made in accordance with the criteria for award of family planning special project funds stated in part 4700.2300.

B. Applications must be funded in rank order according to the criteria for award of family planning special project funds stated in part 4700.2300, from highest to lowest as funds are available.

Subp. 2. **Priority for service in counties with no in county family planning service Contingency funding proration.** If department funds for family planning special project grants are reduced after awards have been made, awards must be reduced in accordance with the following:

A. Step No. 1: Approved applications proposing to provide all service components in counties with no other publicly subsidized in-county family planning service as of ~~December 31, 1978,~~ will receive first priority. Up to the first ~~\$20,000~~ \$25,000 of the recommended budget in these applications will be awarded with no modification. Any portion in excess of ~~\$20,000~~ \$25,000 will be awarded in accordance with ~~subpart 3-~~ item B as follows:

B. Step No. 2: All other applications and those unawarded portions of applications in item A will be prorated in an amount equal to their recommended budget, multiplied by the ratio of total available funds minus funds awarded under item A to total amount of the recommended budgets minus funds awarded under item A.

Subp. 3. [See Repealer.]

4700.2500 USE OF STATE FUNDS AVAILABLE FOR FAMILY PLANNING SPECIAL PROJECT GRANTS.

Family planning special project grant funds awarded to applicant may be used to supplant community health services subsidy funds planned and budgeted for family planning services in the 1978 and 1979 community health services plan. Family planning special project grant funds may not be used to supplant any existing federal, state, or local funds for family planning information or services. Applicants are not required to match funds available under family planning special project grants.

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

4700.2600 ALLOCATION SCHEME.

If the commissioner allocates available funds based on an allocation scheme which limits the amount an applicant can apply for, the scheme must be set out in the notice of availability.

REPEALER. Minnesota Rules, parts 4700.2200; and 4700.2400, subpart 3, are repealed.

ADOPTED RULES

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

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

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

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

Charitable Gambling Control Board

Adopted Permanent Rules Relating to Lawful Gambling

The rules proposed and published at *State Register*, Volume 10, Number 52, pages 2536-2545, June 23, 1986 (10 S.R. 2536) are adopted with the following modifications:

Rules as Adopted

7860.0160 EXPENSES.

Subp. 3. ~~Compensation schedule.~~ Compensation paid annually for the conduct of lawful gambling shall not exceed six percent of the annual gross receipts of an organization.

Subp. 4. **Percent expended for allowable expenses.** Compliance by an organization with the maximum percentage of profits expended for allowable expenses must be determined on an annualized basis.

Subp. ~~5~~ 4. **Unallowable expenses.** The following may not be taken as expenses from lawful gambling receipts:

7860.0220 REGISTRATION OF EQUIPMENT.

Subpart 1. **Registration required.** All gambling equipment sold, leased, rented, or loaned by a distributor to an organization must be registered with the board as follows:

A. and B. [Unchanged.]

C. a state registration stamp must be affixed to the master flare for each sealed grouping of up to 100 paddleticket cards and have a facsimile of the state registration stamp imprinted on each paddleticket card stub with the distributor's license number printed on the facsimile in the place of the paddleticket card numbers; and

7860.0230 BINGO.

Subp. 4. **Manner of conducting bingo.** The conducting of a bingo game includes the following rules:

A. to P. [Unchanged.]

Q. Immediately upon a bingo player declaring a winning combination of letters and numbers on the card or cards of ~~letters and numbers~~, and if the prize is \$100 or more, the serial number of the winning card number shall be stated aloud by an organization employee. ~~The~~ Every winning card shall be verified by an organization employee and at least one neutral player.

7860.0280 RULES OF PLAY, ODDS, AND HOUSE PERCENTAGES.

Subpart 1. **Posting on premises.** A licensed organization must prominently post the following information at the licensed premises:

- A. Name of licensed organization.
- B. License number of licensed organization.
- C. Effective date of license to conduct lawful gambling.
- ~~D. The primary recipients of the lawful purpose expenditures of the licensed organization.~~
- ~~E. Odds or house percentages on each form of lawful gambling conducted by the organization.~~
- F. House rules for the conduct of lawful gambling.

