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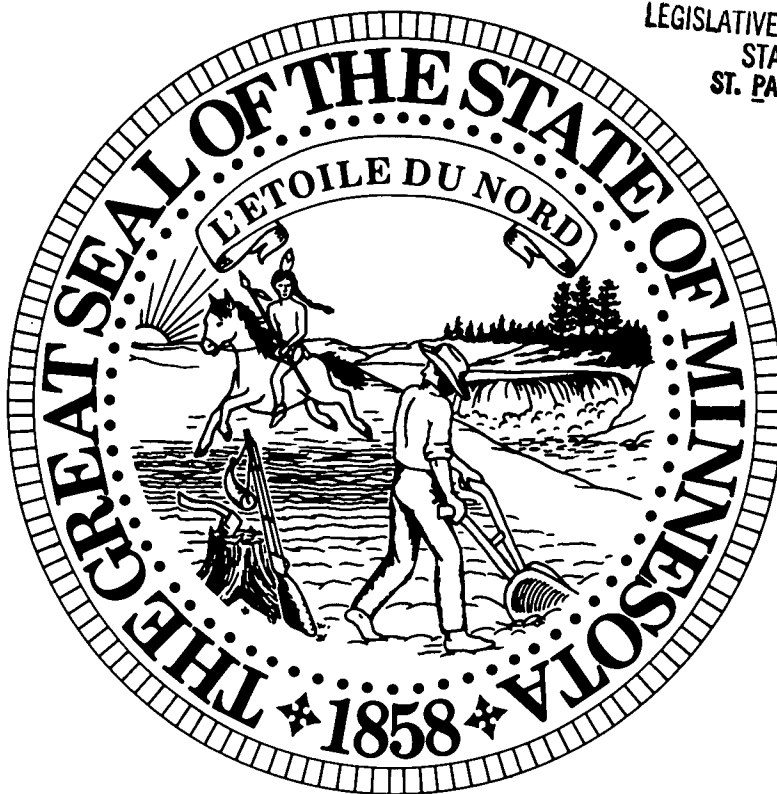
STATE REGISTER

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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. 13 Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
20	Monday 31 October	Monday 7 November	Monday 14 November
21	Monday 7 November	Monday 14 November	Monday 21 November
22	Monday 14 November	Thursday 17 November	Monday 28 November
23	Thursday 17 November	Monday 28 November	Monday 5 December

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

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

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

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

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Department of Administration**

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Minnesota Documents Division**

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FOR LEGISLATIVE NEWS

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

SENATE

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

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

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

HOUSE

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

This Week—weekly interim bulletin of the House.

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

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

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NOTICE: How to Follow State Agency Rulemaking in the State Register

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

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

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

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

Department of Commerce

Proposed Permanent Rules Relating to Group Insurance Replacement

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Department of Commerce intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedures Act for adopted rules without a public hearing in *Minnesota*

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

Statutes, section 14.22-14.28. Authority for the adoption of these rules is contained in *Minnesota Statutes*, Section 45.023 and 60A.082.

All persons have 30 days to submit comments in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Department and do not result in a substantial change.

Any person may make a written request for a public hearing within the 30 day comment period. If 25 or more persons submit a written request for a public hearing within the 30 day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the Department will proceed pursuant to *Minnesota Statutes*, sections 14.13 to 14.20.

Persons who wish to submit comments or a written request for a public hearing should submit them to:

John Gross
Senior Policy Analyst
Department of Commerce
500 Metro Square Building
St. Paul, MN 55101
(612) 296-6929

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rules has been prepared and is available upon request from John Gross.

Pursuant to *Minnesota Statutes* Section 14.115, subdivision 2, the impact on small business has been considered in the promulgation of the rules. Anyone wishing to present evidence or argument as to the rules' effect on small business may do so. The Department's position regarding the impact of the rules on small business is set forth in the Statement of Need and Reasonableness.

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

Michael A. Hatch
Commissioner of Commerce

Rules as Proposed

2755.0400 LIABILITY OF PRIOR CARRIER.

The prior carrier remains liable to the extent of its accrued liability and any contractual liability for extension of benefits at the time of replacement. "Accrued liability" includes, but is not limited to, responsibility for covered inpatient ~~hospital~~ expenses, subject to applicable deductibles, copayments, and limitations, incurred by a covered individual who is ~~confined in a hospital~~ an inpatient on the date of replacement. The responsibility on the part of the prior carrier continues until the covered individual is discharged from the hospital or contract maximums have been reached, whichever first occurs.

Pollution Control Agency

Proposed Permanent Rules Relating to the Corrective Action Grants Program under the Independent State Grants Program for Wastewater Treatment

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Minnesota Pollution Control Agency (Agency) intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, §§ 14.22 to 14.28. The Agency's authority to adopt the rule is set forth in *Minnesota Statutes*, § 116.181 Subd. 5 (Supp. 1987).

All persons have until 4:30 p.m. on December 14, 1988, to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Proposed Rules

Any person may make a written request for a public hearing on the rules within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the Agency will proceed pursuant to *Minnesota Statutes*, §§ 14.131 to 14.20 (1986).

