

State of Minnesota

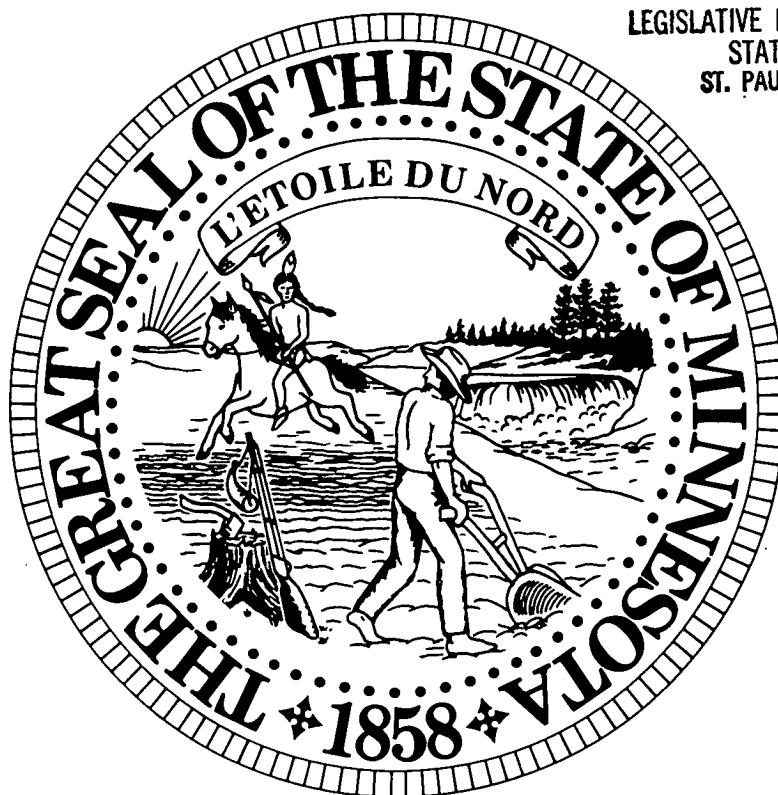
# STATE REGISTER

Department of Administration—Documents Division

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Published every Monday

28 March 1988

Volume 12, Number 39

Pages 2133-2164

# State Register

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The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, 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.

## Printing Schedule and Submission Deadlines

Vol. 12 Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
39	Monday 14 March	Monday 21 March	Monday 28 March
40	Monday 21 March	Monday 28 March	Monday 4 April
41	Monday 28 March	Monday 4 April	Monday 11 April
42	Monday 4 April	Monday 11 April	Monday 18 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.

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

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

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The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific *Minnesota Rule* chapter numbers. Every odd-numbered year the *Minnesota Rules* are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as **Proposed Rules**. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-652-9747 and ask for "Documents."

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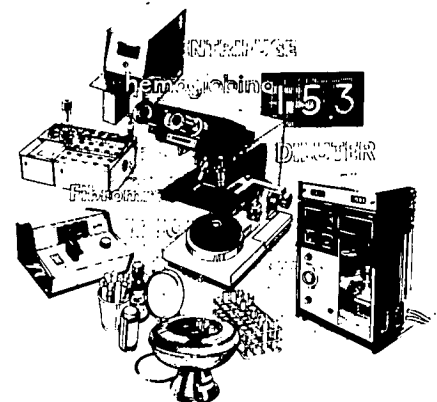
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## Buying Or Selling?

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## 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 Commerce

### Adopted Permanent Rules Relating to Petroleum Tank Release Compensation Board

The rules proposed and published at *State Register*, Volume 12, Number 18, pages 945-948, November 2, 1987 (12 S.R. 945) are adopted with the following modifications:

#### Rules as Adopted

##### 2890.0020 BOARD MEETINGS; TIME, PLACE, NOTICE.

Subp. 2. Special meetings. A special meeting may be called by the chair or by written request of three board members. ~~Written notice of the meeting as to time and place must be given to board members at least five days before a regular meeting. Between regular meetings, business may be conducted by mail.~~

~~Subp. 2. Special meetings. The chair shall attempt to give five days' notice before a special meeting. The board may waive the five-day notice requirement.~~

##### 2890.0040 CONDUCT OF MEETINGS.

Subp. 2. ~~Proxies. An absent member may assign a proxy, in writing, to another board member. Proxies shall count toward a quorum.~~

~~Subp. 3. Minutes. Meetings shall be tape recorded and minutes prepared by staff.~~

Subp. 4. 3. Parliamentary procedure. Except as specifically provided by statute or negotiation, Robert's Rules of Order shall govern questions that may arise at a meeting of the board.

##### 2890.0100 REVIEW AND DETERMINATION.

Subp. 3. Board determination. The board shall determine the amount of the reimbursement based on those costs it finds are eligible, actually incurred, and reasonable. The determination shall be made on the basis of the written record. The board may also allow supplemental information explaining the application to be presented orally. The board may establish a fair and reasonable limit on time allowed for oral ~~testimony~~ presentation.

## Board of Electricity

### Adopted Permanent Rules Relating to Inspection Fees

The rules proposed and published at *State Register*, Volume 12, Number 25, pages 1247-1250, December 21, 1987 (12 S.R. 1247) are adopted as proposed.

These rules will be effective April 11, 1988.

## Secretary of State

### Adopted Permanent Rules Relating to Mail Ballots

The rules proposed and published at *State Register*, Volume 12, Number 29, pages 1446-1450, January 18, 1988 (12 S.R. 1446) are adopted as proposed.

# Official Notices

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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.

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## Emergency Response Commission

### Meeting Notice, Preliminary Agenda and Meeting Schedule

Meeting Notice and Preliminary Agenda

1. Approval of minutes of previous agenda.
2. Introduction of new agenda items.
3. Subcommittee Reports
  - a. Reporting and Public Requests
  - b. Emergency Plan Review
  - c. Local Committee Appointments and Rules
  - d. Education and Training

4. Open—New Business\*

\*At the April 14 meeting, the Commission will approve the make-up of the Local Emergency Planning Committees to be established by July 1988.

Meeting dates and locations are:

- |                  |                                  |
|------------------|----------------------------------|
| • April 14, 1988 | Room 500 No., State Office Bldg. |
| • May 12, 1988   | Room 500 No., State Office Bldg. |
| • June 9, 1988   | Room 500 No., State Office Bldg. |

All meetings will be held at 11:00 a.m. Contact the Commission for additional information (612/296-0481).

## Department of Human Services

### Health Care Management Division

### Notice of Solicitation of Outside Information or Opinions Regarding Amendments to Rules Governing Medical Assistance Health Services

Notice is hereby given that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing to propose amendments to the rules governing medical assistance health services, *Minnesota Rules*, part 9505.0221.

The adoption of the amendments to the rules is authorized by *Minnesota Statutes*, section 256B.04, subdivision 2.

The proposed amendments set standards for determining eligibility of equipment, supplies, or services ordered by a physician for medical assistance payment if the physician is affiliated with or receives direct or indirect payment from the provider of the equipment, supplies, or services. The amendment is necessary to clarify the interpretation of the rule.

The State Department of Human Services requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

**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

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Eleanor Weber  
Rules Division  
Minnesota Department of Human Services  
444 Lafayette Road  
St. Paul, MN 55155-3816

Oral statements will be received during regular business hours over the telephone at (612) 297-4301 by Eleanor Weber and in person at the above address.

All statements of information and opinions shall be accepted until further notice. Any written material received by the State Department of Human Services shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

## Departments of Human Services, Health and Public Safety

### Merit System

#### Notice of Intent to Solicit Outside Opinion Concerning Merit System Rules

Notice is hereby given that the Minnesota Department of Human Services, the Minnesota Department of Health and the Minnesota Department of Public Safety are considering proposed amendments to rules on certification of eligibles.

The rules affected will be *Minnesota Rules*, parts 9575.0620 and 4670.2300.

The agency's authority to amend the proposed rules is contained in *Minnesota Statutes*, sections 256.012, 144.071 and 12.22, subd. 3.

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

Ralph W. Corey  
Minnesota Merit System  
Human Services Building  
444 Lafayette Road  
St. Paul, Minnesota 55155-3822

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-3996.

All statements of information and comment will be received until further notice. Any written material received by the Department shall become part of the hearing record.