Department of Commerce**Adopted Permanent Rules Relating to Interstate Banking**

The rules proposed and published at *State Register*, Volume 11, Number 18, pages 761-768, November 3, 1986 (11 S.R. 761) are adopted as proposed.

Department of Energy and Economic Development**Adopted Permanent Rules Relating to Community Energy Council Grants**

The rules proposed and published at *State Register*, Volume 11, Number 19, pages 850-854, November 10, 1986 (11 S.R. 850) are adopted as proposed.

OFFICIAL NOTICES

Pursuant to the provisions of Minnesota Statutes § 14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

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

Department of Commerce**Application of the Marine Corporation to Acquire Control of Community State Bank of Bloomington**

Commissioner of Commerce Michael A. Hatch (hereinafter the "Commissioner") has determined as follows:

1. The Marine Corporation, 111 East Wisconsin Avenue, Milwaukee, Wisconsin 53201, has applied to the Commissioner to acquire control of the Community State Bank of Bloomington, a Minnesota bank, pursuant to the Reciprocal Interstate Banking Act, Minn. Laws 1986 ch. 339 as amended by Minn. Laws 1986, 1 Special Session, ch. 3, art. 2, §§ 24-26 (to be codified as Minn. Stat. §§ 48.90 through 48.992 (1986)) (hereinafter the "Act").
2. An application to acquire or charter a bank by an interstate bank holding company must establish certain statutory criteria for approval as set out in the Act, including requirements to provide net new funds and developmental loans.
3. Pursuant to the Act, the Commissioner is in the process of promulgating rules which will clarify and establish criteria for the net new funds and developmental loans requirements of the Act. It is anticipated that these rules will become effective in January, 1987.

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

4. In connection with the application of Marine Corporation to acquire the Community State Bank of Bloomington, the Commissioner has received a written objection from the Independent Bankers of Minnesota asking that the application be rejected based on the Marine Corporation's alleged failure to comply with the net new funds and developmental loan requirements of the Act.

5. The Act specifically provides for public participation and information in the consideration of applications to acquire financial institutions under the Act and further provides that the Commissioner may extend the time period within which he must act upon applications for an additional thirty days for receipt of additional information.

6. The application of the Marine Corporation is the first application received by the Commissioner pursuant to the Act.

7. An informational hearing is desirable to assist the Commissioner in determining whether the application complies with the requirements of the Act and the rules which will be adopted by the Commissioner and whether there is a need for additional information relating to the net new funds and developmental loan requirements of the Act.

8. The following Order is in the public interest.

NOW, THEREFORE IT IS HEREBY ORDERED, that a public hearing will be held on January 27, 1987 at 9:00 a.m. at the Minnesota Department of Commerce, 500 Metro Square Building, St. Paul, Minnesota, for the purpose of obtaining information and/or argument regarding the foregoing matters; providing interested persons with an opportunity to submit any written or oral information and/or argument regarding the foregoing matters; and aiding the Commissioner in determining whether the application of the Marine Corporation to acquire control of Community State Bank of Bloomington complies with the requirements of the Reciprocal Interstate Banking Act and rules to be promulgated and adopted thereunder.

Any questions or inquiry regarding the foregoing hearing should be directed to Deputy Commissioner James G. Miller, Minnesota Department of Commerce, 500 Metro Square Building, St. Paul, Minnesota 55101, Telephone: (612) 296-2715.

Dated: 6 January 1987

Michael A. Hatch
Commissioner of Commerce

Department of Human Services Division of Community Social Services

Notice of Publication of Title XX—Block Grant for Social Services Activities Report

Notice is hereby given that the Department of Human Services has developed the Title XX—Block Grant for Social Services Activities Report for 1984. The report was submitted to the Secretary of Health and Human Services as required by Public Law 97-35. This report compares projected county Title XX expenditures with total reported social service expenditures. A copy of the report can be obtained from the:

Department of Human Services
Division of Community Social Services
Centennial Office Building, 4th Floor
St. Paul, Minnesota 55155

Any comments on the report should be submitted in writing to the above address.

