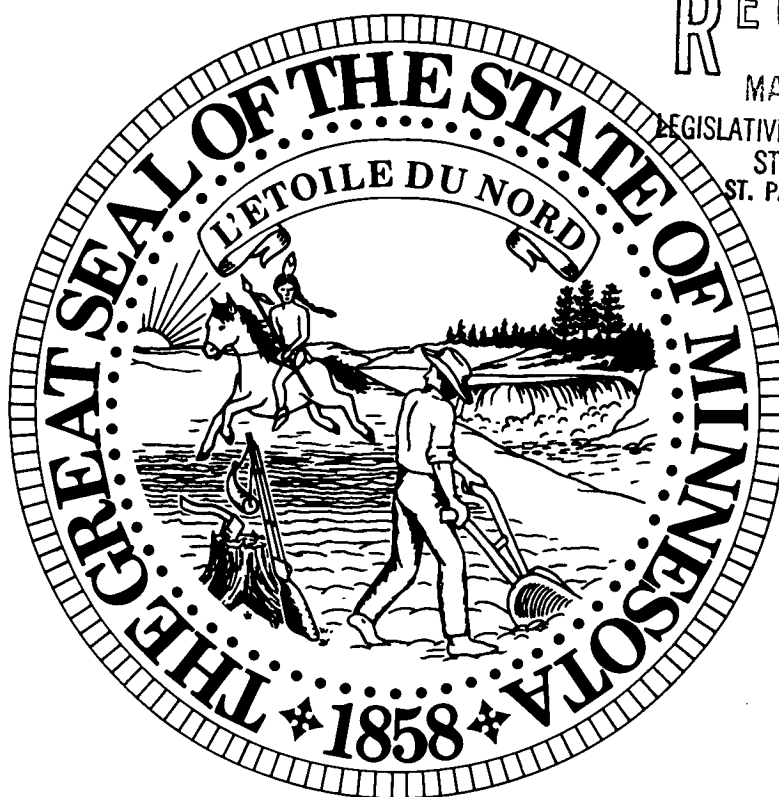


87, March 23

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, 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
38	Monday 9 March	Monday 16 March	Monday 23 March
39	Monday 16 March	Monday 23 March	Monday 30 March
40	Monday 23 March	Monday 30 March	Monday 6 April
41	Monday 30 March	Monday 6 April	Monday 13 April

*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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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:

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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:

Table with 2 columns: Issue range and Issue number. Includes: Issues 1-13, inclusive; Issues 14-25, inclusive; Issue 26, cumulative for 1-26; Issues 27-38, inclusive; Issue 39, cumulative for 1-39; Issues 40-51, inclusive; Issue 52, cumulative for 1-52.

MINNESOTA RULES
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PROPOSED RULES

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

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

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

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

Board of Barber Examiners

Proposed Permanent Rules Relating to Fees

Notice of Intent to Adopt a Rule without a Public Hearing

Notice is hereby given that the State Board of Barber Examiners intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minn. Stat. §§ 14.22 to 14.28 (1986). The statutory authority to adopt the rule is Minn. Stat. §§ 154.24 and 214.06 (1986).

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

Any person may make a written request for a public hearing on the rule within the 30-day comment period. No public hearing need be held unless 20 percent of the persons who will be required to pay the fees submit to the agency during the 30-day period allowed for comment a written request for a public hearing on the proposed rule. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minn. Stat. §§ 14.131 to 14.30 (1986).

Comments or written requests for a public hearing must be submitted to:

Adam J. Mikrot, Executive Secretary
Board of Barber Examiners
5th Floor Metro Square Building
Seventh and Robert Streets
St. Paul, Minnesota 55101

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

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

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Adam J. Mikrot, Executive Secretary, Board of Barber Examiners, at the above address and telephone number, upon request.

If no hearing is required upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Adam J. Mikrot, Executive Secretary, Board of Barber Examiners, at the above address.

Dated: 9 March 1987

Adam J. Mikrot, Executive Secretary
Board of Barber Examiners

Rules as Proposed**2100.9300 FEES.**

The Board of Barber Examiners shall charge the following fees:

- A. examination and certificate, registered barber ~~\$50,~~ \$55;
- B. examination and certificate, apprentice ~~48,~~ \$50;
- C. examination, instructor, \$150;
- D. certificate, instructor, \$35;
- E. renewal of license, registered barber ~~20,~~ \$25;
- F. renewal of license, apprentice ~~18,~~ \$20;
- G. renewal of license, instructor, \$35;
- H. student permit, \$10;
- I. initial shop registration, \$50;
- J. initial school registration, \$1,000;
- K. renewal shop registration ~~25,~~ \$35;
- L. renewal school registration, \$200;
- M. restoration of registered barber license ~~45,~~ \$50;
- N. restoration of apprentice license ~~43,~~ \$45;
- O. restoration of shop registration ~~50,~~ \$60;
- P. change of ownership or location, \$25; and
- Q. duplicate license, \$10.

EFFECTIVE DATE. Part 2100.9300, items K and O are effective June 30, 1987. The remainder of this part is effective December 31, 1987.

Public Utilities Commission

Proposed Permanent Rules Relating to Rate Adjustments Due to Tax Reform Act of 1986

Notice of Intent to Adopt a Rule without a Public Hearing

Notice is hereby given that the Minnesota Public Utilities Commission intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes, sections 216B.08, 237.02, 237.06, 216B.03, and 237.10.

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

Any person may make a written request for a public hearing on the rule 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 request 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 rule 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.

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

Comments or written requests for a public hearing must be submitted to:

Rosellen Condon
Minnesota Public Utilities Commission
780 American Center Building
150 E. Kellogg Boulevard
St. Paul, MN 55101
(612) 296-2357

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

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

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Dawn Walker, (612) 296-2354, upon request.

The adoption of this rule by the Commission will not require expenditure of public moneys by local public bodies nor have a direct impact on agricultural land. Therefore, Minn. Stat. § 14.11 (1986) is inapplicable to this rulemaking proceeding. The Commission has considered pursuant to Minn. Stat. § 14.115 (1986) whether these proposed rules may have an impact on small businesses and has determined that they will not.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Dawn Walker, Minnesota Public Utilities Commission, 780 American Center Building, 150 E. Kellogg Boulevard, St. Paul, MN 55101.

Dated: 9 March 1987

Mary Ellen Hennen, Executive Secretary
Minnesota Public Utilities Commission

Rules as Proposed (all new material)

7827.0100 DEFINITIONS.

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

Subp. 2. **Commission.** "Commission" means the Minnesota Public Utilities Commission.

Subp. 3. **Department.** "Department" means the Minnesota Department of Public Service.

Subp. 4. **Public utility.** "Public utility" has the meaning given it in Minnesota Statutes, section 216B.02, subdivision 4.

Subp. 5. **Tax reform act.** "Tax reform act" means the federal Tax Reform Act of 1986, Public Law Number 99-514.

Subp. 6. **Telephone company.** "Telephone company" has the meaning given it in Minnesota Statutes, section 237.01, subdivision 2, for telephone companies providing service to 15,000 or more subscribers.

7827.0200 PURPOSE.

The purpose of this chapter is to require telephone companies and public utilities to adjust rates for service within Minnesota to recognize the reduction in operating costs attributable to the reductions in federal corporate income taxes as a result of the tax reform act.

7827.0300 REASONABLE RATES.

On and after July 1, 1987, the overall rates of public utilities and telephone companies are found to be unjust and unreasonable unless:

A. the rates have been adjusted to account for the reduction in federal income tax expense computed under part 7827.0400;

B. the rates have been established pursuant to a general rate case decision rendered on or after January 1, 1987, that incorporates the new federal income tax rate in the determination of the revenue requirement; or

C. the rate is an interim rate subject to refund as part of a general rate case.

7827.0400 COMPUTATION.

The federal income tax expense adjustment amount must be computed and submitted to the commission as follows:

A. The public utility or telephone company shall compute current operating income based upon actual 1986 revenues and expenses, adjusted to include items that are the same in nature and kind as in the currently effective order in the utility's most recent rate proceeding, and normalized to the extent necessary to reflect normal operating conditions. Adjustments made to 1986 actual revenues and expenses must be separately identified and detailed.

B. Using the same method approved by the commission in the most recent rate proceeding, the public utility or telephone company shall compute income tax expense based upon the operating income determined in item A, in two ways as specified in subitems (1) and (2). The income tax expense must show the breakdown by component, including deferred taxes, net investment tax credits, and any other component applicable to an individual public utility or telephone company. The public utility or telephone company shall submit detailed schedules supporting the income tax expense computed under the following:

(1) using the tax rates and provisions in effect before enactment of the tax reform act; and

(2) using the tax rates effective July 1, 1987, containing a maximum tax rate of 34 percent and final provisions of the tax reform act.

C. The public utility or telephone company shall compute the difference between item B, subitems (1) and (2). The difference must be multiplied by the gross revenue conversion factor using the tax rates applied in item B, subitem (2). The calculation supporting the gross revenue conversion factor must be submitted to the commission.

7827.0500 ADJUSTMENTS OF TARIFFS, SCHEDULES.

Subpart 1. **Adjustments; tariffs filed.** The public utility or telephone company shall reduce its rates by the federal income tax expense adjustment amount calculated under part 7827.0400. The public utility or telephone company must file tariffs for service rendered on and after July 1, 1987, reflecting the reduced rates, in accordance with subparts 3, 4, and 5.

Subp. 2. **Detailed supporting schedules submitted.** The public utility or telephone company shall submit detailed schedules supporting the calculation of the reduced rates.

Subp. 3. **Public utility charges reduced, allocated.** A public utility shall reduce unit demand and unit energy charges uniformly across all rate schedules. The reduction must be allocated between demand and energy charges in proportion to 1986 normalized demand and energy revenues.

Subp. 4. **Telephone company local exchange rates.** A telephone company providing local exchange service shall reduce the rates for local exchange access line services by a uniform percentage.

Subp. 5. **Telephone company interexchange rates.** A telephone company providing interexchange service shall reduce toll rates for message telecommunications services by a uniform percentage.

7827.0600 FILINGS; WRITTEN COMMENTS.

A tariff required under part 7827.0500 and documentation required under parts 7827.0400 and 7827.0500 must be filed with the commission, the department, and the Office of the Attorney General, Residential Utilities Division, by May 1, 1987, or 30 days after the effective date of parts 7827.0100 to 7827.0600, whichever is later.

Interested persons may submit written comments to the commission within 20 days from the date of filing.

Minnesota Racing Commission

Proposed Permanent Rules Relating to the Regulation of Horse Racing

Notice of Proposed Adoption of a Rule without a Public Hearing

NOTICE is hereby given that the Minnesota Racing Commission proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes, section 240.23.

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

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Any person may make a written request for a public hearing on the rule 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 request. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule 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:

Minnesota Racing Commission
11000 West 78th Street, Suite 201
Eden Prairie, Minnesota 55344
Telephone: (612) 341-7555

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

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

A statement of Need and Reasonableness that describes the need for a reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from the Minnesota Racing Commission upon request.

Promulgation of the proposed rule will not result in the expenditure of public monies by local public bodies, fix or adjust any fees, or have an impact on agricultural land. The affect, if any, that the proposed rule may have on small businesses is discussed in the Statement of Need and Reasonableness.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to the Minnesota Racing Commission at the address listed above.

Dated: 11 February 1987

Donald Price, Executive Director
Minnesota Racing Commission

Rules as Proposed

7869.0100 DEFINITIONS.

Subpart 1. to 50. [Unchanged.]

Subp. 51. **Race.** "Race" means a contest among horses for purse, stakes, premium, or wager for money, run in the presence of racing officials of the association and the commission. The following are categories of races:

A. to J. [Unchanged.]

~~K.~~ ~~"Quarter horse race"~~ means a race on the flat at 870 yards or less.