## Department of Jobs and Training

### Unemployment Insurance Division

#### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendments to the Rules Relating to Unemployment Compensation Employer Taxes Including the Impact of the Rules on Small Businesses

Notice is hereby given that the State Department of Jobs and Training is seeking information or opinions from sources outside the agency in proposing to adopt amendments to the rules relating to unemployment compensation employer taxes. Of special interest are amendment provisions concerning employment contributions and reimbursements. The rule amendments are being proposed to interpret those parts of *Minnesota Statutes*, sections 268.03 to 268.24 which impose taxes on employers for purposes of the unemployment compensation program. These rules are being developed as authorized by *Minnesota Statutes* section 268.021, which permits the Commissioners of the Department of Jobs and Training to adopt rules governing programs the Commissioner administers under *Minnesota Statutes*, Chapter 268.

Outside opinion is also being solicited as to how those rules will affect small businesses as defined by *Minnesota Statutes*, section 14.115, subdivision 1.

The State Department of Jobs and Training requests information and opinions regarding the proposed rule amendments. Interested persons or groups may submit data or views in writing. Written statements should be addressed to:

Richard Yurek, Director  
Tax Branch  
Unemployment Insurance Division  
390 North Robert Street, 4th Floor  
St. Paul, MN 55101

All statements of information and opinions will be accepted until further notice is published in the *State Register* or the Notice of Hearing of Intent to Adopt Rules without a Public Hearing is published in the *State Register*. Any written material received by the State Department of Jobs and Training will become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Joe Samargia, Commissioner  
Department of Jobs and Training

## **Minnesota Pollution Control Agency**

### **Division of Ground Water and Solid Waste**

#### **A series of public informational meetings on Ground Water Protection**

The purpose of these meetings will be to present and obtain comment on the draft Minnesota Ground Water Protection Strategy and related topics from the draft Water Resources Strategy for the Control of Pests and Management of Nutrients and the draft Nonpoint Source Pollution Management Program.

Presentations will stimulate discussion and an informal comment period and written survey will provide an avenue for the State to solicit ideas and identify major public concerns. For more detailed information on the subject matter to be covered, contact Gretchen Sabel of the Minnesota Pollution Control Agency, 520 Lafayette Road North, St. Paul, MN 55155; phone 612/296-7358.

#### **PUBLIC MEETING SCHEDULE**

<b>Rochester</b>	<b>April 4:</b> 1:30-3:30 and 7:30-9:30 Plaza Lecture Hall, Rochester Community College 851 30th Ave. SE, Rochester (off US 14)	<b>Grand Rapids</b>	<b>April 11:</b> 2:00-4:00 (note late start) and 7:30-9:30 Blandin Foundation Building 100 Pokegama Ave. N., Grand Rapids
<b>Mankato</b>	<b>April 5:</b> 1:30-3:30 and 7:30-9:30 Frost Benco Co-op Electric Trunk Highway 68 West, Mankato	<b>Detroit Lakes</b>	<b>April 12:</b> 1:30-3:30 and 7:30-9:30 City Council Chambers 1025 Roosevelt, Detroit Lakes
<b>Marshall</b>	<b>April 6:</b> 1:30-3:30 and 7:30-9:30 Chalet Club East College Drive, Marshall (2 blocks west of Hyw 19 & 68 and 23 junction)	<b>St. Cloud</b>	<b>April 13:</b> 1:30-4:00 (no evening meeting) St. Cloud Public Library, Room B 405 W. St. Germain, St. Cloud
<b>Morris</b>	<b>April 7:</b> 1:30-3:30 and 7:30-9:30 Otter Tail Power Offices 23 East 6th Street, Morris	<b>St. Paul</b>	<b>April 19:</b> 1:30-4:00 (no evening meeting) Board Room; Lower Level Minnesota Pollution Control Agency Offices Lafayette Park; 520 Lafayette Road North, St. Paul

## Official Notices

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### Department of Revenue

#### Local Government Services Division

#### Notice of Intent to Solicit Outside Opinion Regarding Proposed Amendments to Rules Governing Valuation and Assessment of Electric, Gas Distribution, and Pipeline Companies (Utility Companies)

Notice is hereby given that the State Department of Revenue is seeking information or opinions from sources outside the agency in preparing to promulgate revised rules governing the valuation and assessment of utility companies. The promulgation of these rules is authorized by *Minnesota Statutes* section 270.06 (14), which permits the agency to make rules and regulations for the administration and enforcement of the property tax law.

The State Department of Revenue requests information and comments concerning the subject matter of these revised rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Ronald Cook  
Local Government Services Division  
Minnesota Department of Revenue  
Mail Station 3340  
St. Paul, Minnesota 55146-3340

Oral statements will be received during regular business hours over the telephone at (612) 642-0486 and in person at:

Bigelow Building  
Garden Level, Suite 10  
450 North Syndicate Street  
St. Paul, Minnesota 55104

All statements of information and comment shall be accepted until April 29, 1988. Any written material received by the State Department of Revenue shall become part of the record in the event that the rules are promulgated.

Michael P. Wandmacher, Director  
Local Government Services Division

## State Contracts and Advertised Bids

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Pursuant to the provisions of Minn. Stat. § 14.10, 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 \$15,000 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: Materials Management Division

### Contracts and Requisitions Open for Bid

Call 296-2600 for information on a specific bid, or to request a specific bid. Buyer's initials are listed next to each commodity.

Commodity: Stage draperies—rebid  
Contact: L.P.  
Bid due date at 2pm: March 30  
Agency: University  
Deliver to: Winona  
Requisition #: 26074 11949

Commodity: Aggregate materials  
Contact: P.A.  
Bid due date at 2pm: March 30  
Agency: Transportation  
Deliver to: Windom  
Requisition #: 79750A

Commodity: Bituminous materials  
Contact: P.A.  
Bid due date at 2pm: March 30  
Agency: Transportation  
Deliver to: Owatonna  
Requisition #: 79650B