Department of Labor and Industry

Notice of Certified Prevailing Wage Rates for Highway/Heavy Construction

On December 12, 1986 the commissioner certified prevailing wage rates for highway/heavy construction projects in the following Minnesota counties: Anoka, Benton, Big Stone, Carver, Chippewa, Chisago, Dakota, Douglas, Grant, Hennepin, Isanti, Kanabec, Kandiyohi, McLeod, Meeker, Mille Lacs, Morrison, Pine, Pope, Ramsey, Scott, Sherburne, Stearns, Stevens, Swift, Todd, Traverse, Washington and Wright.

A copy of the determined wage rates for Minnesota counties may be obtained by contacting the State Register and Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155. The charges for the cost of copying and mailing are \$.50 for the first county and \$.30 for any subsequent copies of the same or other counties. For all 87 counties the charge is \$25.00. A sales tax of 6% must be added to all orders.

A check or money order payable to the State of Minnesota must accompany each request.

Ray Bohn, Commissioner
Department of Labor and Industry

Pollution Control Agency Division of Air Quality

Outside Opinion Sought on Review of Rules, Parts 7001.1250 to 7001.1350, Governing Indirect Source Permits

Notice is hereby given that the Minnesota Pollution Control Agency (Agency) is seeking information or opinions from sources outside the Agency in preparing to review the Indirect Source Permit Rule, Minnesota Rules, Parts 7001.1250 to 7001.1350.

The Agency is considering revisions to this rule including, but not limited to, parts concerning the following subjects:

1. the conditions under which an Indirect Source Permit is required.
2. the information required from permit applicants.
3. technical analysis methods for measurement and prediction of carbon monoxide and noise.

The Agency requests information and comments concerning the subject matter of this rule. Interested or affected persons or groups may submit statements of information or comment orally or in writing.

Written statements should be addressed to:

John Wachtler
Division of Air Quality
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155

Questions concerning this notice should be directed to Susanne Pelly at (612) 296-7723, between the hours of 9:00 a.m. and 4:00 p.m. Monday through Thursday.

All statements of information and comment shall be accepted until March 5, 1987. Written material received by the Agency shall become a part of the rulemaking record.

Thomas J. Kalitowski
Executive Director

Minnesota State Retirement System

Special Meeting, Board of Directors

The chairman has called a special meeting of the Board of Directors of the Minnesota State Retirement System to be held on Friday, January 16, 1987 at 8:30 a.m. in the office of the System, 529 Jackson Street, St. Paul, Minnesota.

The purpose of the meeting will be to receive and discuss the results of valuations and cost estimates from the MSRS actuary and any other matters that may properly come before the Board.

Teachers Retirement Association

Meeting of the Board of Trustees

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Thursday, January 29, 1987 at 9:00 a.m. in Room 302 Capitol Square Building to consider matters which may properly come before the Board.

Board of Teaching

Notice of Intent to Solicit Outside Opinion Concerning Proposed Amendments Relating to Minnesota Rules, Part 8700.7700—Approval of Teacher Licensure Programs in Minnesota Institutions Approved to Prepare Teachers

Notice is hereby given that the Board of Teaching is seeking information or opinions from sources outside the Board in preparing

OFFICIAL NOTICES

to propose the adoption of amendments to the rule governing the approval of teacher licensure programs in Minnesota institutions approved to prepare teachers. Any interested persons may submit data or views on this subject in writing or orally to:

Kenneth L. Peatross, Executive Secretary
Minnesota Board of Teaching
608 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
(612) 296-2415

Any written material received by the Board shall become part of the hearing record in the event that the amendments to the rule governing this subject are promulgated.

Dated: 5 January 1987

Kenneth L. Peatross, Executive Secretary
Minnesota Board of Teaching

Department of Transportation

Petition of the City of St. Paul for a Variance from State Aid Standards for Street Width

Notice is hereby given that the City Council of the City of St. Paul 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 Raymond Avenue (C.S.A.H. 46) between Raymond Place and proposed Energy Park Drive.