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

Deborah Olson
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155
(612) 296-7223

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

The proposed rules, if adopted, will create a corrective action grants program. The program will make grants available to municipalities with wastewater treatment facilities funded under the federal water pollution control act or the independent state grants program that are unable to meet performance standards. The proposed rules are published below. One free copy of the rules is available upon request from Ms. Olson at the address and telephone number stated above.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rule has been prepared and is also available from Ms. Olson upon request.

You are hereby advised, pursuant to *Minnesota Statutes* § 14.115 (1986), "Small business considerations in rulemaking", that the proposed rules will have no direct effect on small businesses. In addition, you are hereby advised, pursuant to *Minnesota Statutes* § 14.11 (1986), that none of the cost to local public bodies to construct wastewater treatment facilities is directly attributable to these rules.

Finally, you are hereby advised, pursuant to *Minnesota Statutes* § 17.83 (1986), that the Agency has determined that these rules will not have an adverse effect on agricultural land.

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

Gerald L. Willet
Commissioner

Rules as Proposed (all new material)

CORRECTIVE ACTION GRANTS PROGRAM

7075.1005 PURPOSE.

The corrective action grants program provides grants to municipalities with wastewater treatment facilities funded under the *Clean Water Act, United States Code*, title 33, sections 1281 to 1299, or the independent state grants program that are unable to meet performance standards. The grants are for the purpose of correcting performance failures. The program is jointly administered by the Minnesota Pollution Control Agency and the Minnesota Public Facilities Authority. Parts 7075.1005 to 7075.1090 pertain to the agency's responsibilities in administering the program.

7075.1010 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of this program, the following terms have the meanings given them.

Subp. 2. **Agency.** "Agency" means the Minnesota Pollution Control Agency.

Subp. 3. **Authority.** "Authority" means the Minnesota Public Facilities Authority.

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

Subp. 4. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Pollution Control Agency.

Subp. 5. **Performance standards.** "Performance standards" means the criteria established for a wastewater treatment facility under the Clean Water Act, United States Code, title 33, sections 1281 to 1299, or the independent state construction grants program for the purpose of determining the project's satisfactory performance.

7075.1020 ELIGIBILITY FOR PARTICIPATION.

To be eligible for participation in the program, a municipality must meet the following requirements:

A. The municipality received a wastewater treatment facility construction grant under the *Clean Water Act, United States Code*, title 33, sections 1281 to 1299, or the independent state construction grants program after December 29, 1981. A municipality that received a grant under the individual on-site wastewater treatment system grants program or the capital cost component grant program does not meet this eligibility requirement.

B. The population served by the wastewater treatment facility is 1,500 or less.

C. The municipality's wastewater treatment facility is unable to meet performance standards and the inability was identified by the commissioner before the end of the one-year performance certification period established by *Code of Federal Regulations*, title 40, section 35.2218.

D. For projects that were originally funded under the *Clean Water Act, United States Code*, title 33, sections 1281 to 1299, the inability of the wastewater treatment facility to meet performance standards is not the result of the failure of innovative or alternative technology components.

E. The municipality has not received a grant under the corrective action grants program.

7075.1030 ELIGIBLE AND INELIGIBLE COSTS.

Subpart 1. **Construction and land costs.** Construction and land costs retain the same eligibility as they had under the *Clean Water Act, United States Code*, title 33, sections 1281 to 1299, or the independent state grants program at the time of the original construction grant award.

Subp. 2. **Construction and land costs incurred prior to award.** Construction and land costs incurred prior to the commissioner's written approval of the corrective action report are not eligible. Construction and land costs incurred after written approval of the corrective action report and before grant award will be considered eligible at the time of application if the municipality receives the commissioner's written authorization to proceed with construction.

Subp. 3. **Administrative, engineering, and legal costs.** Administrative, engineering, and legal costs (collectively) incurred as a result of the corrective action are eligible up to a maximum of 25 percent of the construction and land costs approved in the corrective action report and eligible under subpart 1.

7075.1040 REQUIREMENTS PRIOR TO APPLICATION.

An eligible municipality may apply for a grant only after the following documents are submitted to the agency and approved by the commissioner:

A. a corrective action report that includes:

(1) an analysis of the causes of the wastewater treatment facility's failure to meet performance standards;

(2) a selected alternative for corrective action including a preliminary design and cost estimates for all feasible alternatives;

and

(3) a schedule for undertaking the selected corrective action, including proposed dates for meeting permit requirements and for certifying that the project performance standards will be met;

B. plans and specifications, if applicable, to implement the approved corrective action; and

C. an assurance, including related documentation, that all remedies short of litigation have been pursued in an effort to complete the approved corrective action including, where applicable, at a minimum, the following:

(1) invoking the provisions of equipment warranties;

(2) seeking redress from construction contractor performance bonds;

(3) seeking redress from design engineer errors and omissions insurance; and

(4) initiating enforcement action against industrial dischargers.