## State Contracts and Advertised Bids

**Commodity:** Tools, professional portable elec. & professional portable elec. accessories

**Contact:** E.S.

**Bid due date at 2pm:** March 30

**Agency:** Various

**Deliver to:** Various

**Requisition #:** Price Contract

**Commodity:** Seed, (various types)

**Contact:** E.S.

**Bid due date at 2pm:** March 30

**Agency:** Transportation

**Deliver to:** Various

**Requisition #:** Price Contract

**Commodity:** Mobile boat docks

**Contact:** D.T.

**Bid due date at 2pm:** March 31

**Agency:** Natural Resources

**Deliver to:** Various

**Requisition #:** 29000 49707

**Commodity:** G.E. ballasts

**Contact:** P.A.

**Bid due date at 2pm:** March 31

**Agency:** Transportation, Elec. Service

**Deliver to:** St. Paul

**Requisition #:** 79000 84071

**Commodity:** Alum light poles

**Contact:** P.A.

**Bid due date at 2pm:** March 31

**Agency:** Transportation, Elec. Service

**Deliver to:** St. Paul

**Requisition #:** 79000 84070

**Commodity:** Bituminous material

**Contact:** P.A.

**Bid due date at 2pm:** March 31

**Agency:** Transportation

**Deliver to:** Windom

**Requisition #:** 79750B

**Commodity:** Printer supplies per IBM 3800 specs

**Contact:** M.J.B.

**Bid due date at 2pm:** March 31

**Agency:** Info. Mgmt. Bureau

**Deliver to:** St. Paul

**Requisition #:** 02410 80171

**Commodity:** NEC multispeed HD

**Contact:** B.V.

**Bid due date at 2pm:** March 31

**Agency:** Revenue

**Deliver to:** St. Paul

**Requisition #:** 67520 05051

**Commodity:** Mobile radio equipment

**Contact:** P.A.

**Bid due date at 2pm:** March 31

**Agency:** Transportation

**Deliver to:** St. Paul

**Requisition #:** 79000 83968

**Commodity:** Aggregate material—rebid

**Contact:** P.A.

**Bid due date at 2pm:** March 31

**Agency:** Transportation

**Deliver to:** Willmar

**Requisition #:** 79800A

**Commodity:** Plant mix bituminous—rebid

**Contact:** P.A.

**Bid due date at 2pm:** March 31

**Agency:** Transportation

**Deliver to:** Mankato

**Requisition #:** 79700B

**Commodity:** Read-mix concrete—rebid

**Contact:** P.A.

**Bid due date at 2pm:** March 31

**Agency:** Transportation

**Deliver to:** Rochester

**Requisition #:** 79600 RM

**Commodity:** Aggregate Materials

**Contact:** P.A.

**Bid due date at 2pm:** April 1

**Agency:** Transportation

**Deliver to:** Duluth

**Requisition #:** 79100A

**Commodity:** Electronic distance measuring inst.

**Contact:** J.D.

**Bid due date at 2pm:** April 4

**Agency:** Transportation

**Deliver to:** St. Paul

**Requisition #:** 79000 83958

**Commodity:** Bituminous materials

**Contact:** P.A.

**Bid due date at 2pm:** April 4

**Agency:** Transportation

**Deliver to:** Crookston

**Requisition #:** 79250B

**Commodity:** Bituminous materials

**Contact:** P.A.

**Bid due date at 2pm:** April 4

**Agency:** Transportation

**Deliver to:** Duluth

**Requisition #:** 79100B

**Commodity:** Aggregates

**Contact:** P.A.

**Bid due date at 2pm:** April 4

**Agency:** Transportation

**Deliver to:** Virginia

**Requisition #:** 79150A

**Commodity:** Trucks schedule 113 H

**Contact:** D.M.

**Bid due date at 2pm:** April 4

**Agency:** Various

**Deliver to:** Various

**Requisition #:** 29000 49389

**Commodity:** Bituminous materials

**Contact:** P.A.

**Bid due date at 2pm:** April 4

**Agency:** Transportation

**Deliver to:** Virginia

**Requisition #:** 79150B

**Commodity:** Aggregates/redi-mix concrete/portland cement

**Contact:** P.A.

**Bid due date at 2pm:** April 5

**Agency:** Transportation

**Deliver to:** Brainerd/Crookston/

Crookston

**Requisition #:** 79300A 79250RM 79250PC

**Commodity:** Belts (automotive and truck)/measuring tapes and rules

**Contact:** D.M.O./A.W.

**Bid due date at 2pm:** April 5

**Agency:** Various

**Deliver to:** Various

**Requisition #:** Price Contract

**Commodity:** Marker beacon shelter

**Contact:** B.T.

**Bid due date at 2pm:** April 5

**Agency:** Transportation

**Deliver to:** Various

**Requisition #:** 79000 84114

**Commodity:** Folding tables and chairs

**Contact:** Materials Management

**Bid due date at 2pm:** April 5

**Agency:** Military Affairs

**Deliver to:** Various

**Requisition #:** 01000 04317

### 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:** Prebill envelopes with and without permit

**Contact:** Printing Buyer's Office

**Bid due date at 2pm:** March 30

**Agency:** Public Safety

**Deliver to:** St. Paul

**Requisition #:** 5812 & 5726

**Commodity:** 1988 MN Resident Firearm and Bow & Arrow Deer License

**Contact:** Printing Buyer's Office

**Bid due date at 2pm:** April 4

**Agency:** Natural Resources

**Deliver to:** St. Paul

**Requisition #:** 5876 & 5883

**Commodity:** 50M 4-part forms, type to set, two sided

**Contact:** Printing Buyer's Office

**Informal Bid Opening:** 4:30pm March 28

**Agency:** Jobs & Training

**Deliver to:** St. Paul

**Requisition #:** 5674

**Commodity:** 250M form, type to set, two-sided

**Contact:** Printing Buyer's Office

**Informal Bid Opening:** 4:30pm March 28

**Agency:** Jobs & Training

**Deliver to:** St. Paul

**Requisition #:** 5914

**Commodity:** 8600 flyers, 8½" × 11", type to be set, keylined, letterfold

**Contact:** Printing Buyer's Office

**Informal Bid Opening:** 4:30pm March 28

**Agency:** Council on Disability

**Deliver to:** St. Paul

**Requisition #:** 5926

**Commodity:** 50M sets, numbered, licenses finished size 8½" × 3½" with stub camera ready, two-sided

**Contact:** Printing Buyer's Office

**Informal Bid Opening:** 4:30pm March 29

**Agency:** Natural Resources

**Deliver to:** St. Paul

**Requisition #:** 5878

**Commodity:** 15M numbered sets, licenses finished size 8½" × 3½" with stub camera ready, two-sided

**Contact:** Printing Buyer's Office

**Informal Bid Opening:** 4:30pm March 29

**Agency:** Natural Resources

**Deliver to:** St. Paul

**Requisition #:** 5881

**Commodity:** 12M numbered sets, licenses finished size 3" × 8½" with perforations, camera ready, two-sided

**Contact:** Printing Buyer's Office

**Informal Bid Opening:** 4:30pm March 29

**Agency:** Natural Resources

**Deliver to:** St. Paul

**Requisition #:** 5875

**Commodity:** 7,500 numbered sets, licenses finished size 3" × 8½" with perforations, camera ready, two-sided

**Contact:** Printing Buyer's Office

**Informal Bid Opening:** 4:30pm March 29

**Agency:** Natural Resources

**Deliver to:** St. Paul

**Requisition #:** 5877

**Commodity:** 15M numbered sets, licenses finished size 8½" × 3½" with stub, camera ready, two-sided

**Contact:** Printing Buyer's Office

**Informal Bid Opening:** 4:30pm March 29

**Agency:** Natural Resources

**Deliver to:** St. Paul

**Requisition #:** 5879

**Commodity:** 100M 4-part forms, 9½" × 11" finished overall, one and two sided, negs furnished

**Contact:** Printing Buyer's Office

**Informal Bid Opening:** 4:30pm March 29

**Agency:** Human Services

**Deliver to:** St. Paul

**Requisition #:** 5905

**Commodity:** 100M numbered sets, licenses finished size 8½" × 3½" with stub camera ready, two-sided

**Contact:** Printing Buyer's Office

**Informal Bid Opening:** 4:30pm March 29

**Agency:** DNR

**Deliver to:** St. Paul

**Requisition #:** 5880

**Commodity:** 25M numbered sets, 8½" × 3½" with stub, camera ready, two-sided

**Contact:** Printing Buyer's Office

**Informal Bid Opening:** 4:30pm March 29

**Agency:** DNR

**Deliver to:** St. Paul

**Requisition #:** 5882

**Commodity:** 10M parchment certificates, 10" × 14", one-sided, camera ready

**Contact:** Printing Buyer's Office

**Informal Bid Opening:** 4:30pm March 29

**Agency:** Children's Trust Fund

**Deliver to:** St. Paul

**Requisition #:** 5916

**Commodity:** 4,500 college catalogs, 104 pages + cover, 6" × 9", camera ready

**Contact:** Printing Buyer's Office

**Informal Bid Opening:** 4:30pm March 30

**Agency:** Mesabi Community College

**Deliver to:** Virginia

**Requisition #:** 5925

**Commodity:** 5,000 information packets, camera ready, one-sided

**Contact:** Printing Buyer's Office

**Informal Bid Opening:** 4:30pm March 30

**Agency:** Jobs & Training

**Deliver to:** St. Paul

**Requisition #:** 5765



**Commodity:** 75M wage statements, negs furnished, one-sided, 8½" × 7" finished size

**Contact:** Printing Buyer's Office

**Informal Bid Opening:** 4:30pm March 30

**Agency:** Corrections

**Deliver to:** St. Paul

**Requisition #:** 5890

**Commodity:** 1,500 labels in 500 per roll, type to set, 3½" × 5"

**Contact:** Printing Buyer's Office

**Informal Bid Opening:** 4:30pm March 30

**Agency:** Science & Technology Office

**Deliver to:** St. Paul

**Requisition #:** 5922

**Commodity:** 10M continuous mailing labels, pressure sensitive, 3⅞" × 2⅞", continuous fan-fold

**Contact:** Printing Buyer's Office

**Informal Bid Opening:** 4:30pm March 30

**Agency:** Vocational Technical Ed. Bd.

**Deliver to:** St. Paul

**Requisition #:** 5196

**Commodity:** 20M #10 envelope, negs furnished, one-sided

**Contact:** Printing Buyer's Office

**Informal Bid Opening:** 4:30pm March 30

**Agency:** PERA—Pub. Empl. Ret. Assn.

**Deliver to:** St. Paul

**Requisition #:** 5907

**Commodity:** 3500 labels in rolls of 500, 3" × 4", 1-sided, camera ready

**Contact:** Printing Buyer's Office

**Informal Bid Opening:** 4:30pm March 31

**Agency:** Transportation

**Deliver to:** St. Paul

**Requisition #:** 5961

**Commodity:** 100M 3-part sets, 2" × 3" overall, camera ready, glue top edge

**Contact:** Printing Buyer's Office

**Informal Bid Opening:** 4:30pm March 31

**Agency:** Agriculture

**Deliver to:** Minneapolis

**Requisition #:** 5976

## Department of Administration

### Information Policy Office

#### Notice of Request for Proposals for Consulting Services

The Information Policy Office of the Department of Administration is requesting proposals from qualified consultants experienced in planning, developing, and implementing information architectures to provide assistance in developing an information architecture for the state of Minnesota. Assistance is required in development of a conceptual architecture which will form the basis for subsequent development of logical and physical information architectures by providing the concepts, terminology, methodologies, plans, and tools for this continuing effort. The consultant shall also provide assistance in development of a complete architecture in one department of state government to serve as a model for other departments. The information architecture shall include the executive, legislative, and judicial branches of state government, local units of government, and the citizens of the state as they relate to government information. The project is expected to begin April 25, 1988. Proposals are due April 15, 1988.