~~L.~~ "Race on the flat" means a race over a course in which no jumps or other obstacles are placed.

~~M.~~ L. "Restricted race" means a race required pursuant to Minnesota Statutes, section 240.29.

~~N.~~ M. "Stakes race" or "sweepstakes race" means a race to which nominators of the engaged entries contribute to a purse, and to which money or any other award may be added. No overnight race, regardless of its conditions, may be deemed a stakes race.

~~O.~~ N. "Time trial" means a race against time for the purpose of establishing a performance record.

Subp. 52. to 69. [Unchanged.]

7870.0480 MEDICAL SERVICES.

A racetrack facility must provide the following medical facilities, equipment, and personnel:

A. a fully equipped first aid room with at least two beds;

B. a licensed physician and registered nurse on duty in the first aid room on all days during which horse racing is conducted;

and

C. a ~~registered nurse on duty on all days during which the racetrack facility is open for exercising horses;~~ and

~~D.~~ an ambulance for humans with necessary equipment and staff whenever the facility is open for racing or exercising horses.

7873.0130 PREVENTION TO START.

In a thoroughbred or quarter horse race, if the doors in front of a stall in a mechanically or electronically operated starting gate should fail to open simultaneously with the other stall doors, thereby preventing a horse from obtaining a fair start when the starter dispatches the field, the following shall apply:

A. If any horse is so prevented from starting, the entire amount in the win, place, and show pools wagered on that horse shall be promptly refunded unless the horse finishes first, second, or third, in which case the horse shall be considered a starter for all straight pools in which the horse earned a placing and a non-starter in all other straight pools. However, there shall be no refund if the horse is part of a coupled entry or field.

B. ~~In races on which multiple wagering is permitted, except on the second half of the daily double or pick six, if a horse is so prevented from starting, the entire amount wagered on any combination including that horse shall be promptly refunded. If any horse is so prevented from starting, the entire amount in the exacta pool wagered on that horse shall be promptly refunded unless the horse finishes first or second, in which case the horse shall be considered a starter for the exacta pool in which the horse earned a placing. However, there shall be no refund if the horse is a part of a coupled entry or field.~~

C. [Unchanged.]

7873.0190 PICK SIX.

Subpart 1. to 5. [Unchanged.]

Subp. 6. **Calculation of pool.** The pick six pari-mutuel pool shall be calculated as follows:

A. and B. [Unchanged.]

C. Should no distribution be made pursuant to item A on the last day of the association's meeting, then the entire distributable pool and all money accumulated in the pool shall be distributed to the holders of tickets correctly designating the most winning selections of the six races comprising the pick six for that day. If, for any reason, the final day of racing is canceled ~~and~~ or the pick six pool has not been distributed, the pool shall be escrowed by the association, and the pool, as well as all accrued interest, shall be carried over and included in the pick six pari-mutuel pool for the next succeeding racing date ~~of the same breed~~ as an additional net amount to be distributed.

Subp. 7. and 8. [Unchanged.]

Subp. 9. **Cancellation of race comprising pick six.** In the event one or more of the races comprising the pick six is canceled for any reason, or in the event one or more of the races comprising the pick six is declared as no contest by the stewards, 75 percent of the pari-mutuel pool shall not be distributed but shall be retained by the association as distributable amounts and shall be carried over and included in the pick six pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed. The remaining 25 percent shall be distributed among the holders of pick six tickets which correctly designate the most official winners of the remaining races comprising the pick six. In the event of the cancellation of all six races comprising the pick six pool after wagering has been accepted on that day, a full and complete refund must be made of the pari-mutuel tickets sold on the pick six on that day. One hundred percent of the remaining amount in the pick six pari-mutuel pool shall be carried over and included in the pick six pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed.

Subp. 10. [Unchanged.]

7873.0191 PICK THREE.

Subpart 1. Scope. The pick three pari-mutuel pool is not a parlay and has no connection with or relation to any other pari-mutuel pool conducted by the association, nor to any win, place, and show pool shown on the totalizator board, nor to the rules governing the distribution of such other pools.

Subp. 2. Ticket is evidence of binding contract. A pick three ticket shall be evidence of a binding contract between the holder of the ticket and the racing association and the ticket shall constitute an acceptance of the pick three provisions and rules.

Subp. 3. Pick three may be given a distinctive name. A pick three may be given a distinctive name to be selected by the association conducting these races, subject to the approval of the commission.

Subp. 4. Pick three pool. The pick three pari-mutuel pool consists of amounts contributed for a selection for win only in each

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of three races designated by the association with the approval of the commission. Each person purchasing a pick three ticket shall designate the winning horse in each of the three races comprising the pick three.

Subp. 5. Coupled entries and fields. Those horses constituting an entry of coupled horses or those horses coupled to constitute the mutuel field in a race comprising the pick three, shall race as a single wagering interest for the purpose of the pick three pari-mutuel pool calculations and payouts to the public. However, if any part of either an entry or the field racing as a single wagering interest is a starter in a race, the entry or the field selection shall remain as the designated selection to win in that race for the pick three calculation, and the selection shall not be deemed a scratch.

Subp. 6. Calculation of pool. The pick three pari-mutuel pool shall be calculated as follows:

A. One hundred percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of pari-mutuel tickets which correctly designate the official winner in each of the three races comprising the pick three.

B. In the event no pari-mutuel ticket is sold combining the three winners of the pick three, 100 percent of the net amount in the pari-mutuel pool shall be distributed among the holders of pari-mutuel tickets which include the winners of two of the three races comprising the pick three.

C. In the event no pari-mutuel ticket is sold combining two winners of the pick three, 100 percent of the net amount in the pari-mutuel pool shall be distributed among holders of pari-mutuel tickets which include the winner of any one race comprising the pick three.

D. In the event no pari-mutuel ticket is sold that would require distribution of the pick three pool to a winner under this part, 100 percent of the net amount in the pick three pari-mutuel pool shall be carried over and included in the pick three pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed.

E. If, for any reason, the final day of racing is canceled or the pick three pool has not been distributed, the pool shall be escrowed by the association, and the pool, as well as all accrued interest, shall be carried over and included in the pick three pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed.

Subp. 7. Cancellation of races comprising pick three. If for any reason one or two of the races comprising the pick three is canceled, the net amount of the pari-mutuel pool shall be distributed as provided in subpart 6, items B, C, and D.

If for any reason all of the races comprising the pick three are canceled, a full and complete refund must be made of the pari-mutuel tickets sold on the pick three on that day. One hundred percent of the remaining amount in the pick three pari-mutuel pool shall be carried over and included in the pick three pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed.

Subp. 8. Actual favorite substituted for scratched horse. In the event a pick three ticket designates a selection in any one or more of the races comprising the pick three and that selection is scratched, excused, or determined by the stewards to be a nonstarter in the race, the actual favorite, as evidenced by the amounts wagered in the win pool at the time of the start of the race, will be substituted for the nonstarting selection for all purposes, including pool calculations and payoffs.

Subp. 9. Dead heats. In the event of a dead heat for win between two or more horses in any pick three race, all the horses in the dead heat for win shall be considered as winning horses in the race for the purpose of calculating the pool.

Subp. 10. No pick three ticket to be exchanged or canceled. No pari-mutuel ticket for the pick three pool shall be sold, exchanged, or canceled after the time of the closing of wagering in the first of the three races comprising the pick three, except for refunds on pick three tickets as required by subpart 7, item B, and no person shall disclose the number of tickets sold in the pick three pool or the number or amount of tickets selecting winners of pick three races until the stewards have determined the last race comprising the pick three to be official.

Subp. 11. Announcement of payoff prices. After the second of the three races comprising the pick three has been declared official, an association may, with the approval of the commission, post possible payoff prices to the public before the start of the third race of the pick three.

7873.0195 DISTRIBUTION OF PICK SIX AND PICK THREE POOLS.

The commission may authorize the distribution or carry over of the pick six pool according to part 7873.0190, subpart 6 and the pick three pool according to part 7873.0191, subpart 6 on each final day of racing of a breed and on the final day of mixed breed racing within a race meeting. In determining whether to distribute or carry over the pick six and/or pick three pools, the commission must consider the type of breed racing, assignment of future racing days, and the best interest of racing.

In cases where a carry over would occur, the commission must designate what constitutes the next succeeding racing date to which the escrowed funds are to be carried over.

7876.0100 ON-TRACK STABLING.

Subpart 1. to 8. [Unchanged.]

Subp. 9. Secure area. The on-track stabling site is considered a secure area and only designated licensees are permitted within the confines of this area.

7877.0135 DUAL LICENSING.

In determining whether to issue more than one Class C license to an applicant, the commission shall consider the nature of the licenses sought or already held, and whether holding multiple licenses would be a conflict of interest.

A. A person licensed as a jockey, veterinarian, or farrier may not be licensed in another capacity.

B. No racing official may serve or act in ~~another~~ a nonofficial capacity at a race meeting at which he or she is licensed as an official.

C. In addition to the prohibitions of item B, a person licensed as an owner may not be licensed as a jockey agent, nor may any person licensed as a jockey agent be licensed as an owner.

D. No Class C licensee shall act in any capacity other than that for which he or she is licensed.

7877.0145 EMERGENCY LICENSE.

Subpart 1. [Unchanged.]

Subp. 2. **Owners.** If an owner is unable to complete an application for an owner's license because of absence or illness, the licensed trainer desiring to enter a horse in a race shall be permitted to apply for an emergency owner's license on behalf of the absent owner.

The trainer applying for an emergency owner's license on behalf of an absent owner must submit a notarized affidavit with the license application specifying the reasons the owner is unable to complete the application.

The trainer must, at the time of submission for an emergency owner's license, provide at least the following information: the owner's full name, home or business address, telephone number, and social security number. At the time of application, the appropriate licensing fee must be paid to the commission. Failure to provide all of the foregoing information is grounds for denial of an emergency owner's license.

Any emergency owner's license shall be valid for a maximum of 21 days from the date issued. Within 21 days of the issuance of the emergency owner's license, the owner must submit a properly completed owner's application, fingerprint card, and fingerprint fee. Failure to provide the foregoing information is grounds for suspension of the emergency owner's license. In addition, if the required information is not submitted due to an act or omission on the part of the trainer, the trainer may also be subject to disciplinary action.

7877.0155 CONDITIONS PRECEDENT TO LICENSING.

Acceptance of a Class C license, including a temporary or emergency license, shall mean that the licensee consents and agrees to the following conditions:

A. to E. [Unchanged.]

F. The licensee will, upon request of the commission, the commission's director of security, or the stewards, provide a blood, breath, or urine sample for analysis if the duties of the licensee place him or her in a position of danger or he or she commits an act that endangers a horse or human.

G. and H. [Unchanged.]

7877.0170 DUTIES AND RESPONSIBILITIES OF CLASS C LICENSEES.

Subpart 1. **Owners.** Horse owners shall have the following responsibilities:

A. to D. [Unchanged.]

E. A ~~licensed owner may register~~ a stable name must be registered with the commission by filing an application on a form prescribed by the commission and paying a \$50 annual fee. No person may use the real name of any owner of race horses as a stable

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name. ~~No stable name registration may be used for advertising purposes.~~ A stable name which has already been registered may not be registered by another owner.

(1) to (3) [Unchanged.]

Subp. 2. to 7. [Unchanged.]

Subp. 8. **Horsepersons' bookkeeper.** The horsepersons' bookkeeper shall:

A. be bonded;

B. receive all stakes, entrance money, jockeys' fees, drivers' fees, and purchase money in claiming races; ~~and~~

C. keep a complete and accurate record of all money received, and make those records available for inspection by the commission; and

D. not distribute any purse money to an individual with an emergency license.

Subp. 9. [Unchanged.]