The request is for a variance from Minnesota Rules for State Aid Operations § 8820.9912 adopted pursuant to Minnesota Statutes Chapter 161 and 162, so as to permit a street width of 40 feet with no parking allowed instead of the required street width of 52 feet with no parking allowed.

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.

Dated: 30 December 1986

Leonard W. Levine
Commissioner of Transportation

STATE CONTRACTS

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency must make reasonable effort to publicize the availability of any services contract or professional and technical services contract which has an estimated cost of over \$2,000.

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

Commodities contracts with an estimated value of \$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.

Commodity for Bid	Bid Closing Date at 2 pm	Department or Division	Delivery Point	Requisition #
Hardwood Green Chips	Jan. 12, 1987	Correctional Facility	Shakopee	78-640-01467
Seed	Jan. 12, 1987	Natural Resources	St. Paul	29-006-05562
Computer Software	Jan. 12, 1987	Community College	Bloomington	27-156-10090
Chain Saws	Jan. 12, 1987	Transportation	St. Paul	79-382-01192
Carpeting, Vinyl Flooring & Installation	Jan. 12, 1987	Regional Treatment Center	Faribault	02-310-15203, 02-310-15204
Trailer	Jan. 12, 1987	Natural Resources	Grand Rapids	29-002-13325
Fluorescent Fixtures	Jan. 13, 1987	Various	Various	Price-Contract
Boom Cranes	Jan. 13, 1987	Transportation	Various	79-382-01187
Ford Automobiles & Truck parts	Jan. 13, 1987	Various	Various	Price-Contract
Purchase of Photocopier	Jan. 13, 1987	Academy for Deaf	Faribault	37-001-70470
Computer Supplies—Rebid	Jan. 13, 1987	State University	St. Cloud	26-073-19267
Steel	Jan. 14, 1987	Correctional Facility	Stillwater	78-620-00098, 99, 100
Tractor	Jan. 14, 1987	Natural Resources	St. Paul	29-000-45250
Aerial Platform	Jan. 14, 1987	Transportation	St. Paul	79-382-01184
Patrol Cars	Jan. 14, 1987	Various	Various	Sch. 113D
Ready Mix—Windom	Jan. 14, 1987	Transportation	Windom	79-750-EM
Rubbish Disposal	Jan. 14, 1987	Iron Range Resources and Rehabilitation Board	Eveleth	Price-Contract
Cyro Freezer	Jan. 15, 1987	State University	St. Cloud	26-073-19308
Ammonia	Jan. 15, 1987	Various	Various	Various-Variou
Calibration Bath	Jan. 15, 1987	Public Service	St. Paul	80-300-03506
Printing Papers	Jan. 15, 1987	State Print Shops	Various	Price-Contract
Meat & Meat Products for February, 1987	Jan. 16, 1987	Various	Various	Various-Variou
Aircraft Liability Insurance	Jan. 16, 1987	Various	Various	Sch. 127
Fish Hatchery Equip.	Jan. 16, 1987	DNR Southern Service Center	Grand Marais	29-000-45438

**Department of Energy and Economic Development
Division of Science and Technology
Office of Software Technology Development**

**Notice of Request for Proposals to Provide Market Information Services Related to the
Technology Product Investment Program**

Notice is hereby given that the Office of Software Technology Development (OSTD), Minnesota Department of Energy and Economic Development, requires the services of a qualified organization with established expertise in the software industry to provide necessary market services relating to the Technology Product Investment Program.

The Technology Product Investment Program was implemented to provide low-interest loans to eligible Minnesota applicants for the development and/or marketing of software products. Under the direction of the OSTD, one primary activity in the loan application process is an evaluation of the marketing plan submitted by applicant companies. It is anticipated that 4-6 of these evaluations will be conducted by the OSTD during FY'87.

In addition to conducting marketing plan evaluations for investment program applicants, the awarded organization will prepare market potential estimates for use by the OSTD Technical Review Committee, which provides recommendations concerning investment program applications to the Minnesota Energy and Economic Development Authority.