For a copy of the Request for Proposals, please contact:

Sarah Kline-Stensvold, Director  
Planning Division, Information Policy Office  
204 Administration Building  
50 Sherburne Avenue  
Saint Paul, MN 55155  
Telephone: 612/296-5693

## Administrative Hearings Office

#### Notice of Request for Proposal for Administrative Law Judge Services

The Minnesota Office of Administrative Hearings will be contracting with qualified attorneys to serve as administrative law judges for fiscal year 1989, beginning July 1, 1988 and ending on June 30, 1989.

Attorneys must be admitted to practice law in the State of Minnesota at the time they apply. Additional information on the requested services is detailed in the Request for Proposal which will be sent to all persons who ask to receive one. Persons desiring to receive a Request for Proposal must request one by notifying Duane R. Harves, Chief Administrative Law Judge, Office of Administrative Hearings, 5th Floor, Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone 612/341-7640, no later than 4:30 p.m. on Friday, April 22, 1988. Final proposals must be received by the Office of Administrative Hearings by 4:30 p.m. on Friday, April 29, 1988.

## State Contracts and Advertised Bids

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### Notice of Request for Proposal for Court Reporting and Transcription Services

The Minnesota Department of Administration is acting as contracting agent for state departments and agencies that have a need for:

1. Court reporting services to provide an accurate and verbatim record of proceedings and depositions required by state and federal law, and
2. Transcription services to prepare an accurate and verbatim typewritten record from proceedings recorded on single track or four track audio magnetic recording devices, such as 5" reel-to-reel tapes and standard cassette tapes.

All state agencies needing one or both of these services will be required to use the contracts resulting from this proposal. Some of the state agencies having a need for the services are the Attorney General's Office, Office of Administrative Hearings (Administrative Procedure Act and Workers' Compensation Law hearings), Department of Labor and Industry, Tax Court, Public Utilities Commission, Department of Public Service, Environmental Quality Board, Pollution Control Agency, Mediation Services, Human Services, Transportation and Economic Security.

IT IS UNLIKELY THAT WE WILL BE SOLICITING ADDITIONAL PROPOSALS DURING FISCAL YEAR 1989.

Additional information on the requested services will be included in the Request for Proposal which will be sent to all persons or associations asking to receive one. Persons or associations who wish to receive a Request for Proposal must request one by notifying Dennis Reek, Office of Administrative Hearings, 5th Floor, Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone 612/341-7643, no later than 4:30 p.m., April 22, 1988. Final proposals must be returned to the Office of Administrative Hearings at the above address by 4:30 p.m., Friday, April 29, 1988.

## Minnesota Amateur Sports Commission

### Request for Proposal to Host the 1989 Winter and Summer Minnesota State Games

The Minnesota Amateur Sports Commission is requesting proposals from any city in Minnesota interested in hosting the 1989 ('90) Winter or Summer Minnesota State Games ("Star of the North" State Games). The Games will be regulated by the "Star of the North" State Games Board.

The Minnesota State Games is an Olympic-style sports festival created for Minnesota's amateur athletes. (The Games are designed for Minnesota residents only.) Patterned after the Olympics, the 1989 Minnesota State Games will likely consist of ten (10) or more different sporting events for many age levels. The sports may include: speedskating, ski competitions and figure skating as Winter Game events; and basketball, baseball, bowling, canoeing, cycling, soccer, softball, swimming, track & field and wrestling as Summer Game events. There will also be several competitions for the physically disabled. The host city will have the option to work in cooperation with the State Games Board to add sports or, in some cases, to delete sports that are not suitable for the particular host city.

This will be the second annual formal Minnesota State Games instituted by the Minnesota Amateur Sports Commission. The Games will provide the incentive for Minnesota athletes of all ages and skill levels to develop their physical talent and competitive abilities. The Games present an opportunity for amateur athletes to compete within their sport to win the prestigious Minnesota State Games title and the statewide recognition they deserve.

Any Minnesota city interested in bidding for the 1989 Winter or Summer State Games should realize that hosting statewide competitions in the previously mentioned sports will have a significant economic impact to their host community. The inaugural State Games to be held in the summer of 1988 should have approximately 3,000 to 5,000 athletes and an equal number of friends, families and spectators. Host cities can expect a significant number of visitors, some of whom may desire housing in the dormitory facilities (as space permits) or in the hotels, motels or resorts of the area.

The host city must provide and guarantee the availability of suitable sport facilities for the previously mentioned sports. A key facility for the Games is a stadium with approximately 5,000 seats that could host opening and closing ceremonies. Another important requirement for the host city is that it must provide a qualified number of housing opportunities for competitors and officials. Note: The State Games Board will determine the exact requirements for this provision. The host city will provide a limited number of dormitory rooms and meals on a cost-free basis to the State Games (for officials, etc.) and the majority at provider cost for athletes.

The host city must demonstrate that the total community, including media, educational institutions, business and government agencies, will be supportive and cooperate with the State Games.

Host cities are encouraged to identify potential financial sponsors for their community for State Games and to include as a selling point for their bid.

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## State Contracts and Advertised Bids

**Scheduled Dates for '89 Winter and Summer State Games:** The Winter Games dates should fall in the range from January 15 to March 15, 1989. The 1989 Summer Games will be a two-weekend event, and the time is the last weekend in June and the first weekend in July.

**Determination:** The State Games Board is expected to name the host city by May 5, 1988 for the winter '89 and Summer '89 State Games. The State Games Board will make its recommendation to the Minnesota Amateur Sports Commission which has final authority as to the State Games Program. The State Games Board has final authority over the policy, scheduling and jurisdiction for State Games in Minnesota upon final approval of the Commission. It is important to note that the State Games Board will assume total financial responsibility for the Games. The host city has a specific responsibility for the physical elements and a portion of the financial equation.

THIS REQUEST FOR PROPOSAL DOES NOT OBLIGATE THE STATE TO COMPLETE THE PROJECT AND THE STATE RESERVES THE RIGHT TO CANCEL THE SOLICITATION IF IT IS CONSIDERED TO BE IN ITS BEST INTEREST.

Proposals should be received by the Minnesota Amateur Sports Commission no later than 4:30 p.m., Friday, April 29, 1988. A copy of the Request for Proposal is available upon request. Inquiries and requests should be directed to:

Kay Lacher  
State Games Director  
Minnesota Amateur Sports Commission  
c/o Minnesota Department of Trade & Economic Development  
900 American Center Building  
150 E. Kellogg Blvd.  
St. Paul, MN 55101  
612/296-7473

## State Designer Selection Board

### Request for Proposal for two Projects at the University of Minnesota

#### TO REGISTERED PROFESSIONALS IN MINNESOTA:

The State Designer Selection Board has been requested to select a designer for two projects at the University of Minnesota. Design firms who wish to be considered for this project should submit proposals on or before 4:00 p.m., April 19, 1988, to George Iwan, Executive Secretary, State Designer Selection Board, Room G-10, Administration Building, St. Paul, Minnesota 55155-1495.

#### The proposal must conform to the following:

1. Seven copies of the proposal will be required.
2. All data must be on 8½" x 11" sheets, soft bound.
3. The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 8 below, together with the designer's firm name, address, telephone number and the name of the contact person.

#### 4. Mandatory Proposal contents in sequence:

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

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

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

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

e) A section containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualification for the work. The graphic material must be identified. It must be work in which the personnel listed in "c" have had significant participation and

## State Contracts and Advertised Bids

their roles must be clearly described. It must be noted if the personnel named were, at the time of the work, employed by other than their present firms.

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

### 5. Statutory Proposal Requirements:

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

- a) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
- b) A statement certifying that firm has a current certificate of compliance issued by the Commissioner of Human Rights; or
- c) A statement certifying that the firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months; or
- d) A statement certifying that the firm has an application pending for a certificate of compliance.