7877.0180 CONFLICTS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. Owners, trainers, drivers, or jockeys. No owner, trainer, driver, or jockey shall wager to win on any horse except his or her own in a race in which he or she competes.

7878.0100 DEFINITIONS.

Subpart 1. to 8. [Unchanged.]

Subp. 9. **First aid course.** "First aid course" means ~~any of the following officially recognized courses: Red Cross advanced first aid, emergency medical technician, or EMS first responder~~ the Red Cross Multi Media Course (Basic).

Subp. 10. and 11. [Unchanged.]

7878.0140 CONTINUING EDUCATION.

Subpart 1. **Licensee shall successfully complete refresher training.** No security officer's license may be renewed unless the licensee or his or her appointing authority furnishes the commission proof that the licensee has successfully completed, on an annual basis, at least ~~46~~ eight hours of refresher training in the areas of:

A. ~~physical protection~~ first aid;

B. ~~laws of arrest~~ security plan, policy, and procedure of the racing association; and

C. ~~constitutional law~~ cardiopulmonary resuscitation;

~~D. handling of citizen complaints~~;

~~E. security plan, policy, and procedure of the racing association~~; and

~~F. first aid.~~

Subp. 2. [Unchanged.]

7879.0100 QUALIFICATIONS AND APPOINTMENT OF STEWARDS.

Subpart 1. [Unchanged.]

Subp. 2. **Appointment and approval of stewards.** The following procedures must be observed in the appointment of stewards:

A. There shall be three stewards for each race meeting, at least two of whom shall be appointed by the commissioner and one of whom shall be nominated by the association for approval by the commission. The third steward may be nominated by the association for approval by the commission if the commission determines that nomination by the association will be in the best interests of racing.

The commission must notify the association if it will accept an association's nomination for a steward. The name of the association nominee for steward must be submitted no later than 30 days before commencement of a race meeting and must be accompanied by biographical data setting forth the experience and qualifications of the nominee. ~~The association may submit successive nominees until one person is approved by the commission as qualified to serve as steward.~~ No steward may serve until approved by the commission.

B. [Unchanged.]

7883.0100 ENTRIES AND SUBSCRIPTIONS.

Subpart 1. to 15. [Unchanged.]

Subp. 15a. Approval for blinkers. No horse, to which blinkers will be added or removed, may be entered in any race without the prior written authorization of the starter. This authorization must accompany the entry. Error in this procedure may be corrected with the permission of the stewards at no later than scratch time.

Subp. 16. and 17. [Unchanged.]

7884.0230 RACING EQUIPMENT.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Helmets must be worn.** All persons must wear ~~an approved~~ a protective helmet approved by the Snell Foundation or the United States Department of Transportation with the chin strap properly fastened at all times when racing, jogging, training, or when warming-up a horse on the grounds of an association.

Subp. 4. to 7. [Unchanged.]

7890.0110 MEDICATIONS PROHIBITED.

No person shall administer or cause to be administered to a horse within 48 hours of a race in which it is scheduled to run any medication (except as permitted by part 7890.0100, subpart 13, items A to D) by injection, oral or topical administration, rectal infusion or suppository, or by inhalation and no horse participating in a race shall carry in its body any substance foreign to the natural horse.

7890.0120 REPORTING PROCEDURES.

Subpart 1. [Unchanged.]

Subp. 2. **Administration of Bute to be reported.** ~~The following procedures shall be observed when Bute is administered-~~

A. ~~The administration of Bute to a horse entered to race must be reported to the commission veterinarian on a prescribed form by not later than 7:00 a.m. the day of the race.~~

B. ~~Upon discontinuing the administration of Bute to a horse entered to race, the attending trainer must notify the commission veterinarian by 7:00 a.m. the day of the race.~~

C. ~~If Bute is not detected in a test sample taken from a horse registered to use such substance, disciplinary action shall be initiated against the attending trainer and, if applicable, the assistant trainer or substitute trainer. If a horse is to race with Bute in its system, the trainer shall be responsible for marking the information on the entry blank for each race in which the horse shall use Bute. Changes made after the time of entry must be submitted on the prescribed form to the commission veterinarian no later than scratch time.~~

7890.0150 DISCLOSURE OF APPROVED MEDICATIONS TO PUBLIC.

The names of all horses that have been treated with Bute or approved for race day use of Lasix* must be identified in the daily racing program. The names of all horses that have been treated with Bute shall be posted on the public information boards in the grandstand by the association by one hour before post time of the first race on the day such horses are to race. Horses that are racing for the first time using Lasix*, must be so identified in the daily racing program.

7895.0100 GENERAL PROVISIONS.

Subpart 1. to 6. [Unchanged.]

Subp. 7. Horses leased from Minnesota residents ineligible. Horses that are leased by Minnesota residents from non-Minnesota residents and are not Minnesota-bred or foaled, are ineligible to race as Minnesota-owned horses.

7897.0110 USE OF DRUGS AND ALCOHOL.

Subpart 1. **Drugs.** The commission, the commission's director of security, or the stewards may, at any time ~~after consultation with the track physician,~~ require any licensee whose duties place him or her in a position of danger, or who commits an act that endangers a horse or human, to provide blood or urine samples for chemical analysis. If such a licensee fails to comply with this requirement, ~~said~~ the licensee shall be suspended and referred to the commission to show cause for refusing to do so.

Should ~~such~~ a licensee be found to have levels of any nonprescription, prohibited, or illegal drug, the licensee shall be subject to disciplinary action by the stewards and the commission.

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Subp. 2. [Unchanged.]

7897.0115 FAILURE TO APPEAR.

No licensee shall fail to appear in any court of competent jurisdiction on any criminal complaint, indictment, tax charge, citation, or bench warrant.

7897.0120 DISCIPLINARY SANCTIONS.

Subpart 1. **Licenses.** Any licensee engaging in any prohibited act as provided in parts 7897.0100 ~~and 7897.0110~~ to 7897.0115 is subject to license suspension or revocation, and/or the levying of a fine as provided in part 7897.0130.

Subp. 2. and 3. [Unchanged.]

7897.0130 SCHEDULE OF FINES.

Subpart 1. to 5. [Unchanged.]

Subp. 6. **Timetable for paying fines.** All fines imposed by the stewards or commission must be paid within 72 hours ~~upon receipt of a~~ of the date of the ruling imposing the fine. Failure to pay the fine within the required time is grounds for suspension.

7897.0150 DISCIPLINARY AND APPEAL PROCEDURES.

Subpart 1. to 4. [Unchanged.]

Subp. 5. **Stays of stewards' decisions.** An appeal of a stewards' decision will not automatically stay the decision. A party may request the executive ~~secretary~~ director to stay the decision. The executive ~~secretary~~ director may order a stay unless he or she determines that a stay would adversely affect the public welfare.

Subp. 6. **Procedure for appeal of decision of stewards.** Any affected party may appeal a decision of the stewards by filing with the executive ~~secretary~~ director a written request for ~~such~~ an appeal within three days, excluding Saturday, Sunday, and holidays, after the ~~stewards' decision is received~~ stewards have orally advised the affected party of the decision. The written request shall contain the following information:

A. to E. [Unchanged.]

Subp. 7. **Deposit shall be required.** The appellant shall deposit with the commission at the time of filing his or her written request for an appeal the sum of \$50. The sum will be refunded by the commission upon the conclusion of the appeal unless the commission finds that the appeal was frivolous, in which case the \$50 will be forfeited. In addition, if the commission determines that the appeal was commenced in bad faith for purposes of delay or was unreasonable and without substance or merit, the commission may impose a fine of not more than \$450.

Subp. 8. and 9. [Unchanged.]

REPEALER. Minnesota Rules, part 7878.0120, subpart 3, is 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.

Department of Labor and Industry

Adopted Permanent Rules Relating to Fair Labor and Child Labor Standards

The rules proposed and published at *State Register*, Volume 11, Number 18, pages 768-772, November 3, 1986 (11 S.R. 768) are adopted with the following modifications:

5200.0080 GRATUITIES/TIPS CREDITS.

Subp. 4a. **Obligatory charges.** For purposes of Minnesota Statutes, section 177.23, subdivision 9, obligatory charges which might reasonably be construed by the guest, customer, or patron as a sum to be given to an employee as payment for personal services rendered, include, but are not limited to, service charges, tips, gratuities, ~~and~~ and/or surcharges which are included in the statement of charges given to the customer.

Subp. 6. **Direct service employee.** A "direct service employee" is one who in a given situation performs direct service for a customer and is to be considered a tipped employee. An indirect service employee ~~includes, but is a person who assists a direct service employee, these include, but are~~ not limited to, bus people, dishwashers, cooks, or hosts; ~~or others who assist a direct service employee.~~

5200.0211 SALARY.

Subpart 1. **Guaranteed Predetermined weekly wage.** A salary is not an hourly rate. An employee is paid a salary if the employee, through agreement with an employer, is guaranteed a predetermined wage for each workweek. An employee may still be salaried even if complete days absent are deducted from salary for reasons other than no work available. Should those deductions reduce the salary for the workweek below the minimum salary required by Minnesota Statutes, section 177.23, subdivision 7, clause (2), or parts 5200.0190 to 5200.0210, the employer will lose the exemption in that workweek.

Department of Public Safety Driver and Vehicle Services Division

Adopted Permanent Rules Relating to Alcohol Problem Assessment Reimbursement

Rules as Adopted (all new material)

7408.0100 DEFINITIONS.

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

Subp. 2. **Assessment.** "Assessment" means a process to determine the severity of the defendant's use of mood-altering chemicals in relation to operating a motor vehicle. This process consists of an interview between the assessor and the defendant, includes the use of a standardized screening instrument, and includes the assessor's recommendations for appropriate countermeasures to adequately address the identified problems.

Subp. 3. **Assessor.** "Assessor" means a person employed by or under contract with a county, who conducts assessments and assists judges in providing appropriate countermeasures for defendants.

Subp. 4. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Public Safety, acting directly or through an authorized officer and agent.

Subp. 5. **Defendant.** "Defendant" means the person who is the subject of an assessment under Minnesota Statutes, section 169.126.

Subp. 6. **Department.** "Department" means the Minnesota Department of Public Safety.

7408.0200 ELIGIBILITY FOR REIMBURSEMENT.

Subpart 1. **Reporting assessment and conviction.** A county is eligible for reimbursement from the department for conducting an assessment under Minnesota Statutes, section 169.124, only if the county makes an assessment report and sends to the department the results of the assessment and a copy of the certificate or notice of conviction.

Subp. 2. **Required assessment report information.** A county is eligible for reimbursement only if the assessment report contains:

- A. the defendant's full name, date of birth, and driver's license number;
- B. the name of the county in which the assessment is held and the court case file number;
- C. the date of the assessment and the date of the offense that is the subject of the assessment;
- D. the blood alcohol concentration at the time of arrest, if known;

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

ADOPTED RULES

- E. an identification of alcohol, drug, or health problems and the degree of the defendant's problem;
- F. the assessor's recommendation for appropriate countermeasures to address the defendant's identified problems;
- G. the final disposition of the case;
- H. the name of the court-designated agency conducting the assessment;
- I. the amount of time spent conducting the assessment and preparing the report; and
- J. the signature of the person conducting the assessment.

Subp. 3. **Report forms.** The department shall prepare forms for conducting assessments and shall supply the forms to counties upon request.

Subp. 4. **Conducting assessment.** In conducting an assessment, an assessor shall meet personally with the defendant to discuss the following and other similar items:

- A. the defendant's traffic record;
- B. the characteristics and history of the defendant's chemical use problems;
- C. the effect of the problem on the defendant's family, work, physical health, and emotional stability;
- D. the defendant's other legal involvement; and
- E. the defendant's amenability to rehabilitation.