These activities will be conducted in the most effective and efficient manner possible. Therefore, due to the specific industry focus of the Technology Product Investment Program, it is recommended that RFP applicants be familiar with leading edge technology systems and have a strong background in marketing plan development. Also, due to the confidential nature of investment program applications, organizations must be without possible conflicts of interest.

The estimated fee range for this project is \$3,000 to \$5,000. Firms desiring consideration should request a copy of the Request for Proposals Statement of Work. Inquiries should be directed to:

Dr. Rosemary T. Fruehling, Director
Office of Software Technology Development
Minnesota Department of Energy
and Economic Development
900 American Center Building
150 East Kellogg Boulevard
St. Paul, MN 55101

The deadline for submission of proposals will be the close of the working day (4:30 p.m.) on February 2, 1987.

Dated: 12 January 1987

Minnesota Historical Society

Advertisement for Bids for Fabrication and Installation of Exhibit Cases

BIDS

Sealed bid proposals for the fabrication and installation of exhibit cases for *The Way to Independence*, an exhibition being organized by the Interpretation Department of the Minnesota Historical Society, in accordance with bidding documents prepared by the Minnesota Historical Society and John Palmer Low/Design will be received in the office of the Contract Officer, Minnesota Historical Society, 1500 Mississippi Street, St. Paul, MN 55101 until 2:00 p.m., Central Standard Time, on February 5, 1987, at which time the bid proposals will be publicly opened and read aloud. Bids received after 2:00 p.m., February 5, 1987, will be returned unopened.

It is anticipated that the cost of this project will not exceed \$150,000.00.

BID SECURITY

Each proposal must be accompanied by a cash deposit, cashier's check, certified check, or corporate surety bond of a surety company duly authorized to do business in Minnesota, in the sum of not less than 5% of the total bid, which is submitted as bid security to guarantee that the bidder, if awarded the contract, will promptly execute such contract in accordance with the bid proposal and will furnish the required Payment and Performance bond.

PLANS AND SPECIFICATIONS

Copies of bidding documents for preparation of bids may be obtained beginning January 15, 1987 by contacting Mark Schwartz, Contract Officer, Minnesota Historical Society, 1500 Mississippi St., St. Paul, MN 55101, (612) 296-8378.

CONDITIONS OF BIDS

The Minnesota Historical Society reserves the right to accept or reject any or all bids and to waive any irregularities therein. No bid may be withdrawn within thirty (30) days after the scheduled closing time for the receipt of bids.

Minnesota Racing Commission

Applications Being Taken for Positions of State Stewards and Assistant Veterinarian

The Minnesota Racing Commission is accepting applications for the position of State Steward (two positions) and an Assistant Veterinarian (one position) for its 1987 Quarterhorse/Thoroughbred Racing Meet at Canterbury Downs from April 24, 1987 through October 12, 1987.

Successful candidates should be thoroughly experienced in all regulatory aspects of pari-mutuel horse racing, and submit appropriate credentials and/or references with their application.

Inquiries for the Stewards positions should be directed to Donald R. Price, Executive Director of the Minnesota Racing Commission, 11000 West 78th Street, Suite 201, Eden Prairie, Minnesota 55344 (612-341-7555).

Inquiries for the Assistant Veterinarian position should be directed to Camille McArdle, D.V.M., Chief Veterinarian, Minnesota Racing Commission, 11000 West 78th Street, Suite 201, Eden Prairie, Minnesota 55344 (612-341-7555).

Applications must be received by 5:00 P.M. on February 27, 1987.

Department of Transportation

Request for Proposal for Consultant to Develop Effective Pupil Transit Marketing Techniques

Notice is hereby given that a Request for Proposal is available from the Minnesota Department of Transportation, which seeks the services of a qualified consultant to assist in the development of effective public transit marketing techniques for use by local transit operators outside the Twin Cities Metropolitan Area. This marketing project seeks to develop key market planning and promotional concepts that will lead to increased public use of these services. Additionally the marketing plans and promotional concepts developed will be used by the consultant to train designated system representatives so that a working level of marketing expertise is established for the purpose of on-going peer to peer technology exchange.