6. In accordance with the provisions of *Minnesota Statutes*, 16B.19, Subdivision 6, at least 10% of the amount of any contract in excess of \$200,000.00 must be subcontracted to certified small businesses owned and operated by S/E/D persons as defined by *Minnesota Statutes* 645.445. Alternatively, the requirement may be met by purchasing materials or supplies from S/E/D businesses. Any combination of subcontracting and purchasing that meets the 10% requirements is acceptable. If there are no S/E/D persons able to perform subcontracting or provide supplies and materials, other small businesses as defined are to be utilized instead of small businesses owned and operated by S/E/D persons.

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

- a) Enclose a self-addressed stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded; or
- b) Enclose a self-addressed stamped mailing envelope with the proposals. When the Board has completed its review, proposals will be returned using this envelope.

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

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

### 8a) PROJECT—11-88

Nuclear Magnetic Resonance Research Facility  
University of Minnesota—Minneapolis

The University of Minnesota intends to construct a Nuclear Magnetic Resonance (NMR) Research Facility on the Minneapolis campus. The facility will consist of approximately 14,000 gsf to house four magnetic resonance imaging machines which will be used for research and diagnostic purposes. The site for the facility is underground and northwest of the University Hospital. The facility will be in space mined in the St. Peter sandstone immediately below the Plattville limestone layer. The floor level will be approximately eighty feet below grade.

The facility has a construction budget of approximately \$2.5 million. In addition to spaces for the magnetic resonance imaging equipment, the project includes two laboratories, an animal holding and operating room, an office and clerical suite, conference room, and a service dock. Also required will be shafts and connections to existing buildings. The facility is to be designed with an expansion capability of approximately 5,000 gsf.

The University retained a special mining consultant, CNA Consulting Engineers of Minneapolis, Minnesota, to investigate the feasibility of constructing the facility in mined space.

### 8b) PROJECT—12-88

Community University Health Care Center  
University of Minnesota—Minneapolis

The University of Minnesota Hospital and Clinic (UMHC) is planning to build a new clinic facility for the Community University Health Care Center (CUHCC), an outpatient clinic of UMHC located in south Minneapolis. The plan is to locate the new facility on Bloomington Avenue, just south of Franklin Avenue, on what is presently the parking lot for Heller's Grocery Store. The current CUHCC site, at 2016 16th Avenue South, will be razed and converted into a parking lot.

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## State Contracts and Advertised Bids

Total building size is estimated at 16,000 square feet and will include medical, dental and mental health clinics. Approximately eighty-five parking spaces are needed for staff and patients. Building alternatives include constructing a totally new facility or re-using and adding to the existing grocery store. Site area is 46,034 square feet.

Questions concerning these projects may be referred to Clint Hewitt at 625-7355.

Damon Farber, Chairman  
State Designer Selection Board

## Minnesota Department of Health

### Notice of Availability of Media and Market Research for Statewide Anti-Tobacco Initiative

The Minnesota Department of Health is seeking proposals from Minnesota agencies interested in competing for one, or possibly two, two-year contracts for implementing the following: 1) mass media campaigns, and 2) related market research and evaluation projects for the purpose of promoting a tobacco-free lifestyle among Minnesota teens, pre-teens, and young women.

The contractor(s) selected will be expected to extend the market research and evaluation efforts of the Health Department so that future media messages can be effectively targeted to market segments and the impact and effect of media campaigns can be measured. Contractor(s) will also be asked to develop and implement a plan for extending and expanding on the mass media and marketing outreach efforts completed to date.

Applicants for media projects must demonstrate appropriate creative ability and experience. Applicants for research projects must demonstrate appropriate research ability, facilities, and experience. All applicants must demonstrate having the administrative, organizational, and fiscal capability to complete the projects to be covered by the contract(s). Other desirable qualifications include experience with public service or public health projects, skills in evaluating media campaigns, and experience in working with teens, pre-teens, and young women.

The total budget for this contract (or these contracts) is not more than \$2,105,900 for the two-year period starting July 1, 1988 and ending June 30, 1990. Continuation of the contract(s) for the full two-year period will depend on availability of funds and on the contractors' performance. Contract(s) shall be subject to review at the end of the first year and again after the second year, with a possible option to renew the contract(s) for a third year.

Agencies interested in bidding on these projects should request a copy of the Request for Proposal from:

Darlene Zirk, secretary  
Section of Nonsmoking and Health  
Minnesota Department of Health  
717 S.E. Delaware St.  
Minneapolis, MN 55440  
(612) 623-5272

The Request for Proposal will be available on March 28, 1988. The deadline for submitting proposals is Wednesday, April 27, 1988.

## Minnesota Historical Society

### Advertisement for Bids for Printing, Binding, and Mailing of the 1988 Spring/Summer Catalog of Publications

#### BIDS

Sealed bids for the printing of the Minnesota Historical Society's 1988 Spring/Summer Catalog of Publications, in accordance with specifications prepared by the Minnesota Historical Society, 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., on April 5, 1988, at which time the bids will be publicly opened and read aloud. Bids received after 2:00 p.m., April 5, 1988, 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, payable without condition to the Minnesota Historical Society, which is submitted as bid security.

## State Contracts and Advertised Bids

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### SPECIFICATIONS

Copies of bidding documents for preparation of bids may be obtained by contacting Mark Schwartz, Contract Officer, Minnesota Historical Society, 1500 Mississippi St., St. Paul, MN 55101, (612) 296-2155.

### 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 Human Services

### Audit Division

### Request for Proposals: Inpatient Hospital Medical Review Agent

The Minnesota Department of Human Services is requesting proposals for the medical review of inpatient hospital services provided by Minnesota and Minnesota local trade area hospitals under the Medical Assistance and General Assistance Medical Care Programs.

Responsibilities of the medical review agent are contained in *Minnesota Rules* and will also be supplemented by requirements imposed under the contract.

The areas of activity generally include the following:

A. *Minnesota Rules*, parts 9505.0500 to 9505.0540 establish standards and procedures for the review of medical necessity in an inpatient hospital setting. This involves determining the medical necessity of admissions, services, continuing stay and that all medically necessary services were provided. In addition, readmissions within a specified time frame will be reviewed.

B. *Minnesota Rules*, parts 9500.1090 to 9500.1155 relate to inpatient hospital rate setting and reimbursement. This involves the monitoring of transfers, cost outliers, and day outliers.

C. *Minnesota Rules*, parts 9505.5000 to 9505.5105 establish standards and procedures for prior authorization and the need for second surgical opinions. This involves determining the medical appropriateness of specified surgical procedures through second surgical opinions.

D. Review of the hospital's implementation of their utilization review plan to assure conformity with federal utilization control and review regulations.

The contract period will be from July 1, 1988 through June 30, 1991. It may also be extended for two years based on agreement between the Department and the medical review agent. The deadline for receipt of proposals is May 11, 1988, at 4:00 p.m. Selection and notification of the contract award will occur by June 1, 1988. A detailed description of the contract requirements and specifications for submission of the proposal may be obtained from:

Paul Olson, Supervisor  
Hospital Section  
Audit Division  
520 Lafayette Road  
St. Paul, MN 55101

## Department of Jobs and Training

### Notice of Proposed Contracts for Federal Fiscal Year 1988

The Minnesota Department of Jobs and Training, Office of Services for the Blind and Visually Handicapped (SSB) is publishing notice that the contracts listed below are available and will be awarded for Federal Fiscal Year 1988 (ending September 30, 1988):

A. Notice of Proposed Contracts for Reader Services

SSB is seeking individuals/organizations to provide reader services as a reasonable accommodation to blind or visually handicapped employees of the agency. As a Reader, the individual will read incoming correspondence, case file information, regulations, grants/grant applications, etc. and record information on fiscal documents, rehabilitation plans, applications and client information system forms as dictated by the blind or visually handicapped employee. The following approximate number of contracts will be let:

1. 5 Readers for the Metro area; 1 of these must have a working knowledge or familiarity of computer-related technical terms and language.

2. 1 Reader for the Rochester area.

**B. Notice of Proposed Contracts for Driver Services**

SSB is seeking individuals/organizations to provide driver services as a reasonable accommodation to blind or visually handicapped employees of the agency. As a Driver, the individual will drive the blind or visually handicapped employee to meetings, client interviews or appointments and return to the office in their own or a state-owned vehicle. The following approximate number of contracts will be let:

1. 5 Drivers for the Metro area;

2. 1 Driver for the Rochester area serving Dodge, Fillmore, Freeborn, Houston and Mower Counties;

3. 1 Driver for the St. Cloud area serving Douglas, Pope, Stearns, Stevens and Todd Counties.