The use of a standardized screening instrument is sufficient to show that the assessor has considered the factors listed in this subpart.

Subp. 5. **Standardized screening instruments.** Standardized screening instruments include:

- A. Court Procedures for Identification of Problem Drinkers (Mortimer-Filkins);
- B. Alcohol Use Inventory;
- C. Michigan Alcoholism Screening Test;
- D. Self-Administered Alcoholism Screening Test; and
- E. other recognized alcoholism screening tests.

Subp. 6. **Qualifications of assessors.** A county conducting an assessment as required by Minnesota Statutes, section 169.124, is eligible for reimbursement for that assessment only if the assessment is performed by a qualified person as defined in item A or B.

A. The person is qualified to perform an assessment by reason of the person's training or experience in the area of chemical use by showing that:

(1) the person is qualified to conduct alcohol problem assessments for the purpose of public reimbursement for treatment, or placement in a state facility, under standards adopted by the Department of Human Services;

(2) the person has completed at least 30 hours of classroom instruction on the subject of alcohol and drug use in relation to driving and has at least one year of work experience in evaluating, assessing, or counseling chemical users; or

(3) the person has completed 30 hours of classroom instruction on the subject of alcohol or drug use in relation to driving and is supervised by a person meeting the standards in subitem (1) or (2).

B. A person is qualified to conduct alcohol problem assessments if the person is certified by the court as a qualified assessor giving due consideration to item A.

A person qualified under item A or B remains qualified only if the person receives on an annual basis, eight hours of ongoing classroom or in-house training on the subject of alcohol or drug use in relation to driving.

Subp. 7. **Waiver.** If a county can reasonably demonstrate that subparts 4 and 6 would cause undue hardship to the county and that the overall alcohol problem assessment program would not be diminished, the commissioner shall waive the requirements of subparts 4 and 6.

7408.0300 REIMBURSEMENT CLAIMS.

Subpart 1. **Forms.** Claims for reimbursement for conducting assessments must be made on forms supplied by the department.

Subp. 2. **Time for filing.** Claims for reimbursement must be submitted within ten days after the end of the state fiscal year.

Subp. 3. **Contents.** Claims for reimbursement must contain:

- A. the number of assessments conducted by the county during the state fiscal year;

- B. a list of the persons who conducted the assessments, indicating those persons who are qualified assessors under part 7408.0200, subpart 6;
- C. the total cost of the assessments and the amount paid to the county by defendants for the assessments; and
- D. the signature of the authorized representative for the county certifying the amount of the claim.

Public Utilities Commission

Adopted Permanent Rules Relating to Ex Parte Communication

The rules proposed and published at *State Register*, Volume 11, Number 12, pages 540-543, September 22, 1986 (11 S.R. 540) are adopted as proposed.

EMERGENCY RULES

Proposed Emergency Rules

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

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

Adopted Emergency Rules

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

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

Continued/Extended Emergency Rules

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

Public Utilities Commission

Extension of Emergency Rules Relating to Code of Conduct

Notice is hereby given that Minnesota Rules, parts 7845.0100-7845.1000 (emergency) which relate to a Code of Conduct, effective October 10, 1986, and published in the *State Register* as adopted on October 20, 1986 at Volume 11, Number 16, p. 715 (11 S.R. 715) are being continued in effect for an additional 180 days. This continuation is in accordance with Minnesota Statute § 14.35. The new expiration date for these rules will be October 6, 1987 or the date they are replaced by a permanent rule, whichever is earlier.

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 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

Notice of Activation of the Minnesota Joint Underwriting Association to Insure Specified Classes of Business and Public Hearing

Notice is hereby given that, pursuant to Minnesota Statutes, section 62I.21, the Minnesota Joint Underwriting Association (MJUA) and the Market Assistance Plan (MAP) are activated to provide assistance to the following classes of business unable to obtain insurance from private insurers:

Amusement parks

Canoe outfitters

Mosquito control district

The MJUA and MAP are activated to provide assistance to the above classes of business for a period of 180 days following publication of this notice. A public hearing will be held, for the purpose of determining whether activation should continue beyond 180 days, at the Office of Administrative Hearings, 310 4th Avenue South, 4th Floor Summit Bank Building, Minneapolis, Minnesota 55415 on April 28, 1987 at 9:00 A.M. and continuing until all interested persons and groups have had an opportunity to be heard. The hearing shall be governed by Minnesota Statute Sections 14.57-14.69 and by Minnesota Rules Parts 1400.5100-1400.8400, (1985). Questions regarding procedure may be directed to Administrative Law Judge, Peter Erickson, 310 4th Avenue South, 4th Floor Summit Bank Building, Minneapolis, Minnesota 55415, telephone (612) 341-7606. The authority for this proceeding is found in Chapter 62I of Minnesota Statutes, specifically sections 62I.21 and 62I.22. (A copy of those sections follows this notice.)

Prior to the hearing a pre-hearing conference will be held at 1:30 p.m. on April 14, 1987, at the Office of Administrative Hearings, 310 4th Avenue South, 4th Floor Summit Bank Building, Minneapolis, Minnesota 55415.

Minnesota Statutes, Chapter 62I, which governs the Minnesota Joint Underwriting Association provides for temporary activation for 180 days by the Commissioner of Commerce. To extend the Minnesota Joint Underwriting Association's authority beyond the 180 day period a hearing must be held. Those classes of business for which the Minnesota Joint Underwriting Association was temporarily activated, by this notice and by previously published notices, must prove, at that hearing, that they meet the statutory requirements for coverage by the Minnesota Joint Underwriting Association.

Among those requirements are:

- (1) That members of those classes are unable to obtain insurance through ordinary means;
- (2) That the insurance being sought is required by statute ordinance, or otherwise required by law, and is necessary to earn a livelihood or conduct a business; and
- (3) That the classes of business serve a public purpose.

The classes of business specified in this notice and previously published notices must be shown to meet the statutory requirements or the Minnesota Joint Underwriting Association's authority to provide coverage to them will end after 180 days from the date the notice of activation was published in the *State Register*.

The Department strongly suggests that any persons affected by this hearing or otherwise interested in the proceedings familiarize themselves with the requirements of Chapter 62I and the contested case procedures prior to the hearing, that they take such other steps as are appropriate to protect their interests and that any questions they may have as to how to proceed or how to participate at the hearing be directed to the Administrative Law Judge prior to the hearing.

All interested or affected persons will have an opportunity to participate at the hearing. Questioning of agency representatives or witnesses, and of interested persons making oral statements will be allowed in the manner set forth in the Rules pertaining to contested cases (Minnesota Rules Parts 1400.5100-1400.8400).

Minnesota Statutes chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minnesota Statute Section 10A.01, subdivision 11 as an 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 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 traveling expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota, 55155, telephone (612) 296-5615.

Michael A. Hatch
Commissioner of Commerce

Dated: 12 March 1987

62I.21 ACTIVATION OF MARKET ASSISTANCE PLAN AND JOINT UNDERWRITING ASSOCIATION

At any time the commissioner of commerce deems it necessary to provide assistance with respect to the placement of general liability insurance coverage on Minnesota risks for a class of business, the commissioner shall by notice in the *State Register* activate the market assistance plan and the joint underwriting association. The plan and association are activated for a period of 180 days from publication of the notice. At the same time the notice is published, the commissioner shall prepare a written petition requesting that a hearing be held to determine whether activation of the market assistance plan and the joint underwriting association is necessary beyond the 180-day period. The hearing must be held in accordance with section 62I.22. The commissioner by order shall deactivate a market assistance program and the joint underwriting association at any time the commissioner finds that the market assistance program and the joint underwriting association are not necessary.

62I.22 HEARING.

Subdivision 1. ADMINISTRATIVE LAW JUDGE. The commissioner shall forward a copy of the petition to activate the market assistance plan and the joint underwriting association with respect to a class of business to the chief administrative law judge. The chief administrative law judge shall, within three business days of receipt of the copy of the petition, set a hearing date, assign an administrative law judge to hear the matter, and notify the commissioner of the hearing date and administrative law judge assigned to the matter. The hearing date must be no less than 60 days nor more than 90 days from the date of receipt of the petition by the chief administrative law judge.

Subd. 2. NOTICE. The commissioner of commerce shall publish notice of the hearing in the *State Register* at least 30 days before the hearing date. The notice should be that used for rulemaking under chapter 14. Approval by the administrative law judge of the notice prior to publication is not required.

Subd. 3. CONTESTED CASE; REPORT. The hearing and all matters after the hearing are a contested case under chapter 14. Within 45 days from the commencement of the hearing and within 15 days of the completion of the hearing the administrative law judge shall submit a report to the commissioner of commerce. The parties, or the administrative law judge, if the parties cannot agree, shall adjust all time requirements under the contested case procedure to conform with the 45-day requirement.

Subd. 4. DECISION. The commissioner shall make a decision within ten days of the receipt of the administrative law judge's report.

Subd. 5. WAIVER OR MODIFICATION. If all parties to the proceeding agree, any of the requirements of this section may be waived or modified.

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 March 16, 1987, is as follows:

OFFICIAL NOTICES

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 \$60,094,380.

For:

~~Pollution Control~~/Waste Management Projects \$12,547,876.

~~Commercial Redevelopment~~

Multifamily Housing Projects \$21,958,783.

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.

Department of Public Service Energy Division

Outside Opinion Sought Concerning a Proposed Rule Administering Loans to Schools, Hospitals, Nursing Homes and Public Buildings to Implement Energy Conservation Improvements

Notice is hereby given that the Director of the Minnesota Department of Public Service is seeking information or opinions from interested or affected persons or groups in preparing to promulgate permanent rules governing administration of the Energy Conservation Finance Program for Schools, Hospitals, Nursing Homes and Public Buildings funded with petroleum pricing violation settlement funds. The adoption of the rule is authorized by Minnesota Statutes Section 116J.035 Subd. 2; Minnesota Statutes Section 116J.10 (a); Minnesota Statutes Section 116J.37 Subd. 7; and Reorganization Order Number 140 dated December 29, 1986. These statutes provide general authority to promulgate rules to administer energy programs including the Energy Conservation Finance Program. The cited Reorganization Order transfers such authority to the Department of Public Service. Additional authority is anticipated for such financing programs in the future.

The Director of the Minnesota Department of Public Service requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing.

Written statements should be addressed to:

Claudia Anderson
Minnesota Department of Public Service
900 American Center
150 E. Kellogg Boulevard
St. Paul, MN 55101

Oral statements will be received during regular business hours over the telephone at (612) 297-1220 and in person at the above address.

All statements of information and comments shall be accepted until May 31, 1987. Any written material received by the Director shall become part of the record in the event the rules are promulgated.

Tony Perpich, Director
Minnesota Department of Public Service

Department of Transportation

Meeting, State Aid Standard Variance Committee

Notice is hereby given that the Commissioner of Transportation has appointed a State Aid Standard Variance Committee who will conduct a meeting on Wednesday, March 25, 1987 at 9:30 A.M. in Room 406 of the State Transportation Building, John Ireland Boulevard, St. Paul, Minnesota.

This notice is given pursuant to Minnesota Statute 47k.705.

The purpose of this open meeting is to investigate and determine recommendations for variances from minimum State Aid roadway standards as governed by Minnesota Rules for State Aid Operations § 8820.3400 adopted pursuant to Minnesota Statutes 161 and 162.

The agenda will be limited to these questions.