The Department of Transportation estimates that the project will cost \$50,000. Funding will be provided through Section 8 of the Urban Mass Transportation Act. The submission date for completed proposals is February 17, 1987. This Request for Proposal does not obligate the State to complete the project and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

A copy of the Request for Proposal may be received by contacting Robert M. Works, Office of Transit, 815 Transportation Building, St. Paul, Minnesota 55155, telephone (612) 296-2533.

Department of Transportation

Request for Proposals for Map Skills Packets and Teaching Aids

The Minnesota Department of Transportation seeks the services of a qualified consultant with elementary teaching and curriculum writing experience to provide elementary school level curriculum materials on Minnesota maps and map reading skills.

BACKGROUND

The official Minnesota map is not available free in large quantities as is frequently requested by teachers, and is too detailed for most elementary students. Therefore, there is a need for special, desk-size maps of Minnesota along with accompanying classroom activities and materials to develop map reading skills. These map skills packets will be designed for teachers to use with students in, but not limited to, grades one through six. The intent of the packets is to supplement existing curriculum at the teacher's discretion.

STATE CONTRACTS

SCOPE

Tasks/Products

The final product will be 2,000 map skills packets. Half of the packets will be designed for grades one through three, and half will be designed for grades four through six. The packets must be in self-contained packages suitable for mailing. Each classroom packet must contain:

- Thirty student desk-sized maps of Minnesota.
- One official Minnesota map.
- One teacher's resource guide/student materials.
- One 4-color poster.
- One audio cassette.
- Other materials deemed necessary by the proposer.

The packet enclosures must follow these general guidelines:

Student Maps

Size: All student maps must fit on a student-sized desk.

Quantity: 1,000 maps will be suitable in content, language, skills and print for students in grades one through three. 1,000 maps will be more detailed and suitable in content, language, skill and print for students in grades four through six. Grade levels will not appear on student materials.

Color: Either black and white or color maps will be acceptable, but the final product should be reproducible on black and white photocopiers.

Content: The content of the maps should include major highways, railroads, airports, rivers and lakes as deemed appropriate for the grade level. The maps should also include legends, symbols, directions, and tables as deemed necessary for teaching map reading skills. The student maps must correspond to the suggested activities and information included in the teacher's resource guide.

Official Minnesota Map

An official Minnesota map will be provided for each packet by the Minnesota Department of Transportation.

Teacher's Resource Guide/Student Materials

This guide must provide teachers with background information, suggested classroom activities, reproducible student worksheets and other materials useful in teaching map reading skills. The guide must be concise and easy to use. The teacher must be able to find information at a glance. Format suggestions:

- Table of contents.
- Glossary.
- Code for plugging map activities into various disciplines such as social studies, language arts, math, etc.
- Suggested grade levels for various activities.
- Drawings, photography, tables, etc.
- Answers to student worksheets.

A single teacher's guide must be usable with both levels of student maps. Content suggestions (depending on grade level):

- Using mileage tables.
- Using population charts.
- Locating cities.
- Using legends to identify cities, parks, rest areas, airports, etc.
- Computing distances.
- Recognizing governmental boundaries.
- Determining best route vs. shortest route.
- Determining best transportation mode (truck, car, rail, air, water) for various purposes.

- Distinguishing between interstate highways, state highways, county roads and city streets.
- Other maps skills deemed appropriate for elementary students.

The content of the teacher's guide must include educational objectives, major concepts, specific skills and suggested classroom or field trip activities. The reproducible student materials must provide the means for students to learn the stated objectives.

Poster:

This must be a 4-color poster of suitable size to display on a classroom bulletin board. The subject must depict some aspect of transportation. The Minnesota Department of Transportation's name and Pine Tree and star logo will appear on the front. Artwork for the Logo will be provided by Mn/DOT.