Candidates must possess a valid driver's license and good driving record and provide proof of insurance if their own vehicle is to be used.

All individuals will be paid at a rate of \$4.50 per hour. Contracts will range from 10-20 hours per week based on the individual need of the employee. An individual providing driver services who uses his/her own vehicle shall be reimbursed as part of the contract at a rate of \$.27 per mile. Total cost of all contracts is not expected to exceed \$25,000.00. Inquiries and/or proposals including a brief statement of qualifications and training/work experience should be directed to:

Julie Talbott, Program Support Manager  
Services for the Blind and Visually Handicapped  
1745 University Avenue  
St. Paul, Minnesota 55104  
(612) 642-0511

Individuals interested in being both a reader and a driver should indicate this in their brief statement. All proposals must be received by 4:30 p.m., Friday, 5/6/88. The selection process for both the reader and driver will include a work demonstration component.

## **Department of Trade and Economic Development**

### **Request for Proposal to Study Minnesota's Public Water System Needs and Costs**

Notice is hereby given that the Department of Trade and Economic Development is requesting proposals from persons or organizations to conduct a study of public water system needs and costs in Minnesota resulting from deterioration of existing systems, the non-existence of public water systems, or from ground or surface water contamination. The study must include compiling, analyzing, interpreting, and summarizing existing reports, data, and studies conducted or commissioned by, but not limited to, the Minnesota Department of Health, the Department of Natural Resources, the Department of Agriculture, the Board on Soil and Water Resources, the Pollution Control Agency, the State Planning Agency, the Metropolitan Council, the Waste Management Board, the Legislative Commission on Minnesota Resources, the University of Minnesota, and Rural Water Associations.

The study must also include a survey of all local units of government to assess water system needs from the local perspective. The study must also assess local operation and maintenance costs.

The study would be used to assess the need for public well and water system financing. The study must be completed by June 30, 1988.

Interested persons or organizations should submit their proposals, including scope of work to be completed, timetable for completion, and budget to:

Louis Jambois  
DTED  
150 East Kellogg Boulevard  
St. Paul, MN 55101  
612/297-3172

Proposals are due at the above address on April 11, 1988.

## Non-State Public Contracts

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

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

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## Metropolitan Council of the Twin Cities Area

### Request for Proposals for Preparation of an EIS on Solid Waste Resource Recovery Facility

The Metropolitan Council desires proposals for preparation of environmental review documents, including an environmental assessment worksheet and environmental impact statement on the proposed Dakota County Resource Recovery Project. A women and minority business enterprise participation goal of 20 percent has been set for this project.

Responses must be received on or before 4 p.m., April 22, 1988. Questions and requests for copies of the RFP should be directed to:

John Rafferty  
Metropolitan Council  
300 Metro Square Bldg.  
7th & Robert Streets  
St. Paul, MN 55101  
(612) 291-6459

## Metropolitan Council of the Twin Cities Area

### Request for Proposal to Produce Videotape About Persons With Developmental Disabilities

Notice is hereby given that the Metropolitan Council is requesting proposals to develop, film, and edit a twenty minute videotape about the assessment and planning processes used in the casemanagement function for individuals with developmental disabilities and their families. Filming will take place in Cambridge, Minnesota and the Metro area. The project will commence by May 5, 1988 and should be completed by June 30, 1988. All proposals must be received no later than 4:00 p.m. on April 11, 1988. (Attention: Kay S. Zwernik, Developmental Disabilities Program.)

Copies of the Request for Proposal may be obtained from the Metropolitan Council, 300 Metro Square Building, St. Paul, Minnesota 55101. Inquiries should be directed to Kay S. Zwernik, (612) 291-6364.

## Stearns County Purchasing

### Invitation to Bid IBM Model 36 Computer Equipment

Stearns County invites bidders to bid on the purchase of one IBM Model 36 Computer System and peripheral software. The equipment is to be installed at the Stearns County Courthouse, Courthouse Square, St. Cloud, Minnesota. The equipment contract shall be awarded at the regular County Board meeting of May 3, 1988 and shall be based on the specification listed.

Specifications are available for prospective bidders after March 21, 1988. Bids will be opened April 15, 1988 at 10:00 a.m. in Room 103 of the Stearns County Courthouse. For more information please contact:

Mr. Steve Lueck  
Stearns County Purchasing Agent  
P.O. Box 615  
Room 103, Courthouse  
St. Cloud, MN 56302-0615  
(612) 259-3607



# State Grants

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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.

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## Minnesota Department of Corrections

### Applications Accepted for Funding Under the Victims of Crime Act

The Minnesota Department of Corrections (DOC) will begin accepting applications immediately to expand or enhance provision of direct services to victims of child abuse in Minnesota. A total of \$142,250 is available for the period from July 1, 1988-June 30, 1989.

Public or private non-profit agencies interested in applying may secure an application form and guidelines from:

Gail Wik, Coordinator  
MN Department of Corrections  
300 Bigelow Building  
450 North Syndicate Street  
St. Paul, MN 55104  
(612) 642-0352

Applications for funding will be accepted until 4:30 p.m., April 29, 1988.

## Department of Jobs and Training

### State Job Training Office

### Notice of Availability of Juvenile Justice Grants

The Minnesota Juvenile Justice Advisory Committee announces the availability of \$425,460 for Juvenile Justice Grants contingent upon the receipt of the federal award from the U.S. Department of Justice. Funds are available in the following areas:

- Prevention
- Courts—Legal Services
- Preadjudication Alternatives
- Postadjudication Alternatives
- Training

Funds will be available from the total award for mini-grant programs in the areas of prevention and training to begin October 1, 1988 and end September 30, 1989. Mini-grant applications in the prevention area may request up to \$2,000 per application and in the training area up to \$1,000 per application. Mini-grant applications will be accepted on a one-time basis. The balance of the award will be available for projects that meet the requirements stated in the Multi-year Action Plan.

Applications for the regular grant and mini-grant programs must be received no later than May 20, 1988. Please indicate whether you are interested in the regular grant program or the mini-grant program when requesting application materials. The Juvenile Justice Advisory Committee will award the grants in August for an October 1, 1988 start-up date.

Application forms, the application manual, and program area information can be obtained by contacting:

Jerry Ascher  
Juvenile Justice Grant Program  
State Job Training Office  
690 American Center Building  
150 East Kellogg Boulevard  
St. Paul, MN 55101  
(612) 296-8601

# Supreme Court Calendar

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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.

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## April 1988

### Compiled by Mary D. Flynn, (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, April 4, 1988 9:00 a.m.

**C8-87-691 In Re Petition for Disciplinary Action against ROBERT MUNNS, an Attorney at Law of the State of Minnesota** (Attorney for respondent Theodore J. Collins) Petition for Disciplinary Action

Is a sanction less than suspension the appropriate discipline for a Minnesota attorney of 25 years who failed to file and pay his income tax returns, under the extreme, extenuating circumstances of a severe psychological problem, the breakup of his marriage, and dissolution of his law partnership, and where no harm came to any client?

**C6-87-1127 In Re Petition for Disciplinary Action against SCOTT J. STROUTS, an Attorney at Law of the State of Minnesota** (Attorney for respondent Frank Vogl of Best and Flanagan). Petition for Disciplinary Action

Is public reprimand of respondent appropriate where respondent improperly obtained an \$11,000 loan from the company by which he was employed and in so doing intentionally prejudiced the client, in violation of DR 7-101(A)(3), Minnesota Code of Professional Responsibility?

### Tuesday, April 5, 1988 9:00 a.m.

**C0-87-782 DAVID SCHMIDT, Respondent** (Attorney: Nancy S. Fay of Gunhus, Grinnell, Klinger, Swenson & Guy) **vs. MIDWEST FAMILY MUTUAL INSURANCE COMPANY, petitioner, Appellant** (Attorney: Thomas L. Garrity of Cahill & Maring, P.A.). Opinion Court of Appeals

Where the clause in an insurance policy makes binding on both parties an arbitrators decision fixing the amount of damages unless one of the parties demands a trial within 60 days valid and enforceable?

**C6-85-1544 In Re Petition for Disciplinary Action against MARLON O. HAUGEN, an Attorney at Law of the State of Minnesota.** Petition for Disciplinary Action

Does the respondent's failure to timely file state income tax returns, frivolous pleading and failure to pay court awarded attorneys fees, and failure for over two years to pay a judgment for court reporter fees warrant suspension where much of the misconduct either occurred or continued after respondent had been placed upon probation by this Court?