1. Petition of the County of Becker for a variance from design standards so as to permit a roadway width of 28' instead of the required width of 30' on a resurfacing project on CSAH 6 from CSAH 11 to CSAH 15.
2. Petition of the County of Hubbard for a variance from design standards so as to permit design speeds of 33 MPH, 34 MPH and 36 MPH instead of the required 40 MPH on a resurfacing project on CSAH 11 from Trunk Highway 87 to Trunk Highway 34.
3. Petition of Jackson County for a variance from design standards so as to permit a structural design strength of 7 tons with no consideration as to future 9 ton capability instead of the required 9 ton capability on a reconstruction project on CSAH 3 between CSAH 4 and CSAH 34.
4. Petition of the City of Eagan for a variance from design standards so as to permit a street width of 44' with parallel parking on the east side only, instead of the required street width of 62' with parallel parking on one side on a reconstruction project on Nichols Road (MSAS 122) from Diffley Road (CSAH 30) to Beau D'Rue Drive (MSAS 104).
5. Petition of the City of Stillwater for a variance from standards so as to permit right-of-way widths of 55 feet and 50 feet instead of the required right-of-way width of 60 feet for construction projects on Churchhill Street (MSAS 111) from South Greely to South Holcombe Street and on Pine Street (MSAS 102) from South Holcombe Street to South Third Street.
6. Petition of Lac qui Parle County for a variance from design standards so as to permit an inplace bridge with a width of 19 feet to remain inplace instead of widening the bridge to the required width of 28 feet on a surfacing project on CSAH 15 from CSAH 40 to the North County Line.
7. Petition of the City of St. Paul for a variance from design standards so as to permit a street width of 36 feet with no parking permitted instead of the required street width of 52 feet with no parking on both sides on a reconstruction project on Lexington Parkway (MSAS 232) from 125 feet south of Montana Avenue to Larpenteur Avenue.
8. Petition of the City of St. Paul for a variance from design standards so as to permit a street width of 42 feet with no parking allowed and a design speed of 15 MPH instead of the required street width of 46 feet with no parking and the required design speed of 30 MPH on a reconstruction project on Sixth Street (MSAS 118) between Hope Street and Cypress Street.
9. Petition of the County of Murray for a variance from design standards so as to permit an inplace bridge with a width of 23 feet to remain inplace instead of widening the bridge to a width of 24 feet as required on a resurfacing project on CSAH 42 from CSAH 3 to TH 30.
10. Petition of the City of St. Paul for a variance from minimum standards 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 on a reconstruction project on Raymond Avenue (CSAH 46) between Raymond Place and proposed Energy Park Drive.
11. Petition of the County of Pipestone for a variance from minimum standards so as to permit a bridge with a width of 19.5 feet to remain inplace rather than requiring the width of the bridge to be 22 feet on a resurfacing project on CSAH 13 from CSAH 2 to TH 30.
12. Petition of the City of South St. Paul for a variance from minimum design standards so as to permit a roadway width of 44 feet with parking on both sides instead of the required width of 66 feet with parking on both sides on a resurfacing project on 5th Avenue (MSAS 109) from Dale Street to FAI 494 and from FAI 494 to 6th Street.
13. Petition of the City of South St. Paul for a variance from minimum design standards so as to permit approval of the construction of a retaining wall immediately behind the curb instead of maintaining a two foot clearance from face of curb to fixed object as required on a 1986 construction project on 3rd Street North (MSAS 105) from 15th Avenue to 17th Avenue.

OFFICIAL NOTICES

The cities and counties listed above are requested to follow the following time schedule when appearing before the Variance Committee.

9:30 A.M. City of Eagan
9:50 A.M. City of Stillwater
10:10 A.M. City of St. Paul
11:10 A.M. County of Murray
11:30 A.M. County of Jackson
1:00 P.M. County of Becker
1:20 P.M. County of Hubbard
1:40 P.M. County of Lac qui Parle
2:00 P.M. City of South St. Paul
2:20 P.M. County of Pipestone

Leonard W. Levine, Commissioner
Department of Transportation

Dated: 12 March 1987

Department of Transportation Meeting, State Aid Standard Variance Committee

Notice is hereby given that the Commissioner of Transportation has appointed a State Aid Standard Variance Committee who will conduct a meeting on Wednesday, March 25, 1987, at 9:30 A.M. in Room 410A State Transportation Building, John Ireland Boulevard, St. Paul, Minnesota.

This notice is given pursuant to Minnesota Statute § 47k.705.

The purpose of this open meeting is to investigate and determine recommendations for variances from minimum State Aid roadway standards as governed by Minnesota Rules for State Aid Operations 8820.3400 adopted pursuant to Minnesota Statutes 161 and 162.

The agenda will be limited to these questions.

1. Petition of the City of Duluth for a variance from design standards so as to permit a street width of 44' instead of the required width of 46' on a resurfacing project on Woodlawn Avenue (MSAS 157) from Fourth Street to 450' southerly of Arrowhead Road.
2. Petition of the County of Koochiching for a variance from design standards so as to permit a design speed of 30 MPH instead of the required 40 MPH on a resurfacing project on CSAH 94 from Trunk Highway 11 to a point 1.6 miles east of Trunk Highway 11.
3. Petition of St. Louis County for a variance from design standards so as to permit structural plate beam guardrail instead of the required 30' recovery area and a vertical clearance of 14'11" instead of the required vertical clearance of 16'4" on a reconstruction project on CSAH 73 between I-35 service road and CSAH 13 (Midway Road). Both conditions are located at the D.W. & P.R.R. Bridge over CSAH 73.
4. Petition of the City of Columbia Heights for a variance from design standards so as to permit a street width of 44' with no parking instead of the required street width of 46' with no parking on a reconstruction project on 37th Avenue N.E. (MSAS 101) from Central Avenue N.E. to Stinson Boulevard N.E.
5. Petition of the City of St. Anthony for a variance from design standards so as to permit a street width of 32' with no parking instead of the required street width of 36' with no parking on a reconstruction project on St. Anthony Parkway (MSAS 106) from a point south of the Burlington Northern Railroad Track to Ridgeway Drive.
6. Petition of Anoka County for a variance from design standards so as to permit a divided roadway with 18' wide traffic lanes and no parking instead of the required roadway width of 36' undivided with no parking on a reconstruction project on CSAH 35 (Old Central Avenue) from its intersection with Trunk Highway 65 and West Moore Lake Drive to Rice Creek Road.
7. Petition of the City of Albert Lea for a variance from design standards so as to permit a street width of 48' with parking on both sides instead of the required street width of 72' with parking on both sides on a reconstruction project on Bridge Avenue (MSAS 107) from Wilson Street to Marshall Street, a distance of 0.10 mile.
8. Petition of the City of Northfield for a variance from design standards so as to permit a design speed of 20 MPH instead of the required design speed of 30 MPH on a reconstruction project on Forest Avenue/Third Street (MSAS 118) in the vicinity of its intersection with Odd Fellows Lane.

9. Petition of the County of Steele for a variance from design standards so as to permit a street width of 48' with no parking from Main Street to School Street and a street width of 44' with no parking from School Street to Holly Street instead of the required street width of 52' with no parking on a reconstruction project on CSAH 45 (Oak Avenue) from Main Street to Holly Street.

10. Petition of the City of Winona for a variance from design standards so as to permit a street width of 48' with parking on both sides instead of the required width of 72' with parking on both sides on a reconstruction project on Second Street (MSAS 101) from Grant Street to Washington Street.

11. Petition of the City of Shakopee for a variance from design standards so as to permit a street width of 64' with parking on both sides instead of the required street width of 66' with parking on both sides on a resurfacing project on 10th Avenue (MSAS 105) from Tyler Street to CSAH 17.

The cities and counties listed above are requested to follow the following time schedule when appearing before the Variance Committee.

9:30 A.M. City of St. Anthony
9:50 A.M. City of Columbia Heights
10:10 A.M. County of Anoka
10:30 A.M. County of Steele
10:50 A.M. City of Albert Lea
11:10 A.M. City of Duluth
11:30 A.M. County of St. Louis
1:00 P.M. County of Koochiching
1:20 P.M. City of Northfield
1:40 P.M. City of Winona
2:00 P.M. City of Shakopee

Dated: 12 March 1987

Leonard W. Levine, Commissioner
Minnesota Department of Transportation

Department of Transportation

Petition of the City of Shakopee for a Variance from State Aid Standards for Design Width

Notice is hereby given that the City Council of the City of Shakopee has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from minimum standards for a resurfacing project on 10th Avenue (MSAS 105) from Tyler Street to CSAH 17.

The request is for a variance from Minnesota Rules for State Aid Operations § 8820.9919 adopted pursuant to Minnesota Statutes Chapter 161 and 162, so as to permit a street width of 64' with parking on both sides instead of the required street width of 66' with parking on both sides.

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: 12 March 1987

Leonard W. Levine
Commissioner of Transportation

STATE CONTRACTS AND ADVERTISED BIDS =====

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 whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

Department of Administration: Procurement Division

Contracts and Requisitions Open for Bid

Call 296-6152 for Referral to Specific Buyers, whose initials are next to each commodity.

Commodity for Bid (and Buyer)	Bid Closing Date at 2 pm	Department or Division	Delivery Point	Requisition #
Codex modems (PA)	March 24, 1987	Administration: Information Mgmt.	St. Paul	02 410 51461
Laminated rulers (AW)	March 25, 1987	Natural Resources	Grand Rapids	29 002 13426
Electric brake controller (DM)	March 25, 1987	Transportation	St. Paul	79 990 00064
Install sewage processor (DM)	March 25, 1987	Transportation	Detroit Lakes	79 400 02711
NEC equipment (PA)	March 25, 1987	State University	St. Cloud	26 073 19504
Zenith computers (PA)	March 25, 1987	State University	St. Cloud	26 073 19509
Alum. sign bolts, nuts & washers (DRT)	March 25, 1987	Transportation	Various	Sch. 152 Alum.
Liquid bleach (HL)	March 25, 1987	Various	Various	Price Contract
Installation of LPG meter (DM)	March 26, 1987	Public Service	St. Paul	80 300 03526
Sign lights (BV)	March 26, 1987	Transportation	St. Paul	79 000 74077
Used Ford sedan (DM)	March 26, 1987	Public Safety	St. Paul	07 300 43064
Collator (AW)	March 26, 1987	State University	Winona	26 074 11261
Transplanting machine (DM)	March 26, 1987	Natural Resources	Willow River	29 003 04251
Full maint. service contract for en- vironmental controls & heating & air conditioning systems (EFS)	March 27, 1987	Iron World USA	Chisholm	43 000 07604
Retail station gasohol (EFS)	March 27, 1987	Various	Various	Price Contract
Photocopy machine purchase (JPK)	March 27, 1987	Community College	Brainerd	27 140 70045
Photocopy machine purchase (JPK)	March 27, 1987	State University	St. Cloud	26 073 19542
Video equip. (PA)	March 27, 1987	State University	St. Paul	26 176 02635
Magnetic tape cleaner (PA)	March 27, 1987	Community College	St. Paul	27 138 49675
Computer equip. (PA)	March 27, 1987	Human Services	St. Paul	55 000 96050
Plant mix bituminous rebid (BV)	March 30, 1987	Transportation	Owatonna	79 650 B
Plant mix bituminous rebid (BV)	March 30, 1987	Transportation	Rochester	79 600 B
Cable locators (PA) rebid	March 30, 1987	Transportation	St. Paul	79 000 73802
Wooden boxes (AW)	March 30, 1987	Natural Resources	St. Paul	29 000 45548
Spiral mixer (EFS)	March 30, 1987	Correctional Facility	Lino Lakes	B 78 550 05600
Coin changer (EFS)	March 30, 1987	Jobs & Training	Bloomington	B 21 200 15021
Addendum #1 truck (DM)	March 30, 1987	Various	Various	Sch 1136
Door openers (DRT)	March 30, 1987	State University	Mankato	26 071 17258
Computer hardware (Wand Reader) (MJB)	March 30, 1987	State University	Mankato	26 071 17231
Upgrade and trade-in-rebid (PA)	March 31, 1987	State Planning	St. Paul	30 000 16234

STATE CONTRACTS & ADVERTISED BIDS

Commodity for Bid (and Buyer)	Bid Closing Date at 2 pm	Department or Division	Delivery Point	Requisition #
Computer software (MJB)	March 31, 1987	State University	Mankato	26 071 17295
Aluminum, sign bolts, nuts and washers—addendum I (DRT)	March 31, 1987	Transportation	Various	Schedule 152
Remanufactured gasoline engines (DM)	March 31, 1987	Transportation—State Patrol	Various	Price Contract
Tools: portable electric operated (DRT)	March 31, 1987	Various	Various	Price Contract
Restroom handsoap systems (PAM)	March 31, 1987	Capitol Complex	St. Paul	Price Contract

Department of Administration: Printing & Mailing Services

Printing vendors for the following printing contracts must review contract specifications in printing buyers office at 117 University Avenue, Room 134-B, St. Paul, MN.

