

State of Minnesota

STATE REGISTER

4

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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.

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
43	Monday 11 April	Monday 18 April	Monday 25 April
44	Monday 18 April	Monday 25 April	Monday 2 May
45	Monday 25 April	Monday 2 May	Monday 9 May
46	Monday 2 May	Monday 9 May	Monday 16 May

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

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

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

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For Legislative News

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

SENATE

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

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

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

HOUSE

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

This Week—weekly interim bulletin of the House.

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

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

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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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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 Boxing—Department of Commerce

Proposed Rules Relating to Amateur and Professional Boxing, Full Contact Karate, and Kick Boxing

Supplemental Notice of Intent to Adopt a Rule Without a Public Hearing

Notice is hereby given that the State Board of Boxing is hereby republishing the Notice of Intent to Adopt a Rule without a Public Hearing, together with the proposed rules, as published in the *Minnesota State Register*, 28 December 1987, Volume 12, Number 26, pages 1288 through 1296. The thirty day comment period for said rules is hereby extended for 30 days from this publication. Said Notice of Intent and Rules are hereby incorporated herein.

Minnesota Statutes § 14.115, subd. 4, requires agencies, when proposing a new rule or amending existing rules which may affect small businesses to provide an opportunity for small businesses to participate in the rulemaking process. If a small business holds a boxing event, they will be impacted by the proposed rules regarding health and safety regulations, fees and licensing requirements.

Dated: April 13, 1988.

James J. O'Hara
Executive Secretary
Minnesota Board of Boxing

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

Department of Labor and Industry Occupational Safety and Health Division

Proposed Revisions to the Occupational Safety and Health Standards

Request for Comments

Notice is hereby given that the Department of Labor and Industry, Occupational Safety and Health Division (Minnesota OSHA) proposes to adopt the following revisions to the Minnesota Occupational Safety and Health Standards, as authorized under *Minnesota Statutes* § 182.655 (1986) amending the Occupational Safety and Health Standards that have already been proposed and adopted by the federal Occupational Safety and Health Administration (Federal OSHA).

Complete copies of the specific revisions are available by writing: Occupational Safety and Health Division, Department of Labor and Industry, 444 Lafayette Road, St. Paul, Minnesota 55101; or by calling (612) 297-3254.

Interested persons are hereby afforded a period of 30 days to submit written data or comments on the described standards. Any interested person may file with the Commissioner written objections to the proposed standards stating the grounds for those objections. Such person may request a public hearing on those objections.

Ray Bohn, Commissioner
Department of Labor and Industry

Standards as Proposed

5205.0010 ADOPTION OF FEDERAL OCCUPATIONAL SAFETY AND HEALTH STANDARDS BY REFERENCE. The Minnesota Department of Labor and Industry, Occupational Safety and Health standards and rules are amended by incorporating and adopting by reference, and thereby making a part thereof, Title 29 of the *Code of Federal Regulations* as follows:

Part 1910: Occupational Safety and Health Standards as published in Volume 43, No. 206 of the *Federal Register* on October 24, 1978 and corrected in Volume 43, No. 216 on November 7, 1978 which incorporates changes, additions, deletions, and corrections made up to November 7, 1978; and subsequent changes made prior to ~~December 4, 1987~~ April 1, 1988:

Federal Register, Vol. 52, No. 186, dated September 25, 1987; "Servicing of Single Piece and Multi-Piece Rim Wheels at Marine Terminals (1917.44)"; Final Rule."

Federal Register, Vol. 52, No. 187, dated September 28, 1987; "Revision of Construction Industry Test and Inspection Records (1926.550, 1926.552, and 1926.903)"; Final Rule."

Federal Register, Vol. 52, No. 233, dated December 4, 1987; "Occupational Exposure to Formaldehyde (1910.1048)"; Final Rule."

Federal Register, Vol. 52, No. 251, dated December 31, 1987; "Grain Handling Facilities (1910.272)"; Final Rule."

Federal Register, Vol. 53, No. 41, dated March 2, 1988; "Occupational Exposure to Formaldehyde; Approval of Information Collection Requirements, Technical Amendment (1910.1048)."

Federal Register, Vol. 53, No. 49, dated March 14, 1988; "Presence Sensing Device Initiation of Mechanical Power Presses (1910.211, 1910.217)"; Final Rule."

Part 1917: Safety and Health Standards for Marine Terminals as published in Volume 48, No. 129, of the *Federal Register* on July 5, 1983; and subsequent changes made prior to April 1, 1988:

Federal Register, Vol. 52, No. 186, dated September 25, 1987; "Servicing of Single Piece and Multi-Piece Rim Wheels at Marine Terminals (1917.44)"; Final Rule."

Federal Register, Vol. 52, No. 251, dated December 31, 1987; "Grain Handling Facilities (1917.1 and 1917.72-[removed])"; Final Rule."

Part 1926: Construction Safety and Health Regulations as published in Part VII, Volume 44, No. 29 of the *Federal Register* on February 9, 1979 which incorporates changes, additions, deletions and corrections made up to October 17, 1978 and includes General Industry Occupational Safety and Health Standards (29 CFR Part 1910) which have been identified as applicable to construction work; and subsequent changes made prior to ~~June 4, 1984~~ April 1, 1988:

Federal Register, Vol. 52, No. 187, dated September 28, 1987; "Revision of Construction Industry Test and Inspection Records (1926.500, 1926.552, and 1926.903)"; Final Rule."

Federal Register, Vol. 52, No. 233, dated December 4, 1987; "Occupational Exposure to Formaldehyde—1926.55."

Summary of Standards: The following summary of the proposed standards is very brief; persons interested in reviewing any of these standards in their entirety may obtain a copy as noted above.

A) "Occupational Exposure to Formaldehyde—1910.1048 and 1926.55." On December 4, 1987, Federal OSHA amended its existing standard for occupational exposure to formaldehyde. The revised standard reduces the permissible exposure limits (PELs) from 3 parts formaldehyde per million parts of air (ppm) to 1 ppm as an 8-hour time-weighted average (TWA). The peak allowable

exposure of 10 ppm (for up to 30 minutes) is revoked and the 5 ppm ceiling is reduced to 2 ppm as a 15-minute short term exposure limit (STEL). An "action level" of 0.5 ppm, measured as an 8-hour TWA, is included to minimize the compliance burden for employers whose employees have exceedingly low exposures to formaldehyde. The standard also contains provisions for employee exposure monitoring, medical surveillance, recordkeeping, regulated areas, emergency procedures, preferred methods to control exposure, maintenance and selection of personal protective equipment, and hazard communication.

The standard applies to all industries covered by OSHA including construction, maritime, and general industries and it applies to all occupational exposures to formaldehyde. This includes exposures in foundries, apparel manufacturing, the health care industry, cosmetology, general office environments, and the construction industry. [Although the construction industry already has a standard governing formaldehyde exposure, it has been determined that, until such time that the construction standard can be updated, this revised rule governing formaldehyde exposure shall apply to construction worksites.]

"Formaldehyde" is defined simply as the chemical entity, HCHO, as covered under the Chemical Abstracts Service Registry No. 50-00-0. Therefore, the standard applies to formaldehyde gas, its solutions, and a variety of materials, such as trioxane, paraformaldehyde, hexamethylenetetramine, and resin formulations from which formaldehyde may be generated. Solids and any mixture containing formaldehyde are included in this standard to the extent that they are sources of formaldehyde exposure.

The standard includes five appendices that primarily provide additional information. Appendix A, Substance Technical Guidelines for Formaldehyde, and Appendix B, Sampling Strategies and Analytical Methods for Formaldehyde, are designed to aid employers in complying with the requirements of the standard. Appendix C, Medical Surveillance Guidelines for Formaldehyde, and Appendix D, Medical Disease Questionnaire (nonmandatory), provide examining physicians with the information necessary to conduct the medical surveillance programs mandated by this standard. Appendix E provides the protocols for quantitative and qualitative fit testing for negative-pressure respirators. Employers are specifically required by the standard's training provision to provide their employees with the information contained in Appendix A.

The standard became effective at the federal level on February 2, 1988, except for the information collection requirements which were under review at the Office of Management and Budget. On March 2, 1988, Federal OSHA published a notice of partial approval of the information collection requirements of the standard; these provisions became effective March 2, 1988, with the exception of paragraphs (m)(1)(i) through (m)(4)(ii). These paragraphs include the hazard communication requirements of the Formaldehyde Standard, including labeling and material safety data sheets. Until Federal OSHA determines what further steps to take in response to OMB's denial, OSHA will continue to enforce the labeling and material safety data sheet requirements of the Hazard Communication Standard.

By this notice, Minnesota OSHA proposes to adopt the Occupational Exposure to Formaldehyde Standard, 1910.1048 and 1926.55, as published in the *Federal Register* on December 4, 1987. The standard will become effective sixty days after publication of the adoption notice. Initial monitoring to determine exposure levels, initial medical surveillance, and implementation of an emergency plan must be completed within six months of the effective date; respiratory provisions within nine months; and engineering and work practice controls within one year. Pathology, histology and gross anatomy laboratories must follow the above schedule. Other laboratories have until September 1, 1988, to comply with the various provisions, except for the STEL and PEL sections. Labeling and material safety data sheet requirements for occupational exposure to formaldehyde, will be governed by the Minnesota Employee Right-to-Know Act until Federal OSHA obtains OMB approval of paragraphs (m)(1)(i) through (m)(4)(ii).

B) "Grain Handling Facilities—1910.272, 1917.1, and 1917.72." On December 31, 1987, Federal OSHA adopted a final standard for grain handling facilities which contains minimum requirements for the control of fires, grain dust explosions, and other safety hazards associated with grain handling facilities. Employees in these facilities have been and continue to be exposed to fires and explosions. Additionally, employees are exposed to other safety hazards such as the dangers of entry into bins, silos, and tanks. The requirements in this standard are intended to decrease the number and mitigate the effects of fires and explosions and to control other known safety hazards in grain handling facilities.

Paragraphs (a) through (m) of this section apply to grain elevators, feed mills, flour mills, rice mills, dust pelletizing plants, dry corn mills, soybean flaking operations, and the dry grinding operations of soybean. Paragraphs (n), (o), and (p) apply to grain elevators. The standard does not apply to seed plants which handle and prepare seeds for planting of future crops, not to on-farm storage or feed lots.

The standard requires employers to: (1) develop and implement an emergency action plan covering those designated actions employers and employees are to take to ensure employee safety from fire and other emergencies; (2) provide training to employees

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Proposed Rules

in the recognition and prevention of hazards associated with grain facilities, especially those hazards associated with their own work tasks; (3) implement a permit system for hot work to assure that control over operations involving hot work is maintained and to assure that employees are aware of and utilize appropriate safeguards when conducting these activities; (4) issue a permit for entry into bins, silos and tanks unless the employer or employer's representative is present during the entry operation; (5) inform contractors performing work at the facility of known potential fire and explosion hazards related to the contractor's work as well as the safety rules of the facility; (6) develop and implement a written housekeeping program that establishes the frequency and methods determined best to reduce accumulations of grain dust on ledges, floors, equipment and other exposed surfaces; and (7) implement preventive maintenance procedures to control dust and ignition sources. The standard also requires grain stream processing equipment (such as hammer mills, grinders and pulverizers) to be equipped with an effective means of removing ferrous material from the incoming grain stream; requires at least two means of emergency escape; requires all direct-heat grain dryers to be equipped with automatic controls by April 1, 1991; and requires implementation of special safety precautions and procedures, as well as the installation of safety control devices on inside bucket elevators.

By this notice, Minnesota OSHA proposed to adopt the final rule for Grain Handling Facilities as published in the *Federal Register* on December 31, 1987, with the exception of the information collection requirements contained in 1910.272(d) and (i) which are awaiting approval of the Office of Budget and Management.