### Wednesday, April 6, 1988 11:00 a.m. at Hamline University

**C4-87-297 ROSEMARY SHERLOCK OFFERDAHL, et al., Respondents** (Attorney: Reed K. Mackenzie of Hvass, Weisman & King) **vs. UNIVERSITY OF MINNESOTA HOSPITALS AND CLINICS, petitioners, Appellants** (Attorney: David C. Hutchinson of Geraghty, O'Loughlin & Kenney, P.A.). Opinion Court of Appeals

When a lawsuit arising out of the use of an IUD is commenced nearly seven years after the insertion of the IUD and more than five years after its removal, is the cause of action barred by the two year statute of limitations?

In determining the accrual of a medical negligence claim, does "termination of treatment" mean only treatment the physician initially provided or does it include the initial treatment and treatment of any complications arising therefrom?

### Thursday, April 7, 1988 9:00 a.m.

**C5-87-826 RICHARD ALAN JOHNSON, Respondent** (Attorney: John Kallestad of Schneider & Kallestad) **vs. AMERICAN FAMILY MUTUAL INSURANCE COMPANY, petitioner, Appellant** (Attorney: Joe E. Thompson of Schmidt, Thompson, Thompson, Johnson & Moody, P.A.). Opinion Court of Appeals

Is the appellant precluded from receiving underinsured motorist benefits because of below policy limit settlement with one of two third-party tortfeasors?

Should attorney's fees have been awarded to the appellant?

**C6-87-2424 & C6-87-2438 WILLIAM F. GIESE, Respondent** (Attorney: Terry W. Viesselman of Wilhelm & Viesselman, P.A.) **vs. GREEN GIANT COMPANY and THE TRAVELERS INSURANCE COMPANY, respondents (C6-87-2424), Relators (C6-87-2438)** (Attorney: Joseph J. Grill of Alex B. Leibel & Associates) **and CITY of BLUE EARTH, Self-insured, Relator (C6-87-2424) Respondent (C6-87-2438)** (Attorney: Andrew J. Morrison of Koll, Morrison & Charpentier). Order Workers' Compensation Court of Appeals

Is the compensation judge's finding that the employee's injury of March 9, 1978 was a substantial contributing cause of the employee's temporary and permanent partial disability and need for treatment following his injury of August 31, 1984, manifestly contrary to the evidence?

Is the compensation judge's finding that the employee made a reasonably diligent effort to find work manifestly contrary to the evidence?

Is the employee eligible to receive temporary partial disability compensation after reaching maximum medical improvement subsequent to 90 days after service of the maximum medical report on the employee?

Does *Minnesota Statutes* 176.101 Subd. 4a preclude equitable apportionment as between two employers?

**Monday, April 11, 1988 9:00 a.m.**

**C5-87-3 MARK A. SCHNEIDER, petitioner, Appellant** (Attorney: Kenneth R. Moen of Dunlap, Keith, Finseth, Berndt & Sandberg, P.A.) **vs. HAROLD BUCKMAN, individually and d/b/a BUCKMAN-SCHIERTS AMBULANCE SERVICE, Respondent** (Attorney: Robert C. Bell of Peterson, Bell, Converse & Jensen) **PAT BUCKMAN, Respondent** (Attorney: Thomas P. Kelly of Brown and Bins). Opinion Court of Appeals

Should uncollectible damages representing the 65 percent of negligence assigned to other persons should be reallocated pursuant to *Minnesota Statutes*, § 604.02 to a 35 percent negligent defendant whom the plaintiff had agreed to indemnify?

Should the plaintiff be entitled to collect damages representing the defendant employee's assigned share of negligence from the defendant employer where the plaintiff agreed prior to trial to satisfy any indemnity or contribution claims against the defendant employer.

**C0-87-2449 RUBY S. GRUNST, Respondent,** (Attorney: David E. Zins of Miller & Neary) **vs. IMMANUEL-ST. JOSEPH HOSPITAL and GREAT GLOBAL INSURANCE COMPANY, Relators** (Attorney: Gary C. Reiter of Mahoney, Dougherty and Mahoney). Order Workers' Compensation Court of Appeals

Was the employee's work activity at the employer a permanent aggravation of the pre-existing Raynaud's phenomenon or the pre-existing Scleroderma condition or was it a temporary aggravation of one or both of these separate disease entities?

Was it proper for the court to defer finding as to the extent of permanent partial disability, subject to further petition by employee with additional medical opinion and support?

**Tuesday, April 12, 1988 11:00 a.m.**

**C1-87-1553 STATE of MINNESOTA, Respondent** (Attorney: Alan L. Mitchell and Brian D. Simonson St. Louis County Attorneys) **vs. KENNETH ROBINSON, Appellant** (Attorney: Susan J. Andrews Assistant Public Defender). Judgment St. Louis County

Did the trial court commit reversible error by failing to suppress the statement elicited from appellant during custodial interrogation?

Was appellant's waiver of his Miranda rights knowing, voluntary, and intelligent?

Did the trial court err when it admitted Spreigl evidence concerning two similar offenses committed by Appellant?

Did the trial court correctly refuse to instruct the jury on self defense?

**C5-87-1393 STATE of MINNESOTA, Respondent** (Attorney: Larry Collins Waseca County Attorney) **vs. MICHAEL W. FENNEY, Appellant** (Attorney: Elizabeth B. Davis Assistant Public Defender). Order Waseca County

Was the evidence sufficient to support the jury's verdict that appellant is guilty of one count of murder in the first degree and two counts of murder in the second degree?

Was the evidence of genetic markers in dried bloodstains, obtained through electrophoretic testing, properly admissible at trial?

Did the prosecutor, in asking a BCA witness about his experience as a criminal investigator, properly include questions about his background of conducting interviews as a polygraph examiner?

Did the trial court properly preclude appellant from cross-examining a witness about knife threats he had made against two other persons, neither of which was the victim, at a different time and under different circumstances than the murder in this case?

## Supreme Court Calendar

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Was a pretrial identification consisting of a single photograph of appellant shown to an eyewitness conducted in a manner that was unduly suggestive or that created a substantial likelihood of misidentification?

Did the trial court properly deny appellant's motion for a new trial based on newly discovered evidence?

**Wednesday, April 13, 1988 9:00 a.m.**

**C0-87-1124 WILLIAM BROTON, as parent and natural guardian of JOHN BROTON, a minor, Respondent** (Attorney: Joseph F. Chase of O'Brien, Ehrick, Wolf, Deaner, & Downing) **vs. WESTERN NATIONAL MUTUAL INSURANCE COMPANY, Petitioner, Appellant** (Attorney: James T. Martin of Gislason, Martin & Varpness, P.A.) **STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, Defendant.** Opinion Court of Appeals

Does *Minnesota Statutes*, 65B.49, Subd. 4(a) (1986) prevent a claimant from recovering underinsured motorist benefits where the limits of such insurance are the same as the tortfeasor's liability insurance limits and where such limits have been tendered to the claimant?

**C1-86-2045 In Re Petition for Disciplinary Action against JAMES H. SCHAEFER, an Attorney at Law of the State of Minnesota.** Petition for Disciplinary Action

What discipline is appropriate for respondent's repeated neglect of client matters, failure to communicate with clients, false statements, improper retention of client files and checks, breach of fiduciary duties, failure to comply with court orders, practicing while suspended, and failure to cooperate with disciplinary proceedings?

**Friday, April 22, 1988 11:00 a.m. at Milaca High School, Milaca, MN**

**CX-87-403 In Re the Marriage of: ROBERT J. SEFKOW, petitioner, Appellant,** (Attorney: Sally I. Robertson of Kennedy & Nervig) **vs. PAULA D. SEFKOW, Respondent** (Attorney: Wallace R. Goulet of Goulet Law Firm). Opinion Court of Appeals

Did the custody rulings by the Court of Appeals comply with the procedural and substantive law of *Pikula v. Pikula*, 374 N.W.2d 705 (Minn. 1985)?

Was an award of maintenance by the Court of Appeals justified by the evidence and authorized by law?

Was an award of child support by the Court of Appeals justified by the evidence and authorized by law?