Commodity for Bid (and Buyer)	Bid Closing Date at 2 pm	Department or Division	Delivery Point	Requisition #
<i>Minnesota Legislative Manual</i>	March 25, 1987	Secretary of State	St. Paul	5648 53000 01788
Posters, brochures, program provider layouts (2 sizes)	March 26, 1987	Mn. School for the Arts	St. Paul	5573 25000 00511
Invoice—CD Fund	March 26, 1987	Human Services	St. Paul	5163 55000 96190
<i>1987 Moose Hunt Information Booklet</i>	March 30, 1987	Natural Resources	St. Paul	5057 29000 45716

Minnesota Historical Society

Advertisement for Bids for the Construction of Bituminous Pathways

Bids

Sealed bid proposals for the construction of bituminous pathways at Split Rock Lighthouse, Lake County, Minnesota, in accordance with bidding documents dated March 20, 1987, and prepared by Associated Architects and Engineers, Inc., 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 April 14, 1987, at which time the bid proposals will be publicly opened and read aloud. Bids received after 2:00 p.m., April 14, 1987, will be returned unopened.

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.

STATE CONTRACTS & ADVERTISED BIDS

Plans and Specifications

Copies of bidding documents for preparation of bids will be available for inspection at the offices of Associated Architects and Engineers, Inc., 241 South Cleveland Avenue, St. Paul, Minnesota 55105, and at the Builder's Exchange in Duluth, Minnesota. In addition, upon request to the Architect, interested contractors will each be given one complete set of bidding documents for a deposit of \$10.00. Sets requested to be mailed will be mailed, postage to be prepared by requestor.

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.

Department of Transportation Technical Services Division Research Administration and Development Section

Notice of Availability of a Contract for Investigation of Man-made Floatable Litter Entering Waterways Through Storm Sewers

The Department of Transportation, acting as the agent for the Local Road Research Board, requires the services of a consultant for an investigation of man-made floatable litter entering waterways from storm sewers. The study would evaluate the type and amount of man-made floatable litter directly attributable to storm sewers, determine what percent of the total that is, and determine the relative effect of eliminating this contribution. The study would also propose and evaluate engineering methods to eliminate or mitigate these floatables and determine their cost effectiveness.

The Local Road Research Board has budgeted \$33,000 for this 15-month project.

Those interested may obtain a "Request for Proposal" from:

Gabriel S. Bodoczy, P.E.
Research Services Engineer
Mn/DOT Research Administration and
Development Section
Room B-9, Transportation Building
St. Paul, Minnesota 55155
Telephone: (612) 296-4925

Request for Proposals will be available through April 10, 1987.

All proposals will be due no later than April 17, 1987.

STATE GRANTS

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Department of Health

Grant Funds available for Programs for: Special Supplemental Food Program for Women, Infants and Children (WIC); Family Planning Special Projects; Maternal and Child Health (MCH) Special Projects including, 1) Pre-Block MCH Special Projects, 2) Competitive MCH Special Projects, and 3) Formula MCH Special Projects; Nonsmoking and Health; Native American Health; Migrant Health; Refugee Health; and Emergency Medical Services (EMS) Special Projects

The Minnesota Department of Health will have special funds available for the 1988-89 biennium in the following grant programs:

Special Supplemental Food Program for Women, Infants and Children (WIC); Family Planning; Maternal and Child Health (in three categories: 1) Pre-Block, 2) Competitive, and 3) Formula); Nonsmoking and Health; Native American Health; Migrant Health; Refugee Health; and Emergency Medical Services (EMS) Special Projects.

Description of Available Grants—Purpose, Scope, and Eligibility

Special Supplemental Food Program for Women, Infants and Children (WIC)

The WIC Program is a Federally-funded grant program administered through the Minnesota Department of Health; grants are made available to qualified local agencies to deliver program services. WIC provides nutrition education services and vouchers for the purchase of specified nutritious food supplements to pregnant and nursing women, and to infants and children up to five years of age who are judged by health professionals to be at nutritional risk and who have family incomes at or below 185 percent of poverty income guidelines prescribed by the United States Department of Health and Human Services. The WIC Program serves as an adjunct to good health care during critical times of growth and development, in order to prevent the occurrence of health problems and to improve the health status of these persons. All current WIC agreements will terminate on September 30, 1987.

The types of local agencies which may apply for the WIC Grant are listed as follows in order of their priority for application approval established by Federal Rule:

- First consideration is given to a public or private nonprofit health agency which can provide ongoing, routine pediatric and obstetric care, and administrative services.
- Second consideration is given to a public or private nonprofit health or human service agency that must enter into a written agreement with another agency for either ongoing, routine pediatric and obstetric care, or administrative services.
- Third consideration is given to a public or private nonprofit health agency that must enter into a written agreement with private physicians, in order to provide ongoing, routine pediatric and obstetric care to a specific category of participants—women, infants or children—or to participants not eligible for health services at the local agency.
- Fourth consideration is given to a public or private nonprofit human service agency that must enter into a written agreement with private physicians, in order to provide ongoing, routine pediatric and obstetric care.
- Fifth consideration is given to a public or private nonprofit health or human service agency that must provide ongoing, routine pediatric and obstetric care through referral to a health provider. Such agencies must have a plan for continued efforts to make health services available by December 31, 1987 to participants at the agency or through written agreements with health care providers.

The priority system applies regardless of whether the applicant is a first-time applicant, or has previously applied for or administered the WIC Program.

Whenever two or more agencies apply to serve the same geographic area or special population, the priority system described above will apply. When there are competing health service agencies, priority will be given to a Community Health Service Agency, and next to a private, non-profit health agency. When there are competing health and human service agencies, priority will be given to a health agency, and next to a human service agency. The performance record, if any, of each competing agency will be taken into consideration; the grant will not be awarded to a competing agency which has demonstrated a poor performance record. Factors which will be taken into consideration in judging a performance record include whether the agency has failed to:

- Maintain a participation level within two percent of the authorized participation level.
- Maintain or increase the rate of participation by pregnant women.
- Respond to the written findings of the Financial Review or Management Evaluation within thirty days.
- Take corrective action in the areas identified by the Financial Review or Management Evaluation within six months from the date of the approval of the corrective action plan.
- Submit a nutrition education plan or required revisions to the plan within the established time frame.

If additional information or revisions are needed to the application after it is submitted, a request will be made within 15 days of receipt. A complete, correct application must be received within 15 days of the date of the request, if two or more agencies have applied to serve the same geographic area or special population; if only one agency has applied, a complete, correct application must be received within 30 days of the date of the request. Applications which are not complete and correct at the specified deadlines will not be considered.

Family Planning Special Projects

Family Planning is voluntary planning and action by individuals to attain or prevent pregnancy. Family Planning Special Project (FPSP) grants will be made available on a competitive basis to local government agencies and non-profit corporations to continue or develop pre-pregnancy family planning services for Minnesota residents in accordance with the Family Planning Act (Minn. Stat.

STATE GRANTS

145.925) and the Family Planning Rule (Minn. Rule Parts 4700.1900-4700.2500). Subject to Legislative approval, the amount of funding available for the two-year period 1988-89 is \$2,209,800, maintaining the 1987 appropriation level.

For the two-year program period 1988 and 1989, award priority will be given to agencies whose applications meet the Criteria for Award of Family Planning Special Project grants found in the Family Planning Rule (4700.2300) and propose all family planning components in counties with no family planning services as of December 31, 1978, (4700.2300, Subp. 2).

Award recommendations will be made relative to all other applications meeting the Criteria for Award and will be based on the Criteria in 4700.2300, Subp. 3, 4, and 5. If more funds are recommended for award than are available, the Contingency Funding Proration in 4700.2400 will be used.

The 1988 and 1989 annual awards to 1987 recipients of Family Planning Special Project funds shall not exceed \$30,000 or 12% more than the 1987 award, whichever is greater. (The amount by which the Department's 1987 FPSP award recommendations were reduced by the Contingency Funding Proration formula was 12%). The 1988 and 1989 annual awards to agencies not receiving FPSP funds in 1987 shall not exceed \$30,000.

(NOTE: During 1987, FPSP Rule amendments will be adopted. This process will *not* be completed prior to the release of this Notice or development of the 1988-89 FPSP grant application materials. Therefore, current Rules, adopted in 1979, will govern the application process and award of 1988-89 FPSP funds. After adoption, the amended Rules will govern the Department's administration and evaluation of 1988-89 FPSP funded programs. Copies of both the current Rules and the proposed amendments will be included in the application instructions.)

Maternal and Child Health (MCH) Special Projects

Three categories of Maternal and Child Health Special Project (MCHSP) grants are available:

1. Pre-Block MCH Special Projects

Funds are available for continuation of projects established prior to federal enactment of the Maternal and Child Health Services Block Grant. (Maternity and Infant Care, Children and Youth, Family Planning, Dental Health, Infant Intensive Care, and Sudden Infant Death Syndrome.) Agencies which are currently administering these projects may re-apply for continuation of Pre-Block MCHSP funding, not to exceed the amount which they were *originally* awarded for the CY 1986-87 cycle. A total of \$4,876,576 is available for the Pre-Block projects for 1988-89, subject to Legislative approval of the Department's budget proposal and continuation of federal MCH Services Block Grant funding at least equal to that received in the 1985 federal fiscal year.

2. Formula MCH Special Projects

Eligible applicants are local boards of health (hereinafter referred to as CHS boards of health) established in Minnesota Statute Section 145.913 and for which a State subsidy is received under Sections 145.911 to 145.922. However, two areas (the cities of Minneapolis and St. Paul) are not eligible to receive funding under this provision of the legislation because a Pre-Block MCH Special Project located within the CHS area receives an allocation of funds that is greater than the amount which the CHS area would be allocated under the Formula.

A total of \$6,998,284 is available for the formula projects for the two-year period, Calendar Years 1988-89, subject to Legislative approval of the Department's budget proposal and continuation of federal MCH Services Block Grant funding at least equal to that received in the 1985 federal fiscal year. Each CHS Board of Health will be notified of the maximum funding available to its area as soon as this determination is completed by the Department.

Each CHS board of health is required by Statute to establish a process for its CHS area by which proposals may be solicited and considered from all qualified programs that have interest in financial participation in the MCH Special Project, including those of non-profit and other public agencies and Indian reservations.

If a CHS board of health does not submit an application for funding, the allocation for that CHS area will be re-allocated to other CHS areas for which approvable applications have been received. Other local public and private providers *may not* apply directly to the Department for funding through this category.