C) "Presence Sensing Device Initiation of Mechanical Power Presses—1910.217." On March 14, 1988, Federal OSHA adopted a final rule amending its standard for mechanical power presses, 29 CFR 1910.217, Subpart O, to allow (but not require) presence sensing device initiation (PSDI) on certain types of power presses. The amended standard addresses the use of presence sensing devices as well as the entire mechanical power press safety system involved in operating in the PSDI mode. OSHA also amended the related standard on definitions, 29 CFR 1910.211, as appropriate, to support the revision to the mechanical power press standard. Prior to this amendment, OSHA did not permit PSDIs, but rather required that a mechanical power press operator physically initiate the stroke of the press by using hand controls or a foot pedal.

Because presence sensing device initiation has been used safely in other countries for some time and on an experimental basis in the United States since 1976, OSHA believes this prohibition is technically outdated and that PSDI, overall, enhances employee safety. This revision allows a presence sensing device to initiate the stroke of the press automatically when the operator's body is out of the danger zone.

The standard allows presence sensing device initiation (PSDI) of mechanical power presses unless present state-of-the-art technology will not allow it to be done safely. Only part revolution type mechanical power presses are approved for PSDI. Similarly, only presses with a configuration such that a person's body cannot completely enter the bed area are approved for PSDI. Requirements are included for brakes, brake monitoring, pneumatic systems, flywheels and bearings, cycle control and control systems, environmental requirements, safety systems, safeguarding the point of operation, and safety system certification/validation. Appendices A and C to the standard include mandatory requirements for certification validation of the PSDI safety system; Appendix B includes nonmandatory supplementary information and guidelines relating to certification/validation of the PSDI safety system.

By this notice, Minnesota OSHA proposes to adopt the "Presence Sensing Device Initiation of Mechanical Power Presses" standard as published in the *Federal Register* on March 14, 1988.

D) This notice also corrects the February 1, 1988, notice which adopted Federal OSHA standards governing "Servicing of Single Piece and Multi-Piece Rim Wheels at Marine Terminals (1917.44)" and "Revision of Construction Industry Test and Inspection Records (1926.550, 1926.552, and 1926.903)." That notice incorrectly listed these standards under Part 1910 in *Minnesota Rule* 5205.0010. These standards should have been listed under Part 1917 and Part 1926 respectively. That error is corrected in this notice. The standards, as adopted, are not changed from the their proposed versions as published on December 14, 1987 (12 S.R. 1209) and adopted on February 1, 1988 (12 S.R. 1618).

Department of Labor and Industry

Proposed Permanent Rule Relating to Prevailing Wages

Notice of Hearing

Notice is hereby given that a public hearing will be held pursuant to *Minnesota Statutes* § 14.14, Subdivision 1 in the above-captioned matter in the State Office Building, Room 5, 100 Constitution Avenue, St. Paul, Minnesota on June 1, 1988, commencing at 9:00 A.M., and continuing until all interested persons and groups have had an opportunity to be heard concerning adoption of the above-captioned proposed rules by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing. The proposed rule may be modified as a result of the rule hearing process. You are encouraged to participate if you are in any way affected by these rules.

A copy of the proposed rules follows this notice in the *State Register*.

One free copy of this Notice and the proposed rules may be obtained by contacting Don Jackman, Director, Labor Standards Division, 444 Lafayette Road, St. Paul, MN 55101, (612) 296-2125. Additional copies will be available at the door on the date of the hearing.

Statutory authority to promulgate these proposed rules can be found in *Minnesota Statutes* § 177.44. These rules establish minimum rental rates to be paid to independent truck owner-operators who work on state highway and heavy construction projects.

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 Statutes* § 10A.01, Subdivision 11 as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including 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, 625 North Robert Street, St. Paul, Minnesota 55101-2520, telephone (612) 296-5615.

Written material may be submitted and recorded in the hearing record for five working days after the public hearing ends. This comment period may be extended for a longer period not to exceed twenty calendar days if so ordered by the administrative law judge at the hearing. Comments received during this period shall be available for review at the Office of Administrative Hearings, 500 Flour Exchange Bldg., 310-4th Avenue South, Minneapolis, MN 55415. The Department of Labor and Industry and any interested persons may respond in writing within three business days after the submission period ends to any new information submitted. However, no additional evidence may be submitted during the three-day period.

NOTICE: Any person may request notification of the date on which the administrative law judge's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. Any person may request notification of the date on which the rules were adopted and filed with the secretary of state. The notice must be mailed on the same day that the rules are filed. If you want to be so notified you may so indicate at the hearing or send a request in writing to the agency at any time prior to the filing of the rules with the secretary of state.

Notice is hereby given that a statement of need and reasonableness is now available for review at the agency and at the Office of Administrative Hearings. This statement of need and reasonableness includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the statement of need and reasonableness may be reviewed at the agency or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

The statement of need and reasonableness addresses the impact the proposed rule might have on small businesses. It may be obtained by contacting the Department of Labor and Industry at 296-2125.

The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.14 and 14.20 and by parts 1400.0200 to 1400.1200 of Minnesota Rule. Questions regarding procedure may be directed to the administrative law judge.

The following administrative law judge has been assigned to preside over this hearing:

Peter C. Erickson
Office of Administrative Hearings
500 Flour Exchange Building
310 Fourth Avenue South
Minneapolis, MN 55415
Phone: (612) 341-7606

Dated: April 11, 1988

Ray Bohn
Commissioner

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

Rule as Proposed (all new material)

5200.1105 RENTAL RATES FOR TRUCKS ON HIGHWAY PROJECTS.

Drivers who own and operate trucks on contract work shall be compensated for their equipment according to the following formula: Truck Rental Rates Equals Labor Cost Plus Operating Cost.

Labor cost shall be the rate determined to be prevailing by the Department of Labor and Industry using existing survey methods under parts 5200.1000 to 5200.1120.

Operating cost shall be determined by averaging the itemized costs of operating a vehicle as submitted from not less than four trucking firms selected by the commissioner as representative of the industry.

The following items shall be considered as operating costs of a vehicle: the average cost of the vehicle depreciated over seven years, insurance, fuel, oil, tires, taxes, licenses, and any administrative expense associated with the vehicle's operation.

Within 30 days of determination of rates, an informal conference will be held by the commissioner or the commissioner's representative, for the purpose of further input prior to certification. Interested parties shall be given at least ten days' prior notice of the conference date, time, and location, through publication in the *State Register*.

At the conference the department shall produce and review the data, summary sheets, and other documents upon which its determination was based.

Notice of the certification and its effective date shall be published in the *State Register* in accordance with part 5200.1080.

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.

Housing Finance Agency

Adopted Permanent Rules Relating to Home Energy Loan Program

The rules proposed and published at *State Register*, Volume 12, Number 33, pages 1702-1704, February 15, 1988 (12 S.R. 1702) are adopted as proposed.

Executive Orders

Emergency Executive Order #88-5 Providing Fire Fighting Assistance to the Commissioner of Natural Resources

I, RUDY PERPICH, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

WHEREAS, the Commissioner of the Department of Natural Resources has requested assistance in the effort to control several wildfires throughout the State of Minnesota; and

WHEREAS, the number and locations of these fires are beyond the capabilities of local emergency resources;

NOW, THEREFORE, I hereby order that:

1. The Adjutant General of Minnesota order to active duty on or after April 9, 1988, in the service of the State, such elements and equipment of the military forces of the state as needed and for such period of time as necessary to ensure the safety of our citizens.

2. The cost of subsistence, transportation, fuel, and pay and allowances of said individuals shall be defrayed from the general fund of the State as provided for by *Minnesota Statutes* 1986, Section 192.49, Subdivision 1, Section 192.51 and Section 192.52.

Pursuant to *Minnesota Statutes* 1986, Section 4.035, Subdivision 2, this Order shall be effective April 9, 1988 and shall remain in effect until such date as elements of the military forces of the State are no longer required.

IN TESTIMONY WHEREOF, I have set my hand this 18th day of April, 1988.



Rudy Perpich
Governor

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

Minnesota Property Exemption—Adjustment of Dollar Amounts

Commissioner of Commerce Michael A. Hatch announced today that increases will occur in the property exemption from creditor collection action under *Minnesota Statutes*, Section 550.37. The statute provides for periodic adjustment in dollar amounts that would be effective on July 1 in even numbered years based on a percentage change in the Implicit Price Deflator for the Gross National Product.

Information obtained from the U.S. Department of Commerce, Bureau of Economic Analysis, in their monthly publication "Survey of Current Business" for February 1988, indicates the percentage change from the revised reference base to be 33% rounded to the nearest whole percentage point as required. The revised reference base index, from 1972 = 100 to 1982 = 100 for December 1980, was 89 and for December 1987, 118.7, an increase of 29.7 basis points or a percentage change of 33.37%. The statute requires that the change in the reference base index be 10% or more in order to adjust the dollar amounts. The portion of the percentage change in the index in excess of a multiple of ten percent shall be disregarded. Dollar amounts change only in multiples of ten percent of amounts appearing in law.

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

Personal property exempted under subdivision 4 includes all wearing apparel, one watch, utensils, and foodstuffs of the debtor and the debtor's family, and household furniture, household appliances, phonographs, radio and television receivers of the debtor and the debtor's family. The exemption may not be waived except for purchase money security interest. Personal property, with an amended exception of \$4,500 in 1983, is indexed as follows:

	8-1-83	7-1-84	7-1-86	7-1-88
		No change	20% increase	10% increase
Personal Property	\$4,500	\$4,500	\$5,400	\$5,850

Minnesota Statutes, Section 550.37 was amended in 1985, effective July 1, 1986, to include other property exemptions. These exemptions are based on the reference base index for December 1980, and are therefore increased by 30%. The results of the indexing is as follows:

<u>Description</u>	<u>Original</u>	<u>7-1-88</u>
Farm exemptions described under subdivision 5	\$10,000	\$13,000
Business exemptions described under subdivision 6	\$5,000	\$6,500
Total exemptions under subdivisions 5 and 6 described by subdivision 7	\$10,000	\$13,000
Exempted insurance benefits described under subdivision 10	\$20,000	\$26,000
Additional exemptions under subdivision 10 for each dependent	\$5,000	\$6,500
Motor vehicle exemption described under subdivision 12a	\$2,000	\$2,600
Accrued interest exemption described under subdivision 23	\$4,000	\$5,200

The next published adjustment is scheduled on or before April 30, 1990, for July 1, 1990, based on the December 1989 index.

Dated: 25 April 1988

Michael A. Hatch, Commissioner
Department of Commerce

Department of Commerce

Minnesota Regulated Loan Act—Adjustment in Dollar Amounts

Commissioner of Commerce Michael A. Hatch announced today that an additional ten percent (10%) change will occur in dollar amounts under the Regulated Loan Act (The Act), *Minnesota Statutes*, Chapter 56. The Act provides for periodic adjustment in dollar amounts that would be effective on July 1 in even-numbered years based on a percentage change in the Implicit Price Deflator for the Gross National Product.

Information obtained from the U.S. Department of Commerce, Bureau of Economic Analysis, in their monthly publication "Survey of Current Business" for February 1988, indicates the percentage change from the revised reference base to be 33% rounded to the nearest whole percentage point as required. The revised reference base index, from 1972 = 100 to 1982 = 100 for December 1980, was 89 and for December 1987, 118.7, an increase of 29.7 basis points or a percentage change of 33.37%. The statute requires that the change in the reference base index be 10% or more in order to adjust the dollar amounts. The portion of the percentage change in the index in excess of a multiple of ten percent shall be disregarded. Dollar amounts change only in multiples of ten percent of amounts appearing in law effective August 1, 1981.