**Wednesday, April 27, 1988 9:30 a.m. at Landmark Center, St. Paul, MN**

**NELSON S. PARKER, et al., Respondents** (Attorney: Thomas A. Leary of Ramier and Gries) **vs. E. HARVEY O'PHELAN, M.D. petitioner, Appellant** (Attorney: Kay Nord Hunt of Lommen, Nelson, Cole & Stageberg, P.A.) **ST. MARY'S HOSPITAL, Respondent** (Attorney: Andrew L. Marshall of Bassford, Heckt, Lockhart & Mullin, P.A.). Opinion Court of Appeals

May the trial court extend the time for providing an affidavit of expert review after expiration of the 60-day limit under M.S.A. 145.682?

## Supreme Court Decisions

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### Decisions Filed 25 March 1988

**C0-87-507 State of Minnesota, petitioner, Appellant, v. Richard Rex Rean. Court of Appeals.**

Although trial court apparently did not comply with procedural requirements of Minn. R. Crim. P. 26.03, subd. 19(2), in responding to jury requests for rereading of testimony, the trial court did not abuse its discretion in denying the requests, which were unreasonable; further, assuming arguendo that trial court erred, any error was nonprejudicial.

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

**C8-87-1694 City of Minnetonka, Appellant v. Paul Cummings Shepherd. Court of Appeals.**

Police officer properly stopped motor vehicle in reliance on telephone tip from person who identified himself as attendant at nearby gas station and said that driver of vehicle in question had just been in station and was intoxicated.

Reversed and remanded for trial. Amdahl, C.J.

**C3-86-782 John F. Swanson, et al. v. City of Bloomington, petitioner, Appellant. Court of Appeals.**

The district court properly reviewed the municipal zoning decision on the record where the municipal proceeding was fair and the record is clear and complete.

The district court properly granted summary judgment to the city.

Reversed; judgment of district court reinstated. Wahl, J.

Concurring specially, Popovich, J. and Yetka, J.

**C6-87-1967 Leonard R. Kulenkamp v. Timesavers, Inc. and Midland Insurance Company/Minnesota Guaranty Association, Relators. Workers' Compensation Court of Appeals.**

Consideration of primary liability at a discontinuance proceeding is not constitutionally improper.

The Workers' Compensation Court of Appeals reversed findings of the compensation judge contrary to *Hengemuhle v. Long Prairie Jaycees*, 358 N.W.2d 54 (Minn. 1984).

The record does not support an additional award as a penalty.

Reversed and remanded. Wahl, J.

**C4-87-1790 AMCO Insurance Company v. Mary O. Lang, as Trustee of the Heirs and Next of Kin of Maxine C. O'Loughlin, Deceased, and Thomas J. O'Loughlin. United States District Court. District of Minnesota.**

Amendments to *Minnesota Statutes* § 65B.49, subd. 3a(6) (1986), precluding the stacking of underinsured motorist coverages and *Minnesota Statutes* § 65B.49, subd. 4a (1986), requiring the reduction from underinsured motorist limits of amounts paid by a negligent tortfeasor, apply to all new insurance policies providing benefits for injuries arising out of the maintenance or use of a motor vehicle or motorcycle that are executed, issued, issued for delivery, or delivered after September 30, 1985, and to existing policies that are continued or renewed at the end of the policy period current on September 30, 1985.

Certified question answered in the negative. Coyne, J.

**C6-87-365 Kenneth Cornelius Osterdyke v. State Farm Mutual Automobile Insurance Company, petitioner, Appellant. Court of Appeals.**

When underinsured motorist coverage is imposed by operation of law for failure to make a mandatory offer of such coverage under *Minnesota Statutes* § 65B.49, subd. 6(e) (1978) (repealed 1980), an amount equal to the insured's residual liability limits is available when such limits are greater than the minimum liability coverage required by statute.

Affirmed. Popovich, J.

Took no part, Coyne, J.

**C4-87-719 State of Minnesota v. John Kevin David Scruggs, Appellant. Hennepin County.**

There is sufficient evidence to sustain appellant's conviction of murder in the first degree.

Testimony stemming from plea agreements entered into between the state and its chief witnesses did not violate appellant's right to a fair trial.

Evidence of appellant's participation in a gun store burglary was properly admitted to show motive.

The prosecutor's improper comment during closing argument was harmless error.

The admissible evidence before the grand jury was sufficient to support the indictment.

Affirmed. Popovich, J.

**C0-82-1654 In the Matter of the Application for the Discipline of Paul L. Simonson, an Attorney at Law of the State of Minnesota. Supreme Court.**

Disbarment ordered. Per Curiam.

Took no part, Coyne, J. and Popovich, J.

# Announcements

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**Environmental Quality Board (EQB):** Environmental Assessment Worksheets (EAWs) and the regional governing unit accepting them, are due April 20 on the following projects: Victoria Bay, City of Chaska; Zimmerman Mobile Home Park, City of Zimmerman; Wooddale Church—Eden Prairie; MPCA (MN Pollution Control Agency); Marion Village By-The-Lake, City of Lakeville; Jerome Faribo Farms, Inc. III, Rice County; Lima Mountain FM Radio Tower, DNR; and Beaches Lake Restoration, DNR. A petition has been received by the Metropolitan Airports Commission for the International Airport runway use policy. An environmental impact statement is being prepared on the Riverdale Shopping Center, Coon Rapids. A draft environmental impact statement has been prepared on the Camp Ripley Army National Guard Training Site and comment period ends May 2 with an informational meeting scheduled for April 12 at 7:30 p.m. at Bldg. 6-97 at Camp Ripley. A free PCB Information Packet is available from the U.S. Environmental Protection Agency at (202) 554-1404. A public hearing will be held on the alteration of the wetland basin 75-139N in Stevens County on April 5 at 9 a.m. in the commissioner's room of the Stevens County Courthouse, Morris, MN. The Environmental Quality Board will hold a fact-finding hearing to assist it in preparing findings and conclusions for consideration by the EQB in determining whether the Final Supplemental EIS prepared by the Metropolitan Mosquito Control District is adequate. The hearing will be held Thursday, April 14, 1988 from 3-6 p.m. in the main conference room (third floor) Centennial Bldg., 658 Cedar Street, St. Paul.

**Forestry Makes Predictions for 1988 Insect and Disease Season:** Following are summaries of expected forest insect and disease conditions this season reported by the Department of Natural Resources (DNR) Forestry:

- **Bark Beetles**—Bark beetle activity should be increasing during 1988 because of continuing drought conditions and the large bark beetle population built up during 1987. If spring precipitation is normal or below normal, bark beetle activity will be serious. The bark beetles do not respect ownership or political boundaries and will be serious in stands where the spacing factor is less than 19 percent if the spring is dry. They will be active in well-spaced forests, although their impact will be much less. Particularly in central Minnesota, 1988 could be a banner year for bark beetles. The counties of Pine, Kanabec, Aitkin, Isanti, Mille Lacs, Crow Wing, Morrison, and Benton will have the most serious problems, but the bark beetle problem is likely to exist anywhere red pine are growing on sandy soils and where 1987 precipitation is 6 inches or more deficient.
- **Gypsy Moth**—No outbreaks or major defoliation are predicted. Small numbers of male moths will continue to be recovered from new and existing introductions. The rate of new introductions will decrease given the collapse of the general infestation in the eastern United States. This trend will continue for the next several years but will eventually reverse. Within 15 years, a general infestation of gypsy moth will result in Minnesota as the moth completes its current movement throughout Michigan and across Wisconsin. In May, eradication treatments will begin on a 40-acre infestation in Oak Grove township in Anoka County. Possible additional infestations exist at Delano in Wright County and Minnetonka. Statewide detection trapping will continue in July and August.
- **Forest Tent Caterpillar**—The populations in northern counties seem to be in the building and expanding phase of their cycles, which means that the populations will expand into surrounding areas previously free of forest tent caterpillar activity. In the southern counties, the natural parasites are now increasing and in 1988, the amount and intensity of defoliation should decrease. These populations continue to defy the more predictable cycles of FTC common in the uniform aspen stands of northeastern Minnesota. This may be due in part to the diversity of hardwoods that makes up these southern stands. Oak wilt has been present in Minnesota for many years. Incidence of the disease seems to be on the increase, and this may be due to the great disturbance of the woodlands during urban encroachment. New overland spread of oak wilt is directly related to the amount of wounding and disturbance that takes place on and around oak trees between April 15 and July 1 each year. In early spring, wilting trees are evident by mid-June, in average years, wilting trees are evident after July 1. In 1988, a statewide survey will be completed on the occurrences of oak wilt disease. For more information, contact: Olin Phillips, Insect & Disease Management (612) 296-5965.

# Documents Division

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