State law targets these funds to serve high-risk and low-income (<200% of poverty) persons and establish three program priorities: Improved Pregnancy Outcome Program, Family Planning Program, and Handicapped/Chronically Ill Children's Program.

The only instance in which funds may be used for programs that do not meet these program priorities is when the local board of health or community health services area can demonstrate that existing programs fully address the needs of the highest risk target populations in the three priority programs.

3. Competitive MCH Special Projects

Subject to Legislative approval of the Department's budget proposal, an allocation of \$450,000 is available for a competitive grants program for areas ineligible to participate in the Formula MCH Special Projects grant program, i.e., the areas of Minneapolis and St. Paul. Applications will be accepted from Pre-Block Projects, 1986-87 Competitive MCH Special Projects, and any other gov-

ernmental or other non-profit agencies that propose to provide services targeted to the high-risk and low-income (<200% of poverty) persons in the program priority areas identified above for Formula MCH Special Projects.

Nonsmoking and Health Special Project Grants

Smoking continues to be the largest preventable cause of death and disability in the United States and in Minnesota. The purpose of the Nonsmoking and Health Special Project Grants is to reduce smoking prevalence in Minnesota. Long-term change in an addictive behavior such as smoking is difficult to achieve; therefore, grant proposals with interim goals which aim at short-term changes in smoking-related knowledge, beliefs, attitudes, and behaviors are encouraged. Proposals must demonstrate a philosophy consistent with *The Minnesota Plan for Nonsmoking and Health*, recommendations contained in the executive summary of the biennial report to the Minnesota Legislature (1985-1986) and recommendations of the marketing Advisory Committee convened by the Center for Nonsmoking and Health in the Summer of 1987. A limited number of projects will be funded on a competitive basis. The funds are earmarked for projects having either: 1) community-wide, or 2) statewide scope. Only local boards of health are eligible to apply for grants for community-wide projects. Nonprofit agencies and organizations, as well as local boards of health, are eligible to apply for grants for statewide projects. Projects selected will be funded for a two-year period. Complete application materials will be available July 31, 1987 and will be sent to all agencies submitting a letter of intent.

Native American Health

The purpose of this program is to assist local agencies in establishing or subsidizing clinic facilities and services to provide health care for American Indians who have no established county of residency, who do not reside on Indian land, who are members of an organized tribe, band or other group of aboriginal people of the United States having a treaty relationship with the federal government and who are regarded as Native Americans by the group in which they claim membership. Eligible applicants are local boards of health.

Migrant Health

The purpose of this program is to fund the establishment, operation, or subsidizing of clinic facilities and services, including mobile clinics, to furnish health services for migrant agricultural workers and their families in areas of the state in which significant numbers of migrant workers are located. A "Migrant Agricultural Worker" means any individual whose principal employment is in agriculture on a seasonal basis who has been so employed within the last 24 months and who establishes for the purpose of such employment a temporary abode, 42 USCA Sec. 2546 (a)(2). Eligible applicants include cities, counties, groups of cities or counties, or non-profit corporations. First consideration will be given to organizations that can provide services on a statewide basis.

Refugee Health

The purpose of this program is to assist local health agencies in providing health assessments and follow-up activities to refugees for problems of public health concern. The target population is refugees as defined in Section 101 (a)(42) of the Immigration and Nationality Act. Any such persons receiving this alien classification, regardless of national origin, are eligible for services under this program. Exceptions are Cubans and Haitians, who are legally classified as "entrants", and certain other refugees (mainly Soviet Jewish refugees) whose medical care and other resettlement needs are to be privately provided through a special matching grant program. Eligible applicants are community health service agencies, which are experienced in providing or facilitating health assessments and follow-up care to refugees and are located in a county which has become home to more than 250 refugees whose primary resettlement was to Minnesota in FFY 86. Not more than one grant will be issued for each eligible county. Funds will be awarded on a formula basis based on the number of refugees resettled in FFY 86 in the county. Each grant is not expected to exceed \$20,000 annually.

Emergency Medical Services (EMS) Special Project Grants

The purpose of this program is the ultimate reduction of death and disability due to medical emergencies. Approximately \$100,000 is expected to be available for the period from July 1, 1987 to June 30, 1988 subject to Legislative approval. The Department intends to fund projects which have potential statewide impact on Minnesota's EMS system, including: 1) one proposal relating specifically to injury control, and 2) several proposals relating to general improvements in the EMS system. Notices of Intent to apply for EMS grants should specify whether the proposal is to be in injury control or in EMS system improvement. Community Health Services (CHS) agencies, organizations, institutions and individuals are eligible to apply. While projects which have statewide impact are sought, that impact need not be immediate nor comprehensive; small projects which have potential applicability in other locales will be considered.

STATE GRANTS

Procedures and Information for Applying for Grants

Step 1: Applicants Must Provide Notice of Intent to Apply for Funds

Any organization interested in applying for funds should submit a Notice of Intent to:

Commissioner of Health
Minnesota Department of Health
717 Delaware Street S.E.
P.O. Box 9441
Minneapolis, MN 55440
ATTN: Grants Mgmt, Room 478

The Notice of Intent must be received by the Department of Health no later than 4:30 PM, Friday, April 24, 1987. A copy of the Notice of Intent must also be sent to the grant manager identified in the last section of this notice. Those organizations applying for more than one grant may submit one Notice of Intent as long as a copy is sent to each respective grant manager. In addition, non-Community Health Service Agencies must submit a copy of the Notice of Intent to the CHS Board of Health in their geographical service area.

The Notice of Intent must include the following information:

- Name of Applicant Organization
- Type of Organization (e.g., "Board of Health", "Non-Profit Hospital")
- Name, Address, and Telephone Number of a Contact Person
- Name of Grant Program(s)
 - Proposed Geographic Area and/or Special Population of Project (for WIC only)
 - Injury Control or General EMS Improvement (for EMS grants only)

(Note: If interested parties intend to submit a proposal that the Department of Health judges is of statewide significance, the Department will provide one copy of the written Notice of Intent to each CHS board of health in the state. Any CHS board of health may subsequently request one copy of the completed application form from the applicant for review and comment.)

Step 2: The Department will Provide Application Materials

An organization expressing an intent to apply will be provided with pertinent application materials, information on the review and award process, and the names and telephone numbers of Minnesota Department of Health consultants available to provide technical assistance concerning preparation of the grant application. WIC application materials will be mailed out upon receipt of a Notice of Intent. Nonsmoking and Health grant applications materials will be mailed to organizations expressing an intent to apply no later than July 31, 1987. All other application materials will be mailed out to organizations no later than May 4, 1987.

Step 3: Applicants Must Submit Completed Applications According to the Following Schedule

The original plus two additional copies of each completed application must be received by the Minnesota Department of Health no later than 4:30 PM on the dates identified below. The completed application must also be submitted to appropriate Regional Development Commissions (RDCs) and CHS boards of health in the applicant's proposed geographic service area no later than the deadline of receipt of the application at the Minnesota Department of Health.

WIC applications and EMS Special Projects Applications not received by the deadline will not be considered. Other applications not received by the deadline will be reviewed and considered for funding only after all other applications are reviewed and funded (in accordance with available funds).

Grant application receipt deadlines are no later than 4:30 PM on the following dates:

- | | |
|--|---|
| WIC | — June 1 |
| Family Planning Special Project | — July 31 |
| Maternal and Child Health Special Project: | |
| —Pre-Block MCH Special Projects | — July 31 |
| —Competitive MCH Special Projects | — August 31 |
| —Formula MCH Special Projects | — September 30 |
| Nonsmoking and Health | — September 30 |
| Native American Health | — October 31—application to be included as a part of the CHS Plan |
| Migrant Health | — July 31 |
| Refugee Health | — July 31 |

Emergency Medical Services

— June 12

Step 4: The Department will Award Funds According to the Following Schedule

Applications will be reviewed as submitted except that, at its discretion, the Department may request further clarification. Grants will be awarded in accordance with priority areas and criteria identified in the application materials. Applicant organizations will be notified in writing of the grant award decisions and contracts will be completed to begin according to the following schedule:

	<i>Award Decision</i>	<i>Contract</i>
WIC	Within 30 days of receipt of completed application, but no sooner than July 1.	October 1, 1987
Family Planning Special Project	September 30, 1987	January 1, 1988
Maternal and Child Health Special Projects:		
—Pre-Block MCH Special Projects	September 30, 1987	January 1, 1988
—Competitive MCH Special Projects	October 30, 1987	January 1, 1988
—Formula MCH Special Projects	November 30, 1987	January 1, 1988
Nonsmoking and Health	October 31, 1987	January 1, 1988
Native American Health	December 1, 1987	January 1, 1988
Migrant Health	September 30, 1987	January 1, 1988
Refugee Health	Within 30 days of receipt of completed application.	October 1, 1987
Emergency Medical Services Special Projects	June 23, 1987	July 1, 1987

Duration of Funding

EMS Special Projects grants funds will be awarded for the period of July 1, 1987 through June 30, 1988. WIC and Refugee Health Grants funds will be awarded for the period of October 1, 1987 through September 30, 1989. For all other grants listed in this notice, funds will be awarded for the period of January 1, 1988 through December 31, 1989. Funding for the full award period of all grants will be dependent upon federal and state appropriations.

Minnesota Department of Health Grant Managers

The following staff at the Minnesota Department of Health are available for further information regarding the special grants. As indicated above, send a copy of the Notice of Intent to the grant manager of each special grant for which you intend to apply.

*Special Supplemental Food Program
for Women, Infants and Children (WIC):*

Pati Maier
WIC Section
Minnesota Department of Health
717 Delaware Street S.E.
P.O. Box 9441
Minneapolis, MN 55440
612/623-5115

Family Planning Special Projects:

Ruth Curwen Carlson
Family Planning/Reproductive
Health Unit
Minnesota Department of Health
717 Delaware Street S.E.
P.O. Box 9441
Minneapolis, MN 55440
612/623-5267

Native American Health:

Lorene Wedeking
Public Health Nursing Section
Minnesota Department of Health
717 Delaware Street S.E.
P.O. Box 9441
Minneapolis, MN 55440
612/623-5235

Migrant Health:

Lorene Wedeking
Public Health Nursing Section
Minnesota Department of Health
717 Delaware Street S.E.
P.O. Box 9441
Minneapolis, MN 55440
612/623-5235

STATE GRANTS

Maternal and Child Health Special Projects:

Ronald G. Campbell, M.D.
Section of Maternal and Child
Health Technical Services
Minnesota Department of Health
717 Delaware Street S.E.
P.O. Box 9441
Minneapolis, MN 55440
612/623-5539

Emergency Medical Services Special Projects:

Don Hedman
Emergency Medical Services Section
Minnesota Department of Health
717 Delaware Street S.E.
P.O. Box 9441
Minneapolis, MN 55440
612/623-5518

Refugee Health:

Diane C. Peterson
Refugee Health Unit
Minnesota Department of Health
717 Delaware Street S.E.
P.O. Box 9441
Minneapolis, MN 55440
612/623-5569

Nonsmoking and Health:

Arlene Thornton
Center for Health Promotion and Education
Minnesota Department of Health
717 Delaware Street S.E.
P.O. Box 9441
Minneapolis, MN 55440
612/623-5630

Department of Jobs and Training: Economic Opportunity Office Request for Proposal for Emergency Shelter Grants Program Funding

Introduction

The Economic Opportunity Office of the Department of Jobs and Training announces the availability of Emergency Shelter Grants Program funds at a minimum amount of \$11,000. Additional funds may become available from unclaimed initial allocations of the grant.

Purpose and Eligibility

The purposes of the Emergency Shelter Grants Program are to help improve the quality of emergency shelter for the homeless, to make available additional emergency shelters, and to help meet the costs of operating emergency shelters and providing essential social services to homeless individuals.