According to Commissioner Hatch, this means the dollar limits enacted in 1981 will increase an additional 10% effective July 1, 1988. The results of indexing is as follows:

	Original	7-1-82 (no change)	7-1-84 (10% increase)	7-1-86 (10% increase)	7-1-88 (10% increase)
Loan maximum	\$35,000	\$35,000	\$38,500	\$42,000	\$45,500
<i>Minnesota Statutes</i> , Section (MS) 56.131, subdivision 1(a)					
Principal subject to 33% interest	\$350	\$350	\$385	\$420	\$455
<i>Minnesota Statutes</i> , 56.131, subdivision 1(a)(1)					
Maximum closing costs on real estate secured loan	\$250	\$250	\$275	\$300	\$325
<i>Minnesota Statutes</i> 56.131, subdivision 2(b)					

	Original	7-1-82 (no change)	7-1-84 (10% increase)	7-1-86 (10% increase)	7-1-88 (10% increase)
Minimum real estate secured loans for discount points <i>Minnesota Statutes, 56.131, subdivision 6 (effective June 2, 1983)</i>	\$7,500	Not applicable	\$8,250	\$9,000	\$9,700
Minimum real estate secured loans <i>Minnesota Statutes, 56.12</i>	\$2,700	\$2,700	\$2,970	\$3,240	\$3,510

The next published adjustment is scheduled on or before April 30, 1990 to be effective July 1990, based on the December 1989 index.

Dated: 25 April 1988

Michael A. Hatch, Commissioner
Department of Administration

Department of Education Non-Public Education Council

Applications Being Accepted from Accrediting Associations for Approval

This is hereby official notice that the Nonpublic Education Council is accepting applications from accrediting associations for approval. To meet the June 30, 1988 deadline, applications and designated materials must be received at the office of the Nonpublic Education Council, c/o Dan Skoog, 726 Capitol Square Building, 550 Cedar St., St. Paul, MN 55101 by June 1, 1988.

Copies of Criteria for recognizing Educational Accrediting Associations may be requested by writing to the office of the Nonpublic Education Council at the address noted above, or by calling (612) 296-3116.

Department of Health

Outside Opinion Sought Concerning a Proposed Change to the Special Supplemental Food Program for Women, Infants and Children (WIC)

Notice is hereby given that the Department of Health is seeking information and opinions from sources outside the department concerning a proposed change to the WIC Program. The proposed change establishes a competitive bid process for selecting the brand(s) of infant formula that may be exchanged for WIC vouchers. This change is being considered as a cost containment measure which will make it possible to expand the WIC Program's statewide caseload.

Additional information concerning the proposed change to the WIC Program may be obtained by contacting:

Ms. Pati Maier, Chief
WIC Section
Maternal and Child Health Division
Minnesota Department of Health
717 Delaware Street S.E.
Minneapolis, Minnesota 55440
Telephone: 612/623-5115

All interested or affected persons or groups are invited to submit written statements of information or opinion to Ms. Maier at the above address or to comment orally at a public meeting to be held on Wednesday, May 18, 1988 at 1:30 p.m. to 4:30 p.m. in Room 105 of the Minnesota Department of Health Building. Persons wishing to speak at the public meeting should notify Ms. Maier prior to the day of the meeting.

Department of Health

Office of Health Systems Development

Notice of Intent to Solicit Outside Opinions Concerning a Request for a Waiver of HMO Statutes and Rules by Central Minnesota Group Health Plan

Notice is hereby given that the Department of Health is seeking opinions and comments pertaining to a request by Central Minnesota Group Health Plan for a waiver of HMO statutes and rules regarding open enrollment for various groups. Such waivers are authorized for demonstration projects by *Minnesota Statutes*, § 62D.10.

The request submitted by Central Minnesota Group Health is available for inspection during normal business hours at the following location:

Alternative Delivery Systems
Room 456
Minnesota Department of Health
Minneapolis, Minnesota 55440
(612) 623-5365

Comments on the request must be received by May 6, 1988.

Department of Health

Office of Health Systems Development

Notice of Intent to Solicit Outside Opinions Concerning a Request for a Waiver of HMO Statutes and Rules by UCare Minnesota

Notice is hereby given that the Department of Health is seeking opinions and comments pertaining to a request by UCare Minnesota for a waiver of HMO statutes and rules covering minimum benefits for mental health/chemical dependency services and scalp prostheses. Such waivers are authorized for demonstration projects by *Minnesota Statutes*, § 62D.30.

The request submitted by UCare Minnesota is available for inspection during normal business hours at the following location:

Alternative Delivery Systems
Room 456
Minnesota Department of Health
Minneapolis, Minnesota 55440
(612) 623-5365

Comments on the request must be received by April 29, 1988.

Department of Jobs & Training

Jobs, Opportunities and Insurance Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Permanent Rules Relating to the Wage Subsidy Program Including the Impact of the Rules on Small Businesses

Notice is hereby given that the Department of Jobs and Training is seeking information or opinions from sources outside the agency in proposing to adopt permanent rules relating to wage subsidy funds. The proposed rules will address who is eligible for funding, how funds will be allocated, what is required of fund recipients, and when allocated funds may be withdrawn.

Permanent rules are being proposed to interpret *Minnesota Statutes*, sections 268.672 to 268.682 which authorize the wage subsidy program. These rules are being developed as expressly permitted under *Minnesota Statutes*, section 268.673, subdivision 6.

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

Interested persons or groups may submit data or comments in writing. Written statements should be addressed to:

Roger Sorbel
Policy Development Office
Department of Jobs and Training
390 North Robert Street—LL
St. Paul, MN 55101

All comments and information will be accepted until further notice is published in the *State Register* or the Notice of Intent to Adopt Rules without a Public Hearing is published in the *State Register*. Any written material received by the 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 the rules are adopted.

Joseph Samargia, Commissioner
Department of Jobs and Training

Minnesota Agricultural and Economic Development Board

Notice of Public Hearing on Proposed Project and the Issuance of Bonds Under *Minnesota Statutes* 1986, Chapter 116M and *Minnesota Statutes*, Chapter 41A

NOTICE IS HEREBY GIVEN that the Minnesota Agricultural and Economic Development Board (the "Board") or its designated representative, shall meet on May 11, 1988, at 9:00 a.m. o'clock, at 900 American Center Building, 150 East Kellogg Boulevard, Saint Paul, Minnesota, for the purpose of conducting a public hearing on a proposed issue of bonds (the "Bonds") and the provision of other financial assistance under *Minnesota Statutes* 1986, Chapter 116M, and *Minnesota Statutes*, Chapter 41A, as amended (the "Act"), to undertake and finance a project on behalf of Merit Corporation, a Minnesota corporation (the "Applicant"). Such persons as desire to be heard with reference to said issue of Bonds will be heard at this public hearing.

The project to be financed consists of the development, construction and operation of a manufacturing facility consisting of approximately 10,000 square feet in the City of Coon Rapids, Anoka County, Minnesota [general description of the location being a parcel of two to three acres in Evergreen Industrial Park with an address of Evergreen Blvd. & 90th Ave., NW Coon Rapids, Minnesota (the "Project")]. The initial owner of the Project will be the Applicant and the Project is expected to be operated and managed by the Applicant. It is contemplated that the Project will be used for manufacturing of control valves and regulators for life support systems. The estimated amount of the Board's proposed bond issue is an amount not to exceed \$700,000. The Bonds shall be limited obligations of the Board, the Bonds and the interest thereon shall be payable solely from the revenue pledged to the payment thereof, and a mortgage or security interest or other security arrangements to be established by or on behalf of the Applicant. In addition, the Bonds and the Project may be subsequently considered by the Board for financial assistance to be provided by the Economic Development Fund created and established under *Minnesota Statutes* 1986, Chapter 116M or other financial assistance from the Board. Notwithstanding the foregoing, no holders of any such Bonds shall ever have the right to compel any exercise of the taxing powers of the State of Minnesota or any political subdivision thereof to pay the Bonds or the interest thereon nor to enforce payment against any property of said State or said political subdivision.

A copy of the Application to the Board for approval of the Project, together with all attachments and exhibits thereto and a copy of the Board's resolution accepting the Application and accepting the Project is available for public inspection at the offices of the Board at 900 American Center Building, 150 East Kellogg Boulevard, Saint Paul, Minnesota from the date of this notice to the date of the public hearing hereinabove identified, during normal business hours.

Dated: 18 April 1988

David Mocol, Executive Director
Minnesota Agricultural and
Economic Development Board

State Contracts and Advertised Bids

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: Video equipment
Contact: Pat Anderson 296-3777
Bid due date at 2pm: April 27
Agency: Transportation
Deliver to: St. Paul
Requisition #: 79000 84248

Commodity: Printout paper—continuous
Contact: A.W.
Bid due date at 2pm: April 27
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: Automotive paint & body supplies
Contact: Dale Meyer 296-3773
Bid due date at 2pm: April 27
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: Wheel tractor loader/rebid
Contact: Brenda Thielen 296-9075
Bid due date at 2pm: April 29
Agency: Natural Resources
Deliver to: New Ulm
Requisition #: 29000 49466

Commodity: DDC data panels
Contact: Pat Anderson 296-1053
Bid due date at 2pm: April 29
Agency: Plant Management
Deliver to: St. Paul
Requisition #: 02307 81360

Commodity: 16MM projectors
Contact: D.O.
Bid due date at 2pm: April 29
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: A complete line of corrugated metal pipe and corrugated plastic pipe
Contact: E.S.
Bid due date at 2pm: April 29
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: Trucks & vans—SCH 113I
Contact: Bernie Vogel 296-3778
Bid due date at 2pm: May 2
Agency: Transportation, Central Shop
Deliver to: St. Paul
Requisition #: 78382 01348

Commodity: Modular office furniture reconfiguration and installation
Contact: Linda Parkos 296-3725
Bid due date at 2pm: May 2
Agency: Community College Board
Deliver to: St. Paul
Requisition #: 02310, 27138 50222

Commodity: Lease or purchase & install computer interactive audio response
Contact: Bernie Vogel 296-3778
Bid due date at 2pm: May 2
Agency: Revenue
Deliver to: St. Paul
Requisition #: 67310 04801

Commodity: Fish pump—cylinder type
Contact: Brenda Thielen (612) 296-9075
Bid due date at 2pm: April 29
Agency: DNR
Deliver to: Lanesboro
Requisition #: 29005 11084

Commodity: High speed braille embosser
Contact: Joyce Dehn (612) 296-2621
Bid due date at 2pm: May 2
Agency: Jobs & Training Dept.
Deliver to: St. Paul
Requisition #: 21200 17668

Commodity: Internal lighting system
Contact: Brenda Thielen (612) 296-9075
Bid due date at 2pm: May 2
Agency: Transportation—Aeronautics
Deliver to: St. Paul
Requisition #: 79000 84362

Commodity: Purchase of Xerox 1040 copiers
Contact: Teresa Ryan (612) 296-7556
Bid due date at 2pm: May 3
Agency: Bemidji State University
Deliver to: Bemidji
Requisition #: 26070 13512

Commodity: Lumber
Contact: Pat Anderson (612) 296-3777
Bid due date at 2pm: May 3
Agency: DNR—Northern Service Ctr.
Deliver to: Grand Rapids
Requisition #: 29007 10079

Contract Awards—Materials Management Division

Item: Cable cord & wire electrical
Req. #: 02410 80189 01
Awarded to: Gopher Elec. Co., St. Paul, MN
Awarded amount: \$5,200.00
Awarded date: April 19, 1988
Expir/deliv date: April 21, 1988
Shipped to: Info Mgmt Div.

Item: Auto HD truck & van
Req. #: 02514 80375 01
Awarded to: Worners Auto Sales, Fergus Falls, MN
Awarded amount: \$87,909.36
Awarded date: April 19, 1988
Expir/deliv date: August 1, 1988
Shipped to: Central Motor Pool

Item: Aircraft engine parts
Req. #: 07500 46947 01
Awarded to: Boundary Water Aire Inc., Eveleth, MN
Awarded amount: \$10,524.00
Awarded date: April 19, 1988
Expir/deliv date: May 18, 1988
Shipped to: State Patrol

Item: Auto HD truck & van
Req. #: 12200 15781 01
Awarded to: North Star Dodge Center, Minneapolis, MN
Awarded amount: \$22,460.00
Awarded date: April 19, 1988
Expir/deliv date: August 1, 1988
Shipped to: MN Dept. of Health

Item: Computer Equipment
Req. #: 13225 00888 01
Awarded to: Weldon Elec., Plymouth, MN
Awarded amount: \$21,276.00
Awarded date: April 19, 1988
Expir/deliv date: May 15, 1988
Shipped to: Commerce Dept.