Audio Cassette:

This will be a self-guided lesson to be used individually by a student with a map and/or other materials. The content of the tape should complement and/or supplement other student activities. Length and difficulty must be appropriate for elementary students. The proposer shall recommend whether or not one tape can be used for both levels of maps. The tape must be packaged to prevent damage in the mail.

Other Materials:

The proposer may recommend other educational materials (tests, stick-on map symbols, etc.) to enhance the map skills packets.

PROPOSER QUALIFICATIONS

A proposer's qualifications will be evaluated on:

- Elementary teaching experience.
- Elementary curriculum writing experience.
- Knowledge of map skills and transportation.
- Familiarity with the State of Minnesota.
- Skills and experience in audio-visual use and production.
- Experience in dealing with Minnesota state agencies.
- Consultant experience.
- An understanding of the fundamentals of photography and printing.

PROPOSAL CONTENTS

Each proposer must submit a proposal organized as follows:

Expertise and Experience.

This section must contain:

- Name of proposer (and firm if applicable), address, and phone number.
- Resume of each person proposed to work on the project and a discussion of how the expertise of each worker relates to the project. This should include a brief discussion of time available based on simultaneous commitments.
- The proposer must identify and demonstrate competence in education, curriculum-writing, map skills and creativity. If desired, samples of work may be attached, but they cannot be returned.

The proposer must submit a detailed work plan outlining what the proposal will encompass and how the proposer plans to carry it out. The work plan must include:

- A description of project objectives as seen by the proposer.
- A description of the scope of the project.
- A description of proposed research, contacts, and information gathering.
- Time lines for various steps of the project.
- A description of progress reports and/or contact with the Mn/DOT project coordinator.

Outline of Teacher's Guide and Student Materials

The proposer must submit an outline of the teacher's guide and accompanying student materials, as envisioned by the proposer. The outline must provide information on content, length and layout and should demonstrate expertise and creativity in classroom activities.

STATE CONTRACTS

Budget

The proposer must identify and itemize all costs including labor, production, printing, travel, etc. The proposer should include desired payment schedules.

Project Completion Date

The project must be completed by May 1, 1987.

DEPARTMENT CONTACTS

Responders who have questions regarding this request for proposal may call or write:

Marie Kachelmyer
Assistant Public Affairs Manager
Minnesota Department of Transportation
Transportation Building, Room 408
John Ireland Boulevard
St. Paul, Minnesota 55155
(612) 296-4134

or

Cheryl Plathe
Public Affairs Coordinator
Minnesota Department of Transportation
2505 Transportation Road
Willmar, MN 56201
(612) 231-5136

All proposals must be sent to: Marie Kachelmyer, Assistant Public Affairs Manager, Minnesota Department of Transportation, Transportation Building, Room 408, John Ireland Boulevard, St. Paul, Minnesota 55155, and postmarked not later than February 10, 1987.

Late proposals will not be accepted. Proposals are to be sealed in mailing envelopes or packages with the proposer's name and address on the outside. The proposal must be signed by the proposer or authorized member of the firm. Prices and terms of the proposal must be valid as stated for the length of the project.

All proposals received by the deadline will be evaluated by the Public Affairs Personnel. In some cases, an interview or phone conversation may be part of the evaluation process. Proposals will be judged upon, but not limited to, these factors:

- Understanding of the project objective.
- Proposed work plan.
- Budget detail.
- Proposed outline.
- Qualifications of proposer.

Evaluation and selection will be completed by March 16, 1987. Results will be sent by mail to all proposers.

CONTRACT COSTS

The Department of Transportation has estimated that the cost of the contract should not exceed \$16,000.

LIMITATIONS

This request for proposal does not commit the Minnesota Department of Transportation to award a contract, to pay any costs incurred in preparing a proposal for this request, or to procure a contract for services or supplies. Mn/DOT reserves the right to accept or reject any or all proposals received as a result of this request, to negotiate with any qualified source, or to cancel in part or in entirety this request for proposal. The project coordinator may require the proposers to participate in negotiations and to submit price or content revisions which may result from negotiations. All finished products and rights to finished products will belong to the Minnesota Department of Transportation. Mn/DOT will place no restrictions on the copying of these materials for classroom use.