All units of general local government in the State of Minnesota are eligible to receive Grant money. Funds may be used directly by the unit of government to carry out grant activities, or may be distributed to non-profit organizations providing assistance to the homeless.

Eligible activities include renovation, major rehabilitation, or conversion of buildings for use as emergency shelters for the homeless, and for the payment of certain operating and social service expenses in connection with emergency shelter for the homeless. Eligible activities are set forth in the *Federal Register*, December 17, 1986, 24 CFR, part 575, section 575.21 (a).

Grant amounts may not be used:

1. to acquire an emergency shelter for the homeless.
2. to pay rent for commercial, transient accommodations, such as hotels or motels.
3. to pay for staff involved in operating emergency shelters or administering an emergency shelter grant.
4. to pay for rehabilitation services, such as preparation of work specifications, loan processing, or inspections.

Proposal Contents

The following are minimum requirements for the contents of a proposal:

1. Identification of a specific program or proposed program to receive funding and a description of its goals and objectives.
2. A signed agreement stating that all parties involved intend to participate in the activity as described in requirement 1. of this section.
3. A proposed or actual budget for the designated program along with a minimum and maximum funding request.

Special Consideration

Special consideration will be given to proposals which:

1. demonstrate a strategy for helping homeless individuals regain a degree of self-sufficiency
2. increase shelter capacity in an area with demonstrable, unmet need.

Submission of Proposals

Response to this request to proposal is due by April 23, 1987 and should be addressed to:

Commissioner Joe Samargia
Minnesota Department of Jobs and Training
390 North Robert Street
St. Paul, Minnesota 55101

Further information can be obtained by contacting, Patrick Leary, (612) 297-3409.

State Board of Vocational Technical Education Instructional and Student Support Services Section

Notice of Availability of Funds for Single Parent/Homemaker Projects

The State Board of Vocational Technical Education will distribute federal funds to eligible recipients in accordance with the Carl D. Perkins Vocational Technical Education Act, Title IIA, relating to single parents and homemakers. This notice will provide for funding of both first-year and second-year projects. Approximately \$400,000 will be available for these projects in Fiscal Year 1988.

Organizations and associations interested in applying for federal funds should contact the nearest AVTI for additional information or refer to Section 7.0, "Planning Use of Federal Funds", in the *Fiscal Year 1988 Minnesota State Plan for Vocational Technical Education* for information relating to the availability and disbursement of federal funds.

Qualified organizations and associations must prepare a joint application with an appropriate eligible recipient whose main responsibility will be to act as fiscal agent for distribution of and accountability for the federal funds.

An eligible recipient is defined as: a) a nonprofit educational recipient legally authorized to provide post-secondary or secondary vocational education; and b) have established certified vocational technical education programs.

Additional information will be included in the "Request for Proposal, Category A: First-Year Funding", and in the "Request for Proposal, Category B: Second-Year Funding", which will be mailed upon request. To receive either Request for Proposal, notify Pat Gosz, 520A—Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101. Final proposals must be submitted to Pat Gosz at the same address by 4:30 on the following dates:

- May 15, 1987, for Category A Proposals
- April 24, 1987, for Category B Proposals

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.

APRIL 1987

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 6 April 1987 9:00 AM

C8-86-2124 ALLSTATE INSURANCE COMPANY, and HOME INSURANCE COMPANY, Plaintiffs (Attorney: James T. Hynes of Stapleton, Nolan & McCall) vs. **EAGLE-PICHER INDUSTRIES, INC., et al, Defendants** (Attorneys: John P. Borger and Kirk O. Kolbo of Faegre & Benson), and **MACARTHUR CORPORATION, Defendant** (Attorneys: Pustorino, Pederson, Tilton & Parrington), and **Nicolet Industries, Inc., Defendant** (Attorneys: Thomas D. Jensen and Kay Nord Hunt of Lommen, Nelson, Cole, & Stageberg). Certified Question United States District Court, District of Minnesota, Third Division.

Does Minn. Stat. 176.061, subd. 10 (effective July 1, 1983) apply to a claim for indemnity against alleged third-party tortfeasors where the employee's injury occurred and the workers' compensation claim was filed prior to July 1, 1983, but no workers' compensation benefits were paid until after July 1, 1983?

Are an employer and its workers' compensation insurer entitled to indemnity pursuant to Minn. Stat. 176.061, subd. 10 against alleged third-party tortfeasors where (a) the worker's compensation benefits were paid for injuries allegedly sustained as a result of the employee's exposure to asbestos and (b) where the alleged tortfeasors were previously adjudged less at fault than the employee for his alleged asbestos-related injuries in a suit commenced by the employee in which the employer, but not the alleged tortfeasors, were parties at the time of trial?

C5-86-1187 In the Matter of the Application for the Discipline of Robert O. Knutson, an Attorney at Law of the State of Minnesota, (Attorneys: William J. Wernz and Betty M. Shaw for the Board of Professional Responsibility) and (Attorneys: Robert O. Knutson and Wesley A. Anderson for Respondent Attorney). Petition for Disciplinary Action.

What discipline is appropriate for failure to timely file state and federal income taxes for four years and for practicing law while suspended for failure to pay attorney registration fees for almost three years?

Does the Board lack jurisdiction to charge respondent under repealed rules and under the rule relating to the unauthorized practice of law?

Tuesday 7 April 1987 11:00 AM at the U of M Law School

C8-86-549 UNITED BANK OF SKYLINE, Respondent (Attorneys: Regan, Kunard, Barnett & Kakeldy and Potterfield & Wheatley) vs. **ARTHUR J. PETRIE, petitioner, Appellant** (Attorneys: Robert J. Sheran & Theresa B. Bonner of Lindquist & Venum and Russell E. Vigil) and David Fales, Defendant. Opinion Court of Appeals.

Did the Minnesota Court of Appeals' failure to apply Colorado law to determine the validity of a Colorado judgment violate full faith and credit principles?

Is a valid, final judgment entered in Colorado, which judgment was deliberately not appealed and the time for appeal in Colorado has expired, subject to collateral attack when enforcement is sought in the State of Minnesota pursuant to the Uniform Enforcement of Foreign Judgments Act?

Wednesday 8 April 1987 at 9:00 AM

C2-86-2149 DERREL WHITE, Respondent (Attorneys: John R. Bridell), vs. **METROPOLITAN TRANSIT COMMISSION, Self-Insured, Relator** (Attorneys: Spicer, Watson & Carp) and **SHARE, MINNESOTA DEPARTMENT OF ECONOMIC SECURITY, Intervenor**. Order Workers' Compensation Court of Appeals.

Whether the finding that the employee sustained continuing cumulative trauma as a result of driving over potholes culminating in injury and disability was warranted by the evidence.

C2-86-935 LAMPERT LUMBER COMPANY, d.b.a. Lampert Building Center, Respondent (Attorneys: Edward M. Christian), vs. **VERA K. JOYCE, Respondent** (Attorneys: Michael H. Daub) and **DONALD F. NOLDE, petitioner, Appellant** (At-

torneys: Eckberg, Lammers, Briggs, Wolff & Vierling), and **FIRST NATIONAL BANK OF STILLWATER, Respondent** (Attorneys: Roy Holsten), and **CITY OF STILLWATER, et al, Defendants**. Opinion Court of Appeals.

Did the trial court have the discretion to dismiss without prejudice Joyce's cross-claim against Nolde?

Did the trial court properly exercise its discretion when it dismissed without prejudice Joyce's cross-claim against Nolde?

Did the trial court err as a matter of law in dismissing Vera K. Joyce's cross-claims against Donald F. Nolde without prejudice following a trial in which all parties had fully submitted their evidence and duly rested?

Should the Supreme Court determine that a trial Court has authority to dismiss a claim without prejudice following a trial where all parties submitted their evidence and duly rested their case, and whether the trial court abused its discretion in so doing?

Monday 13 April 1987 9:00 AM

C4-85-2319 STATE OF MINNESOTA, petitioner, Appellant (Attorneys: Hubert H. Humphrey, III, Thomas L. Johnson, and Beverly J. Wolfe) vs. **LUIS CANDALARIA MITJANS, Respondent** (Attorneys: William R. Kennedy and Phillip D. Bush). Opinion Court of Appeals.

Did the trial court constitutionally err by admitting into evidence Respondent's statement to the police, which was translated by an interpreter not under oath?

Was Respondent denied due process by mistranslations of crucial parts of his testimony and omissions in the translation?

Was it error for the trial court not to instruct the jury on the issue of self-defense?

Did the trial court err by not instructing the jury on the lesser-included offense of second degree manslaughter?

Was it error not to sentence consecutively on an assault conviction which could have been the predicate felony for the felony conviction?

Was it error for the trial court to depart upward from the sentencing guidelines?

C0-86-920 ROGER E. JOHNSON, et al, Respondents (Attorneys: Carol M. Person of Fryberger, Buchanen, Smith & Frederick) vs. **JOSEPH URIE and AMERICAN FAMILY MUTUAL INSURANCE COMPANY, petitioners, Appellants** (Attorneys: Michael W. Haag of Donovan, McCarthy, Crassweller & Maggie). Opinion Court of Appeals.

Do insurers and their agents have a duty to offer underinsured motorist benefits to their insureds after the repeal of Minnesota Statutes, Section 65B.49, Subd. 6(e)?

ANNOUNCEMENTS

ENVIRONMENTAL QUALITY BOARD (EQB) Environmental Assessment Worksheets (EAWs) due April 8: Summit Point, City of Woodbury; Bridle Ridge Addition and Stone Bridge Addition, Eagan Planning Director; Best Buy Distribution Center, City of Bloomington; Lake Inverness Estates, City of Woodbury; Sunset Pond Redevelopment District, City of Burnsville; Park Forest Community Unit Plan, City of Duluth; Cannon Falls Industrial Sewer, MN Pollution Control Agency. Environmental Impact Statements are being prepared for the Nicollet Mall Project by the City of Minneapolis, and for the Anoka Sanitary Landfill Vertical Expansion by the Metropolitan Council. The Dept. of Agriculture is giving notice of a request for special local need registration for "Apron Plus Captan Fungicide Seed" for use statewide. A hearing will be held by the DNR concerning the application of the City of Brooklyn Park to extend 73rd Ave. N. across a wetland between Boone Ave. and Highway 169. The meeting will be held April 2, at 9 a.m. in the training room of the Brooklyn Park Police Department, 5400-85th Ave. N., Brooklyn Park. For more information on any of the above, contact Greg Downing, editor *EQB Monitor* (612) 296-8235.

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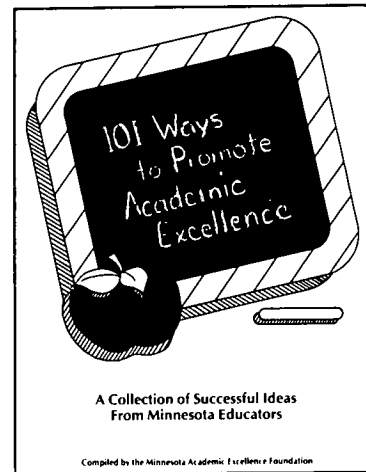
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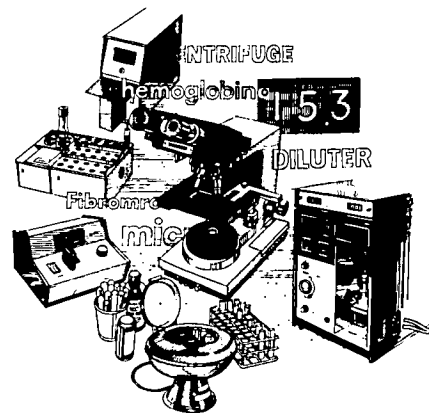


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