Item: Auto HD truck & van
Req. #: 26072 01387 01
Awarded to: North Star Dodge Center, Minneapolis, MN
Awarded amount: \$14,750.00
Awarded date: April 19, 1988
Expir/deliv date: August 1, 1988
Shipped to: Moorhead State University

Item: Auto HD truck & van
Req. #: 26175 07295 01
Awarded to: Barnett Chrysler Plymouth, White Bear Lake, MN
Awarded amount: \$26,038.65
Awarded date: April 19, 1988
Expir/deliv date: July 1, 1988
Shipped to: Southwest State University

Item: Auto HD truck & van
Req. #: 26175 07295 02
Awarded to: Worners Auto Sales, Fergus Falls, MN
Awarded amount: \$29,303.12
Awarded date: April 19, 1988
Expir/deliv date: August 1, 1988
Shipped to: Southwest State University

Item: Vehicle, Carryall
Req. #: 29005 11038 01
Awarded to: Hawkins Thane Polar Chev, White Bear Lake, MN
Awarded amount: \$12,886.00
Awarded date: April 19, 1988
Expir/deliv date: August 1, 1988
Shipped to: DNR Regional Headquarters

Item: Tractor Crawler Type
Req. #: 29000 49639 01
Awarded to: North Country Equip. Inc., Grand Rapids, MN
Awarded amount: \$90,390.00
Awarded date: April 19, 1988
Expir/deliv date:
Shipped to: DNR Regional Headquarters

Item: Tractor wheeled industrial
Req. #: 29000 49463 01
Awarded to: North Country Equip. Inc., Grand Rapids, MN
Awarded amount: \$19,920.00
Awarded date: April 19, 1988
Expir/deliv date:
Shipped to: DNR—Northern Service Center

Item: Tractor wheeled industrial
Req. #: 29000 49465 01
Awarded to: North Country Equip. Inc., Grand Rapids, MN
Awarded amount: \$24,059.00
Awarded date: April 19, 1988
Expir/deliv date:
Shipped to: DNR Regional Headquarters

Item: Tractor wheeled industrial
Req. #: 29000 49464 01
Awarded to: Long Lake Ford, Long Lake, MN
Awarded amount: \$22,900.00
Awarded date: April 19, 1988
Expir/deliv date:
Shipped to: DNR Regional Headquarters

Item: Truck,
Req. #: 29000 49389 01
Awarded to: Rathert Chevrolet Inc., Duluth, MN
Awarded amount: \$29,386.00
Awarded date: April 19, 1988
Expir/deliv date: August 1, 1988
Shipped to: DNR—Northern Service Center

Item: Truck,
Req. #: 29000 49390 01
Awarded to: Rathert Chevrolet Inc., Duluth, MN
Awarded amount: \$14,693.00
Awarded date: April 19, 1988
Expir/deliv date: August 1, 1988
Shipped to: DNR—Northern Service Center

Item: Truck,
Req. #: 29000 49636 01
Awarded to: Rathert Chevrolet Inc., Duluth, MN
Awarded amount: \$12,801.00
Awarded date: April 19, 1988
Expir/deliv date: August 1, 1988
Shipped to: DNR—Northern Service Center

State Contracts and Advertised Bids

Item: Truck, ¾ ton, pickup 4 × 4 per spec.

Req. #: 29000 49637 01

Awarded to: Rathert Chevrolet Inc., Duluth, MN

Awarded amount: \$25,642.00

Awarded date: April 19, 1988

Expir/deliv date: August 1, 1988

Shipped to: DNR Regional Headquarters

Item: Truck, ¾ ton, pickup, 4 × 4 per spec.

Req. #: 29005 11016 01

Awarded to: Rathert Chevrolet Inc., Duluth, MN

Awarded amount: \$14,487.00

Awarded date: April 19, 1988

Expir/deliv date: August 1, 1988

Shipped to: DNR Regional Headquarters

Item: Computer equipment

Req. #: 29000 49738 01

Awarded to: First Tech, Minneapolis, MN

Awarded amount: \$18,744.60

Awarded date: April 19, 1988

Expir/deliv date: May 30, 1988

Shipped to: DNR—Bureau of Information

Item: Auto HD truck & van

Req. #: 29000 49403 01

Awarded to: Park Jeep Inc., Burnsville, MN

Awarded amount: \$14,071.00

Awarded date: April 19, 1988

Expir/deliv date: August 1, 1988

Shipped to: DNR Regional Headquarters

Item: Computer Equipment

Req. #: 78000 18543 01

Awarded to: Ideal Learning, Shakopee, MN

Awarded amount: \$5,734.60

Awarded date: April 19, 1988

Expir/deliv date: May 15, 1988

Shipped to: Thistledeew Camp

Item: Auto HD truck & van

Req. #: 79382 01345 01

Awarded to: Rathert Chevrolet, Inc., Duluth, MN

Awarded amount: \$50,681.00

Awarded date: April 19, 1988

Expir/deliv date: August 1, 1988

Shipped to: Mn/DOT, Central Shop

Item: Auto HD truck & van

Req. #: 79382 01344 01

Awarded to: Hawkins Thane Polar Chev, White Bear Lake, MN

Awarded amount: \$15,837.00

Awarded date: April 19, 1988

Expir/deliv date: August 1, 1988

Shipped to: Mn/DOT, Central Shop

Item: Balances, readable to 100 MG

Req. #: 79000 84220 01

Awarded to: Fisher Scientific Co., Eden Prairie, MN

Awarded amount: \$10,950.00

Awarded date: April 19, 1988

Expir/deliv date: April 30, 1988

Shipped to: Various Locations

Item: Ovens, laboratory, general purpose

Req. #: 79000 84153 01

Awarded to: Dispatch Industries, Minneapolis, MN

Awarded amount: \$15,222.00

Awarded date: April 19, 1988

Expir/deliv date:

Shipped to: Mn/DOT, Central Shop

Item: Seed

Req. #: 79500 03140 01

Awarded to: Minn Valley Wholesale, Shakopee, MN

Awarded amount: \$7,059.20

Awarded date: April 19, 1988

Expir/deliv date: May 5, 1988

Shipped to: MN Dept. of Transportation

Item: Services other professional technical

Req. #: 04141-82756-01

Awarded to: Radio Station WCCO AM, Minneapolis, MN

Awarded amount: \$19,390.00

Awarded date: April 20

Expir/deliv date:

Shipped to: Various locations

Item: Services other professional technical

Req. #: 04141-82757-01

Awarded to: Minn. News Network, St. Paul, MN

Awarded amount: \$20,384.00

Awarded date: April 20, 1988

Expir/deliv date:

Shipped to: Various locations

Item: Printing Equipment

Req. #: 26175-07290-01

Awarded to: Multigraphics, Mendota Heights, MN

Awarded amount: \$15,945.00

Awarded date: April 20, 1988

Expir/deliv date: June 6, 1988

Shipped to: Southwest State University

Item: Ballast lampholder starter

Req. #: 79000-84071-01

Awarded to: Northland Elec. Supply, Mpls., MN

Awarded amount: \$22,200.00

Awarded date: April 20, 1988

Expir/deliv date: June 1, 1988

Shipped to: Mn/DOT, Electrical Services

Item: Computer software purchase (Non-PC)

Req. #: 79000-84168-01

Awarded to: Barrister Info Systems, Chicago, IL

Awarded amount: \$36,000.00

Awarded date: April 20, 1988

Expir/deliv date: May 15, 1988

Shipped to: Transportation

Item: Radio Comm. Eqpt: Mobile/Portable

Req. #: 79000-83968-01

Awarded to: Motorola Inc., Eden Prairie, MN

Awarded amount: \$236,241.00

Awarded date: April 20, 1988

Expir/deliv date: Oct. 1, 1988

Shipped to: Various locations

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: 100 sets of 4 tabs, type-to set, one-sided, 9" x 11" finished size
Contact: Printing Buyer's Office
Informal Bid Opening 4:30pm: April 27
Agency: DNR Region I
Deliver to: Bemidji
Requisition #: 6496

Commodity: 500 sheets, 11¼" x 9", type to set & camera ready keylines, 2-sided, 32# buff
Contact: Printing Buyer's Office
Informal Bid Opening 4:30pm: April 27
Agency: Agriculture Dept.
Deliver to: St. Paul
Requisition #: 6251

Commodity: 3,000 3-part forms, 8½" x 11½" with ⅜" perforated borders, carbonless, type to set
Contact: Printing Buyer's Office
Informal Bid Opening 4:30pm: April 27
Agency: Normandale Community College
Deliver to: Bloomington
Requisition #: 6572

Commodity: 700 5-part sets, one-sided, negs furnished, 8½" x 11¼" overall
Contact: Printing Buyer's Office
Informal Bid Opening 4:30pm: April 27
Agency: Admin: Central Stores
Deliver to: St. Paul
Requisition #: 6571

Commodity: 100M envelopes, 24# buff kraft, 4⅛" x 9½" w/banker flap, two sided, center hole
Contact: Printing Buyer's Office
Informal Bid Opening 4:30pm: April 27
Agency: Admin: Central Stores
Deliver to: St. Paul
Requisition #: 6570

Commodity: 20M envelopes, 80# white, 4-process colors per sample, 9½" x 12½" finished size, camera ready, one-sided
Contact: Printing Buyer's Office
Informal Bid Opening 4:30pm: April 27
Agency: State University
Deliver to: Bemidji
Requisition #: 6574

Commodity: 1200 graduation programs, 11" x 17" sheet size, fold to 8½" x 11", type to set, 8 pages per book
Contact: Printing Buyer's Office
Informal Bid Opening 4:30pm: April 27
Agency: Inver Hills Community College
Deliver to: Inver Grove Heights
Requisition #: 6553

Commodity: 400 repro proofs for newspaper publication, type to set, and 8,500 posters, 19 x 14, folded to 9½" x 12½" or less; with 8,300 drop shipped to 87 Minn. counties.
Contact: Printing Buyer's Office
Informal Bid Opening 4:30pm: April 27
Agency: Secretary of State
Deliver to: St. Paul
Requisition #: 6309

Commodity: 5500 monthly school bus stickers per sample
Contact: Printing Buyer's Office
Informal Bid Opening 4:30pm: April 27
Agency: State Patrol
Deliver to: St. Paul
Requisition #: 6389

Commodity: 10M camping permits, in books of 25, 4½" x 7½", numbered; and 4,000 camping reservations, 25 per book, 4½" x 7½"; both have type to set
Contact: Printing Buyer's Office
Informal Bid Opening 4:30pm: April 27

Agency: DNR—Parks & Recreation
Deliver to: St. Paul
Requisition #: 6533&4

Commodity: Monarch stationery 7¼" x 10½" and envelopes 7½" x 3⅝". 10M printed sheets, 10M envelopes, 5M blank sheets, 24# cream w/25% rag content, type to set, sta
Contact: Printing Buyer's Office
Informal Bid Opening 4:30pm: April 27
Agency: Commerce Dept.
Deliver to: St. Paul
Requisition #: 6551

Commodity: 4M Neighborhood Involvement kits, 12 pages + 6 page cover, 9" x 12" finished size, negs furnished, two-sided, stitched
Contact: Printing Buyer's Office
Informal Bid Opening 4:30pm: April 28
Agency: Public Safety Dept.
Deliver to: St. Paul
Requisition #: 6492

Commodity: 15M booklet, 64pp + cover, type to set, negs furnished, 8½" x 11" finished size, saddle stitched
Contact: Printing Buyer's Office
Informal Bid Opening 4:30pm: April 28
Agency: Health Dept.
Deliver to: Minneapolis
Requisition #: 6577

Commodity: 300M permits, type to set, two-sided, 500/roll, numbering, 2" x 3" w/½" adhesive strip on top edge
Contact: Printing Buyer's Office
Informal Bid Opening 4:30pm: April 28
Agency: DNR—Parks & Recreation
Deliver to: St. Paul
Requisition #: 6532