SUPREME COURT DECISIONS

Decisions Filed Friday 2 January 1987

Compiled by Wayne O. Tschimperle, Clerk

C0-85-2172 Stuart L. Burniece v. Illinois Farmers Insurance Company, petitioner, Appellant. Court of Appeals.

A plaintiff who receives statutory interest on overdue basic economic loss benefits under Minn. Stat. § 65B.54 (1984) of the Minnesota No-Fault Automobile Insurance Act is precluded from receiving additional prejudgment interest under Minn. Stat. § 549.09 (1984).

Reversed. Scott, J.

C4-85-828 State of Minnesota, Appellant v. Joon Kyu Kim. Court of Appeals.

In order to prevail on a pretrial appeal from an order suppressing evidence in a criminal prosecution, the state must clearly and unequivocally establish that the trial court's ruling was erroneous and that the trial court's ruling, unless reversed, will have a critical impact on the trial; here the state failed to so establish that the order suppressing expert evidence of the statistical frequency with which the defendant's blood type occurs in the general population was erroneous.

Affirmed. Wahl, J.

Dissenting, Kelley, J.

CX-86-794 Mabel I. Weisser v. Country Club Market and American Hardware Mutual Insurance Company, Relators. Workers' Compensation Court of Appeals.

The record contains substantial support for the determination that attorney fees were allowable because there was a genuine dispute over the propriety of the rehabilitation plan.

The matter of the amount of fees is remanded because the record does not contain fully adequate information to justify the amount awarded.

Affirmed in part, remanded in part. Wahl, J.

C6-85-1639, C0-85-2057 Valley Farmers' Elevator, petitioner, Appellant v. Lindsay Brothers Company v. Martin Steel Corporation. Court of Appeals.

A hybrid commercial transaction involving the sale of goods and the provision of services is examined by reference to the "predominant factor" test, Bonebrake v. Cox, 499 F.2d 951 (8th Cir. 1974). The proper characterization of this transaction as a sale of goods renders Article 2 of the Uniform Commercial Code and the principles of Superwood Corp. v. Siempelkamp Corp., 311 N.W.2d 159 (Minn. 1981) applicable to this action.

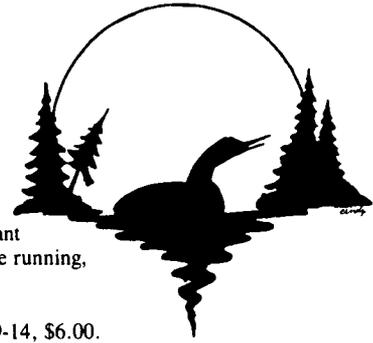
The fact that a sale of goods is also an improvement to real property does not create by operation of Minn. Stat. § 541.051 (1984) a cause of action separate from the breach of warranty claims.

Affirmed. Coyne, J.

Dissenting, Yetka, J.

Voices of the Loon

Its voice severs the bonds to the world of cities, traffic, crowds, lights and noise. The lyrical magic of the loon, sometimes hauntingly eerie, makes the skin tingle, and the hair on the back of the neck stand on edge, awakening a primitive response. Its solitary wail turns the shadowy wilderness into a mysterious path into eternity.



Voices of the Loon, cassette tape, includes introduction and loon call identification, chorus from a distant lake, tremolo duet, wail duet, border confrontation, wails with morning songbird chorus, tremolos while running, wails during a thunderstorm, and coyotes calling with loons. Code #19-73, \$12.00.

The Loon: Voice of the Wilderness, hardbound with color plates and illustrations, 143 pages. Code #9-14, \$6.00.

Loon Calendar 1987, beautiful photographs and scenes. Code #15-40, \$6.95.

Loon Lapel Pin. Code #15-30, \$2.49.

Loon Windsock, 56 inches long in full color. Code #15-29, \$19.95.

Loon Nature Print, full-color poster 16" x 22", Code #15-18, \$3.00.

TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and \$1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.



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