State Contracts and Advertised Bids

Commodity: 1,000 stickers,
12½" × 16¼", 100 per package, negs
furnished
Contact: Printing Buyer's Office
Informal Bid Opening 4:30pm: April
28
Agency: Public Safety Dept.
Deliver to: St. Paul
Requisition #: 6495

Commodity: 5M 2-part forms,
7⅞" × 3¼" overall, camera ready, one-
sided
Contact: Printing Buyer's Office
Informal Bid Opening 4:30pm: April
28
Agency: Inver Hills Community College
Deliver to: Inver Grove Heights
Requisition #: 6646

Commodity: 125M statements,
9½" × 11" w/pinfeeds, 20# white
bond, type to set, one-sided
Contact: Printing Buyer's Office
Informal Bid Opening 4:30pm: April
28
Agency: PERA
Deliver to: St. Paul
Requisition #: 6573

Commodity: 50M booklets, 32 pp +
cover, 8½" × 11", saddle stitched, two-
sided
Contact: Printing Buyer's Office
Bid due date at 2pm: May 2
Agency: State University
Deliver to: Moorhead
Requisition #: 6595

Commodity: 2,500 sheets letterhead,
8" × 10½", blue & gold engraved, type
to set, one-sided, 100% rag 24#
Leslie Script white
Contact: Printing Buyer's Office
Informal Bid Opening 4:30pm: April
29
Agency: State Auditor
Deliver to:
Requisition #: 6608

Commodity: 50M brochures, 8½" × 11"
folded twice to 3⅝" × 11", type to set,
two-sides
Contact: Printing Buyer's Office
Informal Bid Opening 4:30pm: April
29
Agency: Paulucci Space Theatre
Deliver to: Hibbing
Requisition #: 6628

Commodity: 7M brochure, 8½" × 14"
folded twice to 3½" × 8½", 4-colors,
camera ready, 80# text white coated
Contact: Printing Buyer's Office
Informal Bid Opening 4:30pm: April
29
Agency: North Hennepin Community
College
Deliver to: Brooklyn Park
Requisition #: 6644

Commodity: 1,000 continuous feed
letterhead, 8½" × 11" finished size, fan
fold one up, type to set one-sided, 25%
rag 20# white bond
Contact: Printing Buyer's Office
Informal Bid Opening 4:30pm: April
29
Agency: Public Safety Dept.
Deliver to: St. Paul
Requisition #: 6489

Commodity: 350M envelopes, 24#
kraft brown w/window, type to set,
one-sided, 8⅞" × 4¼", 500 per box
Contact: Printing Buyer's Office
Informal Bid Opening 4:30pm: April
29
Agency: Public Safety Dept.
Deliver to: St. Paul
Requisition #: 6619

Commodity: 7,500 forms on continuous
paper, 14⅞" × 11" sheet size, two-
sided, type to set, some camera ready
Contact: Printing Buyer's Office
Informal Bid Opening 4:30pm: April
29
Agency: DNR-Wildlife Division
Deliver to: St. Paul
Requisition #: 6403

Administration Department

Request for Proposals to Provide Diagnostic and Referral Services for the State Employee Assistance Program

Notice is hereby given that the Department of Administration intends to engage the services of a contractor in each of the following areas to provide diagnostic and referral services for State employees and their dependents: Bemidji, Brainerd, Cambridge, Crookston, Detroit Lakes, Duluth, Faribault/Owatonna, Fergus Falls, Grand Rapids, Mankato, Marshall, Moorhead, Morris, Rochester, St. Cloud, Virginia/Range, Willmar, and Winona.

Contractors shall be expected to maintain full-staffed offices in each of the locations indicated to provide five-day-per-week service to clients.

Contractors also will be mandated to use a percentage of the amounts for local outreach activities, subject to approval by the program office.

The estimated amount of the contract in each of these areas will not exceed \$5,000. Responses must be received by May 16, 1988.

Direct inquiries to:

Keith M. Tvedten
Director
State Employee Assistance Program
Suite 200, Summit National Bank Bldg.
205 Aurora Avenue
St. Paul, Minnesota 55103
(612) 296-0765

Department of Administration

InterTechnologies Group

Notice of Availability of Contract for Backup Computer Programming

The InterTechnologies Group (InterTech), Department of Administration, for the state of Minnesota, is requesting a proposal from qualified firms to provide backup computer programming services to be used by InterTech on an as needed basis. This will involve basic computer programming activities such as requirements definition, subsystem design, coding, testing, documentation, etc. This may involve backup assistance to a staff programmer of InterTech on a specific phase of a project, or taking responsibility for specific phases of a project—this work to be assigned at the discretion of the state. This work may be on projects InterTech does for any of the state agencies. The total amount expended for this activity will not exceed \$4,000,000 for FY89 (i.e., July 1, 1988, through June 30, 1989).

The full text of the Request For Proposal is available on request from Vicki Flower at (612) 296-6578. Responses must be directed to:

Ronald Larson, Manager
Information Systems Development Division
InterTechnologies Group
500 Centennial Office Building
St. Paul, MN 55155
(612) 296-6343

Responses must be received no later than 4 p.m. on May 20, 1988.

Department of Administration

InterTechnologies Group

Notice of Availability of Contract for Backup Microcomputer Consulting Services

The InterTechnologies Group (InterTech), Department of Administration, for the state of Minnesota, is requesting a proposal from qualified firms to provide backup microcomputer consulting services to be used by InterTech on an as needed basis. This will involve basic consulting services related to microcomputer systems activities such as requirements definition, system design, subsystem design, coding, testing, documentation, etc. This may involve backup assistance to a staff analyst or programmer of InterTech on a specific phase of a project, or taking full responsibility for specific phases of a project—this work to be assigned at the discretion of the state. This work may be on microcomputer projects InterTech does for any of the state agencies. The total amount expended for this activity will not exceed \$125,000 for FY89 (i.e., July 1, 1988, through June 30, 1989).

The full text of the Request For Proposal is available on request. Inquiries and responses must be directed to:

Norman F. McCarthy, Manager
Consulting Services Unit
Information Systems Development Division
500 Centennial Office Building
St. Paul, MN 55155
(612) 296-7546

Responses must be received no later than 4 p.m. on May 20, 1988.

State Contracts and Advertised Bids

Department of Administration

InterTechnologies Group

Notice of Availability of Contract for Backup Systems Analysis

The InterTechnologies Group (InterTech), Department of Administration, for the state of Minnesota, is requesting a proposal from qualified firms to provide backup systems analysis services to be used by InterTech on an as needed basis. This will involve basic systems analysis and design activities such as feasibility studies, requirements definition, system/subsystem design, project leadership, implementation, etc. This may involve backup assistance to a staff analyst of InterTech on a specific phase of a project, or taking full responsibility for specific phases of a project—this work to be assigned at the discretion of the state. This work may be on projects InterTech does for any of the state agencies. The total amount expended for this activity will not exceed \$1,500,000 for FY89 (i.e., July 1, 1988, through June 30, 1989).

The full text of the Request for Proposal is available on request by calling (612) 296-6578 [Vicki].

Inquires and responses must be directed to:

Norman F. McCarthy
Information Systems Development Division
InterTechnologies Group
500 Centennial Office Bldg.
658 Cedar Street
St. Paul, MN 55155
(612) 296-7546

Responses must be received no later than 4 p.m. on May 20, 1988.

State Designer Selection Board

Request for Proposal for a Project at the University of Minnesota

TO REGISTERED PROFESSIONALS IN MINNESOTA:

The State Designer Selection Board has been requested to select designer for a project 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., May 17, 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. Six copies of the proposal will be required.
2. All data must be on 8½" × 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 the 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 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) pages. **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 for 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.

8) PROJECT—13

Campus Center Phase I
University of Minnesota—Duluth

This project is composed of four primary interrelated elements: a major underground development of the space immediately in front of the Kirby Student Center; integrated academic space for Math-Geology, the College of Education and Human Service Professions, and the Achievement Center; an expansion of the interior concourse system to provide ramped connectors to the two major cross-campus concourses; and the development of a centrally located entrance and visitors' center. The Student Health Clinic will be relocated to this central campus facility. A roadway connecting to new campus entry points and visitor parking also will be constructed.

The project consists of adding an estimated 60,700 gsf in the four areas as follows:

• College of Education and Human Services Programs	12,600 gsf
• Achievement Center	25,300 gsf
• Mathematics and Statistics	16,000 gsf
• Student Health Clinic	6,800 gsf

The designer will be confronted with the following challenges:

- 1) Enhance through this focal facility, the visibility of the major missions of teaching, research, and service at the University of Minnesota—Duluth campus.
- 2) Reinforce a sense of collegiality of the UMD community in uniting multiple functions with a design character appropriate to the regions, the campus, and the specific site.

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3) By means of integrating planning, architecture and landscape architecture, enhance the image of the campus and impart a sense of clarity to the perception of campus space.

Additional considerations for designer selection are:

- 1) An established or merging reputation for design excellence broadly recognized.
- 2) Background of experience in the design of quality higher education facilities with similar elements.
- 3) Ability to design projects which help to unify and clarify campus or urban space.
- 4) Geographic proximity or local representation.

The facility has an estimated project cost of \$10,250,000.00 of which approximately \$7,585,000.00 is for construction. Funding for the planning phase will come from a 1988 Legislative appropriation (\$9,750,000.00) and from a UMD Health Services reserve account (\$500,000.00).

Questions concerning this project may be referred to Clint Hewitt at (612) 625-7355.

Damon Farber, Chairman
State Designer Selection Board

Department of Health

Division of Environmental Health

Contract for Consultants' Services to Provide Radiation Dose Assessment and Protective Action Guidance

The Minnesota Department of Health is requesting proposals from qualified Health Physicists for consulting services to provide assistance and training in determining radiation doses and protective actions for accidents involving radioactive materials (particularly at nuclear power reactors) and emergency response drills and meetings in preparation for such accidents.

Qualifications for the consultants are: Master's degree in Health Physics or equivalent field, 3 years of experience in a radiation safety program and familiarity with the "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants" (NUREG-0654, FEMA REP-1, Rev. 1). The consultants must be able to respond during emergencies and be available for drills and meetings.

Consulting services will be needed for an estimated 10 days plus 30 hours meeting time from July 1, 1988 to June 30, 1989. Up to \$4000 each for two consultants is available. The deadline for submission of proposals is May 16, 1988.

Proposals and inquiries should be directed to:

Alice T. Dolezal Hennigan, Chief
Section of Radiation Control
Minnesota Department of Health
717 Delaware Street S.E.
P.O. Box 9441
Minneapolis, Minnesota 55440
(612) 623-5351

Department of Health

Health Resources Division—Emergency Medical Services Section

Notice of Request for Proposal for EMS Medical Director

The Minnesota Department of Health is requesting proposals from eligible physicians to serve as medical director of its Emergency Medical Services Section for the period from July 1, 1988, to June 30, 1989.

Qualifications for the position include: current active practice of emergency medicine or a related specialty; recognized standing in the professional community, e.g., current or recent chairmanships and memberships of the American College of Emergency Physicians, Minnesota Medical Association, and other relevant professionals associations; experience in working with governmental agencies; familiarity with the state emergency medical systems grant program and other federal and state programs; an interest in assisting the Department of Health in defining and achieving goals specific to the planning, development, and regulation of emergency medical services, and the setting of appropriate guidelines and standards.

Minimum tasks include: assisting the Department of Health in the administration of emergency medical services rules and regulations; reviewing requests for licensure, waivers and variances; representing the Department in its contacts with professional associations, public and private agencies, and the general public; providing general technical assistance to the Department; providing regular progress reports.

Candidates must respond in the form of a written proposal to enter into a contract as required by the Department of Health. Reimbursement for a maximum of 300 hours assistance will be \$19,000, which includes travel and expenses. The deadline for proposals is June 3, 1988.

Copies of a "Request for Proposal: Emergency Medical Services (EMS) Medical Director," containing additional information about medical director duties and complete instructions for submitting a proposal, will be available after May 6, 1988, from:

Donald O. Hedman
Emergency Medical Services Section
Minnesota Department of Health
717 S.E. Delaware St.
P.O. Box 9441
Minneapolis, MN 55440
(612) 623-5518

Department of Health

Health Systems Development Division

Notice of Request for Proposals for Marketing Research and Program Design for an Employer Health Plan Data Exchange

The Health Economics Program is seeking proposals from qualified firms or individuals to conduct marketing research concerning the strength of demand for an employer health plan data exchange, and to develop marketing and program design recommendations for a data exchange. Preliminary research conducted by the program indicates that there may be strong demand for a data exchange.

The data exchange is envisioned as a state-operated voluntary program, whereby employers and other health plan purchasers could share information about premiums and other health plan features. The purpose of the data exchange is to facilitate the development of competition in the market for health plans.

The total cost of this contract is estimated not to exceed \$10,000. The formal Request for Proposals may be requested from and all inquiries should be directed to:

John Klein, Senior Analyst
Health Economics Program
Minnesota Department of Health
717 Delaware Street S.E.
P.O. Box 9441
Minneapolis, Minnesota 55440
(612) 623-5131

Department of Health

Request for Proposals for a Project Relating to Blood Lead Levels in Pregnant Women and a Project Related to Community Lead Abatement

The Minnesota Department of Health (MDH) intends to retain contractors for two lead-related projects.

I. The purpose of one project is to establish an effective prototype method of blood monitoring, health education, and intervention to prevent or reduce high blood lead levels in pregnant women. Applicant must be an organization serving a population at risk from lead contamination.

The contractor's duties will include:

- (1) monitoring blood lead levels in pregnant women;
- (2) providing information to pregnant patients about how to avoid high blood lead levels;

State Contracts and Advertised Bids

(3) providing intervention for pregnant patients whose blood lead levels exceed 12 micrograms per deciliter; and

(4) preparing a report, in concert with MDH, on the outcome of this project for submission to the Legislature by November 1, 1990.

Project Start and Completion Dates

This project will begin no later than August 1, 1988. Funds for this project are available until June 30, 1990.

Project Costs

Anticipated costs for this project are not to exceed \$65,000.

II. The purpose of the second project is to demonstrate the impact on blood lead levels in children of soil, dust, paint, and interior and exterior lead cleanup, and use of educational materials on proper handling of lead paint removal and cleanup. Applicants must be community based organizations. The contractor's duties will include:

(1) cleanup of lead contamination in a targeted portion of a neighborhood with known lead contamination. Cleanup includes soil removal and replacement, landscaping, and removal of loose paint;

(2) neighborhood involvement and an educational community outreach component;

(3) a cost-benefit analysis;

(4) planning for a centrally located information and educational center to serve the community; and

(5) a final evaluation on the effectiveness of the project based on routes of exposure, statistical design of the project, and geographical distribution. The evaluation, in written report form, must be submitted to the Legislature by January 1, 1990.

The MDH will test children who reside in the project area before cleanup and one year following cleanup for blood lead levels. Additional interim testing may be conducted by the MDH. The blood data obtained will be provided to the contractor. The contractor must handle wastes in accordance with *Minnesota Rules*, Chapters 7001, 7002, 7005, 7010, 7035, 7045, and 7046.

Project Start and Completion Dates

This project will begin no later than August 1, 1988. All activities must be completed by January 1, 1990.

Project Costs

Anticipated costs for this project are not to exceed \$100,000.

III. Letters of Intent

An applicant may apply for one or both projects. A letter of intent to apply must be received by 4:30 p.m., Monday, May 9, 1988. Letters of intent must include the name, address and telephone number of the applicant, and must specify which project(s) will be applied for. Letters of intent and inquiries should be directed to:

Douglas Benson, Lead Program Coordinator
Maternal and Child Health Division
Minnesota Department of Health
717 S.E. Delaware Street
P.O. Box 9441
Minneapolis, MN 55440
(612) 623-5653

MDH will mail application forms and instructions within three days following receipt of letters of intent. Completed applications will be due by 4:30 p.m., Wednesday, June 1, 1988. Final award decisions will be made by July 1, 1988. Formal contracts will be executed prior to initiation of the projects.

Minnesota Historical Society

Advertisement for Bids for Shelving

Sealed bids for the commodities listed below 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 May 9, 1988, at which time the bids will be publicly opened and read aloud. Bids received after 2:00 p.m., May 9, 1987, will be returned unopened.

The commodities to be bid are as follows:

1. 63 Republic Steel uprights 48" D x 8' H; 3" x 1 1/8" posts, 17,300 lb. capacity; Part No. 601182, Grey; or equivalent.

2. 358 Republic Steel beams 96" × 3¾", 4,700 lb. capacity per pair; Part No. 623296, Yellow; or equivalent.
3. 537 Republic Steel plain crossbars 48"; Part No. 6250044; or equivalent.
4. 179 Blandin Wood Products ½" thick oriented strand board to properly fit shelving described in Items 1-3; 100% aspen, sanded on one side, phenolic resin adhesive; Part No. OSB9648; or equivalent.
5. 89 Hallowell beams 96"; Part No. 2013BM96, Grey; or equivalent.
6. 147 Hallowell tie bars; Part No. 20PTB48, Grey; or equivalent.
7. 49 Blandin Wood Products oriented strand board 96" W × 48" D × ½" thick; 100% aspen, sanded on one side, phenolic resin adhesive; Part No. OSB9648; or equivalent (must be compatible with Items 5 & 6 above).

Items 5, 6, & 7 are to be integrated with shelving currently in use by the Society and must be compatible with existing shelving.

The paint formulation for Items 1, 2, 3, 5 & 6 is critical. For example, acrylic based paints supplied by PPG Industries and used by Hallowell and Republic Steel, as well as an epoxy that is electrostatically applied and then baked to cure as used by Rivitier, is acceptable for the Society's purposes. Paint containing a vinyl toluated alkyd resin is not acceptable for the Society's purposes.

Accordingly, bids must specify the brand name of the product to be supplied and, if other than the brand names specified above, a data sheet regarding the paint formulation must be attached to the bid.

In addition, bids must contain a description of each commodity being bid, the bid price, shipping and/or handling charges, if any, estimated delivery date, and the name, address and telephone number of the bidder. Bids should not include installation. Bids must be signed, in ink, by an authorized member of the firm.

Prospective bidders who have questions regarding the specifications or qualifications may call or write: Mark Schwartz, Contract Officer, Minnesota Historical Society, 1500 Mississippi Street, St. Paul, Minnesota 55101, (612) 296-2155.

Bids must be sealed in mailing envelopes with the bidder's name, address, and the commodity name clearly written on the outside and sent to Mark Schwartz, Contract Officer, Minnesota Historical Society, 1500 Mississippi St., St. Paul, MN 55101. The bid must be signed, in ink, by an authorized member of the firm.

Each bid must be accompanied by a cash deposit, cashier's check, certified check, or bidder's bond, acceptable to the Society in the sum of not less than 5% of the bid, payable without condition to the Minnesota Historical Society, which is submitted as bid security.

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

Department of Human Services

Brainerd Regional Human Services Center

Notice of Availability of Contracts for Medical Services, Psychological Testing Services, and Physical Therapy Services

Notice is hereby given that the Brainerd Regional Human Services Center is seeking the following services for the period July 1, 1988 through June 30, 1989: These services are to be performed as requested by the Administration of the Brainerd Regional Human Services Center.

This notice does not obligate the State to complete the projects and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

1. Services of a physician to provide "on call" service for an acute ward, physical examinations, make hospital rounds, and conduct clinics. The contract amount is estimated not to exceed \$62,500.00.

2. Services of a radiologist to interpret X-rays taken at Brainerd Regional Human Services Center or special X-rays done at St. Joseph's Medical Center, Brainerd, MN. The contract amount is estimated not to exceed \$16,000.00.

3. Psychological interpretation of tests administered by Brainerd Regional Human Services Center on persons admitted to the Psychiatric Program. Tests will be done in response to a physician's order and mailed to the contractor. Estimated volume: 350 admission battery consisting of MMPI and Shipley Institute of Living Scale, 15 Bender, and 40 Sentence Completion. The amount of the contract is estimated not to exceed \$13,750.00.

4. Services of a qualified Psychiatrist 8 hours per week to provide psychiatric consultation to the Emotionally Disturbed Adolescent

State Contracts and Advertised Bids

Unit at Brainerd Regional Human Services Center. Duties to include assessments to determine organically involved impairments; diagnosis and treatment recommendations; evaluation of appropriateness of medications; prescribing appropriate medications; monthly consultation to interdisciplinary teams; and individual appointments with designated clients. The amount of the contract is estimated not to exceed \$33,280.00.

Direct inquiries to the following person by May 16, 1988:

Elmer O. Davis
Assistant Administrator
Brainerd Regional Human Services Center
1777 Highway 18 E.
Brainerd, MN 56401
Phone Number: (218) 828-2399

Department of Human Services

Faribault Regional Center

Notice of Request for Proposals for Services to be Performed on a Contractual Basis

Notice is hereby given that Faribault Regional Center, Department of Human Services, is seeking the following services for the period of July 1, 1988 thru June 30, 1989. These services are requested by the Chief Executive Officer of the Faribault Regional Center.

1. A **RADIOLOGICAL CONSULTANT GROUP** to provide services at the Faribault Regional Center upon the request of the Medical Director, at times mutually agreed upon by both parties. The duties shall involve radiological consultations for residents and patients of Faribault Regional Center, consisting of interpretation and diagnosis of x-ray films of chest, skull, skeleton, abdomen, gall bladder, kidneys, and other services as requested by staff physicians. In addition, supervision of the X-Ray Department in regard to equipment, methodology, safety, etc., will be included in this consultation service. The estimated amount of this contract will not exceed \$14,000.00.

2. A **PHYSICIAN OR PHYSICIAN GROUP** to provide weekend coverage at Faribault Regional Center upon request of the Medical Director. Coverage services include making rounds in the Medical Hospital and Units, responding promptly to all emergency calls, admitting and transferring sick persons, performing physical examinations, writing therapeutic programs, and other services. The estimated amount of this contract will not exceed \$23,000.00.

3. A **PSYCHIATRIST/OR PSYCHIATRIST GROUP** to provide psychiatric services at Faribault Regional Center upon request of the Medical Director, at times mutually agreed upon by both parties. The duties shall include specialized psychiatric consultation in the area of psychogeriatrics, and assessment of patients with psychosis, disruptive behavior disorders, and other developmental disorders. The duty of the psychiatric consultant will include but not be limited to prescribing chemical and other therapeutic programs, assessing side effects, including Tardive Dyskinesia, etc.

The psychiatrist will be involved in Team training in the recognition of signs and symptoms of mental illness. The estimated amount of this contract will not exceed \$18,000.00.

4. A **PSYCHIATRIST/OR PSYCHIATRIST GROUP** to provide psychiatric services at Faribault Regional Center upon request of the Medical Director, at times mutually agreed upon by both parties. The duties shall include clinical examination and psychiatric diagnosis, formulation and implementation of individualized treatment plans, review of progress of plans, attendance of team meetings, and provision of inservice training programs on selected topics to staff members of Faribault Regional Center. The estimated amount of this contract will not exceed \$12,000.00.

5. A **BOARD CERTIFIED PHYSICIAN** knowledgeable of occupational medicine to provide employee health examinations upon request of the Faribault Regional Center (FRC), at times mutually agreed upon by both parties. Use access of Cybex equipment for select cases must also be provided. The services are to be performed for selected employees referred by the FRC Medical Director, (including employees selected for preplacement, transfer, promotion and return to work from personal injury/illness). The contracted physician will perform physical examinations and determine whether or not the employees are physically compatible with the physical requirements of specific job assignments. The estimated amount of this contract will not exceed \$40,000.00.

Responses for any of the above services must be received by May 16, 1988.

Direct inquiries to:

Richard Fick, Contract Liaison

Faribault Regional Center
802 Circle Drive
Faribault, MN 55021
(507) 332-3530

Department of Human Services

St. Peter Regional Treatment Center

Notice of Request for Proposal for Services

Notice is hereby given that the St. Peter Regional Treatment Center, Residential Facilities Administration, Department of Human Services, is seeking the services which are to be performed as requested by the Administration of the St. Peter Regional Treatment Center. The following contracts will be written for the period July 1, 1988 through June 30, 1989.

1. Services of a psychiatrist to service the needs of the mentally ill. Estimated amount of the contract is \$50,000.00.
2. Services of an individual skilled in comprehensive sign language interpreting to serve those persons also mentally ill, mentally retarded and/or chemically dependent. Estimated amount of the contract is \$16,500.00.

Responses must be received by May 13, 1988. Direct inquiries to:

Tom Bolstad
St. Peter Regional Treatment Center
100 Freeman Drive
St. Peter, MN 56082
Phone: 507-931-7116

Non-State Public Contracts

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

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

Metropolitan Waste Control Commission

Request for Proposal for Professional Services for Racial Harassment and Discrimination Training Program

The Metropolitan Waste Control Commission is requesting proposals for Racial Harassment and Discrimination Training Program for the period of September 1, 1988 through December 31, 1988. This request provides background information on MWCC and describes items which should be specifically addressed in proposals responding to this Request for Proposals.

Request for Proposals can be obtained by writing to the MWCC, 350 Metro Square Building, St. Paul, MN 55101 or by contacting Mary Jane Heinisch at (612) 222-8423 extension 173 starting April 29, 1988.

Proposals will be accepted by the Metropolitan Waste Control Commission until 4:30 P.M. FRIDAY, MAY 20, 1988. Fifteen copies of your proposal shall be addressed to the above address to the attention of Mary Jane Heinisch.

The Metropolitan Waste Control Commission reserves the right to reject any or all proposals and to waive any minor irregularities and deviations from requirements outlined in the Request for Proposals.

BY ORDER OF THE METROPOLITAN WASTE CONTROL COMMISSION
Louis J. Breimhurst, Chief Administrator

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.

May 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, May 2, 1988 9:00 a.m.

CX-87-949 L.K., et al., petitioners, Appellants (Attorneys: M. Francesca Chervenak, Laurie N. Davison and Kathleen M. Davis of The Legal Aid Society of Minneapolis, Inc.) **vs. WILLIAM GREGG, in his capacity as COMMISSIONER of VETERANS AFFAIRS, et al., Respondents**, (Attorney: Merwin Peterson Assistant Attorney General). Opinion Court of Appeals.

Do state citizens have a federally protected constitutional procedural due process right to state statutory procedures?

Are the prevailing parties in an action against the State who neither pled nor proved a 42 U.S.C. S 1983 federal procedural due process action may, nevertheless be awarded attorney's fees pursuant to 42 U.S.C. S 1988?

Did the veterans prevail on the merits of their case?

C5-88-61 and CX-88-69 DUANE J. OELRICH, Respondent (C5-88-61), Relator (CX-88-69) (Attorney: Thomas D. Mottaz of Babcock, Locher, Neilson & Mannella) **vs. SCHLAGELS, INC., and EMPLOYERS INSURANCE OF WAUSAU, Respondents**, (Attorney: Lisa Gustafson of Larsen, Heck & Klimek) **JACK ROACH FORD and AMERICAN MUTUAL INSURANCE COMPANY, Relators (C5-88-61) Respondents (CX-88-69)** (Attorneys: Janet Monson and Douglas Renteria of Gilmore, deLambert, Aafedt & Forde) **and MINNESOTA DEPARTMENT OF HUMAN SERVICES, Intervenor, MADA INSURANCE COMPANY, Intervenor, Respondent** (Attorney: James W. Schutjer) **THE SPECIAL COMPENSATION FUND, Respondent** (Attorney: Winston Ehlmann Assistant Attorney General). Order Workers' Compensation Court of Appeals

Was there a relationship between Jack Roach Ford and the employee which entitles him to benefits for the 1983 injury?

Did the Workers' Compensation Court of Appeals exceed its scope of review in finding that the employee was employed by Jack Roach Ford?

Did the accident occur within the course and scope of employment giving rise to liability under the Workers' Compensation Act?

Assuming the accident was within the course and scope of employment, which employer and insurer bear responsibility for that liability?

What action should the Supreme Court take as to the claim against the Special compensation fund under *Minnesota Statutes*, § 176.131, subd. 1a or subds. 1 and 3 (1982)?

Tuesday, May 3, 1988 9:00 a.m.

C2-87-1061 REAL PROPERTIES, INC., et al., Respondent (Attorneys: Teresa B. Bonner and Charles J. Lloyd of Lindquist & Vennum) **vs. MISSION INSURANCE COMPANY, et al., Defendants**, (Attorney: Roger L. Rowlette) **GEORGE B. HOLMAN & CO., INC., petitioner, Appellant** (Attorney: Kay Nord Hunt of Lommen, Nelson, Cole & Stageberg, P.A.) **BARRETT MOVING & STORAGE, Respondent** (Attorney: Tony R. Krall of Hanson, Noel & Lulic). Opinion Court of Appeals

Can the State of Minnesota, consistent with due process, assert personal jurisdiction over appellant George B. Holman & Co., Incorporated?

CX-87-823 MINNESOTA TEAMSTERS PUBLIC and LAW ENFORCEMENT EMPLOYEES UNION, LOCAL NO. 320, petitioner, Appellant, (Attorney: Gary W. Bastian) **vs. COUNTY OF WASHINGTON, Respondent** (Attorney: Peter D. Berstrom). Opinion Court of Appeals.

Are medical and hospitalization insurance benefits for retired former employees a prohibited subject for collective bargaining pursuant to the Public Employees Labor Relations Act, *Minnesota Statutes*, § 179A.03, subd 19 (1986)?

Wednesday, May 4, 1988 9:00 a.m.

C6-88-487 In Re Petition for Disciplinary Action against THERESE M. MADSEN, an Attorney at law of the State of Minnesota. Petition for Disciplinary Action

C1-87-1830 In Re Petition for Disciplinary Action against J. TIMOTHY KAINE, an Attorney at Law of the State of Minnesota (Attorney: Ruvelson & Kautze). Petition for Disciplinary Action

Is the referee's recommendation of a one (1) year suspension an appropriate sanction against an attorney who signs altered documents, lies under oath on one Occasion, then admits to his misconduct shortly after completing the first phase of alcohol treatment?

Thursday, May 5, 1988 9:00 a.m.

C3-88-57 JOANNE CARDINAL, et al., Respondents (Attorneys: Gordon G. Busdicker, John F. Beukema, Wendy J. Wildung and R. Thomas Torgerson of Faegre & Benson) **vs. MERRILL LYNCH REALTY/BURNET, INC., Appellant** (Attorneys: James W. Reuter, Jeffrey S. Johnson and Paul L. Ratelle of Barna, Guzy, Merrill, Hynes & Giancola, Ltd.). Judgment Hennepin County

Did the appellant, by charging and collecting a separately stated Drafting, Recording, and Closing Fee for services provided by it in closing real estate transactions in which it represented the seller, engage in the unauthorized practice of law?

Does *Minnesota Statutes*, § 8.31, subd. 1 and 3a, provide respondents a private right of action for damages allegedly caused by the unauthorized practice of law?

Are the respondents entitled to return of the full amount of the Drafting, Recording, and Closing Fee they paid to appellant where the bulk of the services compensated by the fee were services other than preparing the closing documents?

CX-87-935 PAUL PETRICH, a minor, by JANICE M. LEE, his natural parent and guardian, Respondents (Attorney: Logan N. Foreman, III of Eckman, Strandness & Egan, P.A.) **vs. HARTFORD FIRE INSURANCE CO., petitioner, Appellant,** (Attorney: George Charles Hottinger of Chadwick, Johnson & Condon, P.A.). Opinion Court of Appeals

Is a policy definition that is more restrictive than *Minnesota Statutes* § 65B.49 subd. 4(3) for "uninsured motorist vehicle" valid and enforceable in a one vehicle accident situation?

Is a determination of the identity of the motor vehicle operator amenable to arbitration?

Monday, May 9, 1988 9:00 a.m.

C6-87-2228 SOUTHDALE CIRCLE PARTNERSHIP, Respondent (Attorney: John P. Sheehy of Meshbesh, Singer & Spence, Ltd.) **vs. COUNTY OF HENNEPIN, Relator** (Attorney: Mark Kapter Maher Assistant County Attorney). Order Minnesota Tax Court

Did the amendment to *Minnesota Statutes*, § 278.05, subd. 1 allowing the tax court to increase the amount of taxes due give rise to a counterclaim on behalf of the taxing authority, preventing dismissal by the tax petitioner?

C9-87-909 LOREN McCULLOUGH, d/b/a MAGIC DRAGON RESTAURANT, petitioner, Appellant, (Attorney: Mark E. O'Boyle of Dickel, Johanson, Taylor, Rust & Schmitz) **vs. THE TRAVELERS COMPANIES, Respondent** (Attorney: Ian C. Ritts of Hanson, Noel & Lulic). Opinion Court of Appeals

Under Minnesota's standard fire insurance policy, does an insured's failure to submit to an examination under oath automatically bar recovery?

Must an insurer prove a substantial and material lack of cooperation by the insured resulting in substantial prejudice to the insurer prior to a court-ordered forfeiture of the benefits of the policy?

Tuesday, May 10, 1988 9:00 a.m.

C9-87-1414 STATE OF MINNESOTA, Respondent (Attorney: Linda K. Jenny Assistant Hennepin County Attorney) **vs. GERALD W. NORRIS, Appellant** (Attorney: D. Richard Hellweg Assistant State Public Defender). Judgment Hennepin County

Was the evidence presented at trial insufficient as a matter of law to sustain appellant's conviction for Murder in the First Degree and convictions for Assault in the Second Degree?

Did the trial court abuse its discretion by admitting Spreigl evidence, where the Spreigl incident was over eight years old?

Is the appellant entitled to reversal of his conviction because the indictment by which he was charged was fundamentally defective in that the grand jury instruction contained the same language addressed by this court in *State v. Inthavong*?

Did the trial court's sentence of life imprisonment plus five consecutive sentences of sixty months each unduly exaggerate the criminality of appellant's conduct?

Supreme Court Calendar

C1-88-302 PHILLIP P. SCHMIDT, Relator (Attorney: Raymond R. Peterson of Sieben, Grose, Von Holtum & McCoy, Ltd.) **vs. MODERN METALS FOUNDRY, INC. and WESTERN NATIONAL INSURANCE COMPANY, Respondents** (Attorney: Pustorino, Pederson, Tilton & Parrington) and **COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY, intervenor, Respondent** (Attorney: Rebecca H. Hamblin Special Assistant State Attorney General). Order Workers' Compensation Court of Appeals

Does *Minnesota Statutes* § 176.105, subd. 4 require the commissioner of Labor and Industry to promulgate disability schedules which guarantee injured employees the exact same benefits to which they would have been entitled under prior law?

Are the commissioner's permanent partial disability schedules as applied in this case consistent with Article I Section Eight of the Minnesota constitution?

Wednesday, May 11, 1988 9:00 a.m.

C4-87-848 JON H. BILLIGMEIER, et al., Respondents (Attorney: Kirk W. Reilly of O'Connor & Hannan) **vs. COUNTY OF HENNEPIN, et al., petitioners, Appellants** (Attorney: Charles F. Sweetland Assistant County Attorney). Opinion Court of Appeals

Does *Minnesota Statutes* § 357.09 require that the sheriff take actual possession of or sell property levied upon prior to collection of his statutory fee?

Does the Sheriff incur risk or responsibility with respect to property which has been levied on but is not in the actual physical custody of the sheriff?

C6-88-232 JOHN DESCHAMPE, Respondent (Attorney: James Courtney, III) **vs. ARROWHEAD TREE SERVICE and FIREMAN'S FUND INSURANCE COMPANY, Relators** (Attorney: Baukol, Nyberg, Simpson & Crowley). Order Workers' Compensation Court of Appeals

Is employee entitled to payment of his permanent partial disability in a lump sum, together with interest thereon?

Did the majority Decision of the Workers' Compensation Court of Appeals include independent investigations on behalf of the employee that was at odds with the Workers' Compensation Court of Appeals appellate function?

Was there substantial evidence in the record to support the compensation judge's award of permanency?

Thursday, May 12, 1988 9:00 a.m.

C1-84-2140 In Re Amendment to Minnesota Rules on Lawyers Professional Responsibility. Hearing on Proposed Rules

C5-84-2139 In Re Amendment to Minnesota Rules for Admission to the Bar and Rules of the State Board of Law Examiners for Admission to the Bar. Hearing on Proposed Rules

Tuesday, May 24, 1988 9:00 a.m.

In Re Complaint Concerning the Honorable ALBERTO O. MIERA, Judge of the District Court, Ramsey County, State of Minnesota (Attorney for Board on Judicial Standards: Robert J. Sheran and Denise D. Reilly of Lindquist & Vennum) (Attorney for Respondent: McNulty & Wallace). Board on Judicial Standards

Are the panel's findings and recommendations supported by clear and convincing evidence?

Is removal the appropriate discipline for Judge Miera's violation of canons 1 and 2 of the Code of Judicial Conduct and rule 4 of the Rules of the Board on Judicial Conduct?

Does a judge's abuse of his position by engaging in repeated acts of unwelcome sexual contact with his court reporter warrant public discipline as an attorney?

Supreme Court Decisions

Decisions Filed 22 April 1988

C5-86-2212, C7-87-357 David Chabot v. City of Sauk Rapids, petitioner, Appellant. Court of Appeals.

Although the city's decision not make major capital improvements to an existing drainage system is immune as a discretionary function, any immunity is waived under *Minnesota Statutes* 466.06 (1982) by the city's purchase of liability insurance. However, where there is no evidence of negligent maintenance or operation of the city's storm sewer system, the city is not liable, as a matter of law, for failing to build an adequate drainage system.

Reversed. Yetka, J.

C3-87-338 Ralph S. Nusbaum v. County of Blue Earth and State of Minnesota, petitioners, Appellants. Court of Appeals.

Plaintiff's negligence action against the State of Minnesota, based on a state traffic engineer's decision on where to place a sign marking the end of a reduced speed zone on County State-Aid Highway No. 48, was not barred by the discretionary function exception to government tort liability, *Minnesota Statutes* 3.76, subd. 3(b) (1986). The considerations in this case, was not the type of judgment protected by the discretionary function exception.

The state owed plaintiff a duty to exercise reasonable care in determining whether to authorize Blue Earth County's request for a reduced speed zone on County State-Aid Highway No. 48. Such a duty included the exercise of reasonable care in determining where to place the signs marking the end of the reduced speed zone.

Affirmed. Yetka, J.

C9-86-2102, C5-86-2128 Wesley McBride v. Leon Joyce Blacktop and Lumbermens Mutual Casualty Company, Relators (C9-86-2102) and State Treasurer, Custodian of the Special Compensation Fund, Relator (C5-86-2128). Workers' Compensation Court of Appeals.

Supplementary workers' compensation benefits pursuant to *Minnesota Statutes*, 176.132, subd. 1(a) (1984) do not replace temporary total disability benefits when the employee has exhausted the statutory limit of 350 weeks of temporary total disability benefits but has not established a claim of permanent total disability.

Reversed. Coyne, J.

Dissenting, Yetka, Wahl & Popovich, JJ.

C7-87-715, C6-87-1001 State of Minnesota v. James Redding, Appellant. Hennepin County.

Defendant received a fair trial and was properly convicted of first-degree murder.

Affirmed, Coyne, J.

Announcements

Environmental Quality Board: Comments on Environmental Assessment Worksheets (EAWs) are due May 18 on the following projects at the regional governing unit matched with each project: Meadowood on Marcott, City of Inver Grove Heights; CASH 13—Nicollet County; Bridle Ridge 2nd Addition, City of Eagan; Removal of the C.H. Bull House, City of Cokato; Reshanau Lake Estates South, City of Lino Lakes; Replacement of Bridge No 6992—Washington Avenue N., Mn/DOT Technical Services; CASH 1 from CASH 18 to Nesbitt Avenue, Hennepin County DOT; Tiscany Hills, City of Chaska; and the Pine Ridge Recreational Complex, City of Fosston. Petitions for EAWs have been received for the Apple Valley Apartments, by the City of Apple Valley; and the Anderberg Development by St. Louis County. Final supplemental environmental impact statements are due May 2 on the Koch Refining Company Proposed New Land Treatment Facility to the MN Pollution Control Agency. No EIS (environmental impact statements) are required for the following projects: CASH 5—Kandiyohi County; Indian Hills, Lakeville; Lakeville Commercial Center, Lakeville; Lake Prairie Egg Company, Nicollet County; and Schmidt House, City of Mankato. An EAW is required for Maple Shores First Addition, Pine County. Contact *EQB Monitor* editor Gregg Downing at (612) 296-8253 for more information.

Arbor Day/Arbor Month: May is "Arbor Month" and Arbor Day is April 29. The Minnesota Departments of Agriculture, Natural Resources and Education have produced and distributed an "Arbor Celebration Kit" to schools and organizations throughout Minnesota on behalf of the Arbor Month Committee, a coalition of groups throughout the state dedicated to supporting the planting of trees. This year's Arbor Poster is a Norman Rockwell scene of a family planting a tree. To receive a kit, or more information, call (612) 297-1551.

Dutch Elm or Oak Wilt Lab Tests: The Minnesota Department of Agriculture offers a free laboratory testing service for the detection of Dutch elm or oak wilt. Samples should be taken from an actively wilting or recently wilted branch. Do not submit samples from dead or barren branches as these will be too dry to accurately test. Remove from the branch four or five sections, 6 to 8 inches long and one-fourth to one-half inch in diameter. Completely enclose the samples in plastic wrap. Seal and separate the individual samples by using rubber bands, string or tape. Enclose with your name, address and telephone number inside a sturdy envelope and send to: Plant Industry Diagnostic Laboratory, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107. Repeat this process to sample another tree. Testing and analysis takes about 10 days for elms and up to three weeks for oaks. Call (612) 297-1551 for more information.

Announcements

Free Travel Guides to Minnesota: Information on more than 1,500 Minnesota restaurants, hotels and resorts is as close as your fingertips with three free travel guides now available. Exploring Minnesota is easy with the Explore Minnesota series of guides produced by the Minnesota Restaurant, Hotel and Resort Association in cooperation with the Office of Tourism. *Explore Minnesota Resort Guide* is a lively 124 pages of information about over 550 resorts in the state. *Explore Minnesota Restaurant Guide* is a 128-page directory packed with descriptions of nearly 800 dining facilities throughout Minnesota. *Explore Minnesota Hotel and Motor Hotel Guide* is a 46-page gem that lists 175 lodging properties in the state. For free copies of the guides, call (612) 222-5067, or write to the Minnesota Restaurant, Hotel and Resort Associations, 871 Jefferson Ave., Room B, St. Paul, MN 55102. Please indicate which guide(s) you are requesting.

Waterfowl Rescue Booklet Available: The Department of Natural Resources (DNR) recently received copies of "Waterfowl for the Future," a four-color, 20-page booklet outlining the North American Waterfowl Plan to restore the continent's waterfowl populations to previous levels. The plan, a comprehensive agreement between the United States and Canada to manage and conserve waterfowl in the two countries through the year 2000, sets goals for waterfowl, identifies where habitat conservation is most needed and recommends solutions for resolving problems preventing the restoration of wetlands. "The North American Plan focuses on the value of maintaining enough high-quality habitat to ensure the abundance of North American ducks, geese and swans," reads the brochure. "Waterfowl for the Future" traces the decline in duck breeding populations in North America over the past 20 years and explains how the elimination of wetlands directly affects duck numbers. It suggests ways habitat can be conserved on a large scale; who can help, and how such a plan will be financed. The brochure also gives examples of the North American Plan's impressive goals—to protect or improve over five and a half additional acres of wintering or breeding habitat in the United States and Canada—and describes what work on the plan has already begun. Copies of the booklet are available from the U.S. Fish and Wildlife Service, Twin Cities Regional Office (Federal Building, Fort Snelling, St. Paul, MN 55111); the DNR headquarters in St. Paul (500 Lafayette Road, St. Paul, MN 55155-4020), or from most U.S. Fish and Wildlife Service field stations and National Wildlife Refuge offices. For more information, contact: Roger Holmes, Wildlife Section Chief (612) 296-3344.

Voices of the Loon

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

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

The Loon: Voice of the Wilderness, hardbound with color plates and illustrations, 143 pages. Code #19-54, \$15.95.

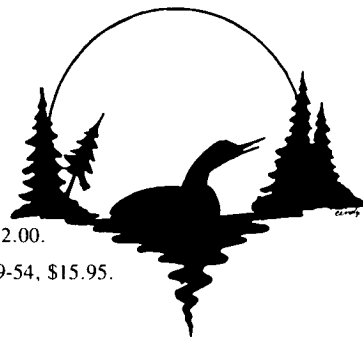
Loon Calendar 1988, beautiful photographs and scenes. Code #15-40, \$6.95.

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

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

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

Loon with baby—poster, 16" x 20". Code #15-48d, \$3.00.



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

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

Minnesota's future environment

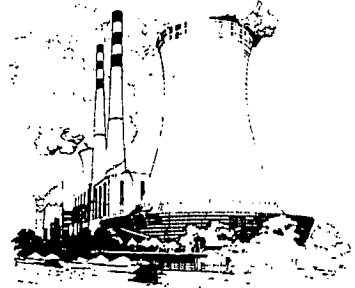
The issue of environmental protection is of continuing interest to both Minnesota business and the general public. Stay abreast of changes in state government regulations with these publications.

1987 Pollution Control Laws

Laws dealing with water pollution, disposal facilities, solid waste management, the MN Environmental Rights Act, recycling, and more. Code No. 2-21. \$15.00.

1987 Hazardous Waste Rules

Governs the production, storage, transportation and disposal of hazardous waste. MN Rules Chapter 7045 and 7046. Code No. 3-71. \$15.00.



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

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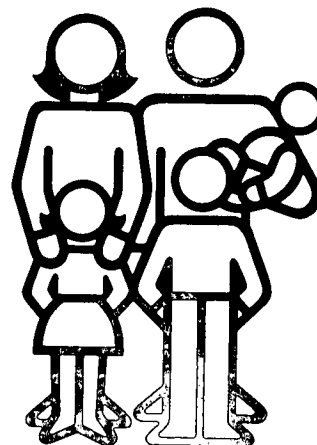
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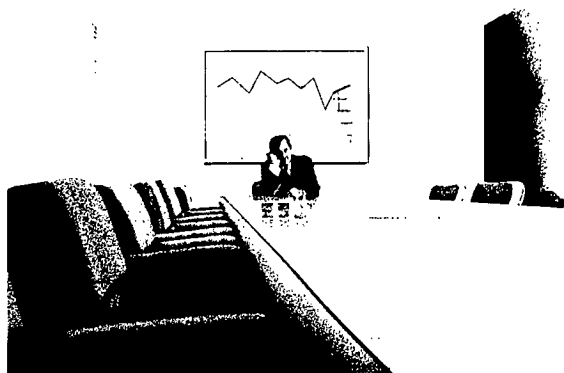
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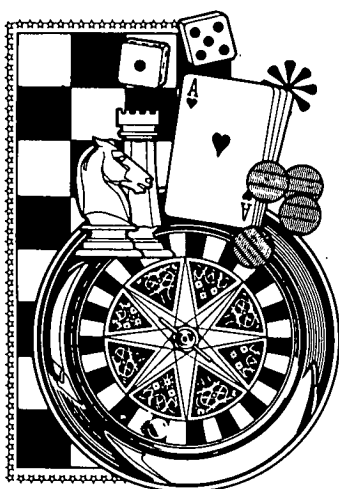
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