7075.1050 APPLICATION.

The municipality shall apply for a corrective action grant on a form provided by the authority. The municipality must also submit a plan, endorsed by resolution of the municipality's governing body, for the recovery of the costs of the proposed corrective action from responsible parties, including a report on the current status of negotiations or litigation.

7075.1060 CERTIFICATION OF APPLICATION FOR AWARD.

Subpart 1. **Priority.** The commissioner shall certify grants to the authority for award in the order that applications that meet the requirements of parts 7075.1040 and 7075.1050 are received and to the extent that funds are available.

Subp. 2. **Amount of award.** Except as provided in part 7075.1090, subpart 3, the amount of the grant will be 80 percent of the total corrective action costs, eligible and ineligible, or the amount of the eligible costs, whichever is less.

Subp. 3. **Amendments to award.** Any grant amendments shall be based on the cost of the completed procurement actions and shall be dependent upon the availability of additional grant funds.

Subp. 4. **Certification to authority.** Upon review and approval of the documents required under parts 7075.1040 and 7075.1050, the commissioner shall certify to the authority that the project meets the statutory requirements and the requirements of this chapter and is eligible for an award in the amount determined under subpart 2.

Subp. 5. **Report to agency board.** The commissioner shall report the certification of a corrective action grant under this part to the agency board as soon as possible, but, in any case, within 60 days.

7075.1070 CHANGE ORDERS.

A municipality proposing to make changes in a corrective action project that substantially alter the type or reliability of the treatment process must submit to the commissioner the information the commissioner requests to determine the impact of the proposed change on the environment. Changes in the project that substantially alter the type or reliability of the treatment process must be approved by the commissioner before the change is made. The commissioner shall review the proposed change in the same manner as the original project was reviewed for compliance with applicable pollution control requirements. A substantial change in the type or reliability of the treatment process implemented without prior approval from the commissioner constitutes grounds for the commissioner to request that the authority terminate the grant.

Change orders for changes that do not substantially alter the type or reliability of the treatment process do not require prior approval of the commissioner, but must be submitted to the commissioner as soon as possible.

7075.1080 PAYMENTS.

Subpart 1. **Request for payments.** The municipality shall make periodic payment requests for eligible costs as costs are incurred on a form provided by the authority. The commissioner shall certify to the authority whether the municipality has met payment conditions under this part.

Subp. 2. **Payment conditions.** Failure of a project to meet any of the following conditions constitutes grounds for the commissioner to request that the authority withhold payments to the municipality:

- A. The project must substantially conform to the approved corrective actions report.
- B. The project must be built in accordance with the approved plans and specifications for the corrective action.
- C. The progress of the project must conform with the approved project schedule.

Subp. 3. **Retainage.** The commissioner shall withhold the final ten percent of the grant until the municipality has successfully completed all activities in the corrective action report, has affirmatively certified that the project meets the performance standards, and has met the recovery of costs requirement.

Subp. 4. **Release of withheld payments.** If an agreement is reached between the commissioner and the municipality, the commissioner shall recommend to the authority that the withheld funds be released according to the provisions of the agreement. Failure of the municipality to reach an agreement with the commissioner within 30 days of receiving written notification that payments are being withheld constitutes grounds for the commissioner to request that the authority commence action for termination of the grant and repayment of the funds.

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7075.1090 RECOVERY OF GRANT FUNDS.

Subpart 1. **Generally.** A municipality that is awarded a corrective action grant shall seek recovery from a person who is responsible for the failure of the facility to perform.

Subp. 2. **Recovery after corrective action taken.** In the event that the municipality recovers an amount of money from the responsible persons after the corrective action has been taken and state corrective action grant funds spent, the municipality shall repay to the state a portion of the money recovered. The portion of the recovery to be paid to the state shall be proportional to the state's monetary participation in the corrective action project. The amount of the payment to the state shall not exceed the amount of the grant.

Subp. 3. **Recovery before corrective action taken.** In the event that the municipality recovers an amount of money from the responsible persons before the corrective action is taken, the amount of the corrective action grant to be awarded shall be determined by allowing the municipality to keep the entire payment from the responsible persons.

Subp. 4. **Approval of negotiated settlement.** A municipality must obtain the written approval of the commissioner of any settlement negotiated with the responsible persons before the municipality may enter into the settlement, whether the settlement is before or after litigation has begun and whether or not a corrective action grant has been awarded, if the municipality wants to maintain its eligibility for a corrective action grant. Failure of the municipality to obtain written approval from the commissioner of any settlement constitutes grounds for the commissioner to recommend denial of a corrective action grant or to request that the authority commence action to terminate the grant and seek repayment of the funds from the municipality if a grant has already been awarded.

Subp. 5. **Failure to seek recovery.** Failure of a municipality that has been awarded a corrective action grant to seek recovery of corrective action costs from responsible persons constitutes grounds for the commissioner to request that the authority withhold future payments to the municipality and seek repayment of the funds already paid.

Pollution Control Agency

Proposed Permanent Rules Relating to Municipal Wastewater Treatment Grants

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Minnesota Pollution Control Agency (Agency) intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, §§ 14.22-14.28 (1986). The Agency's authority to adopt the rule is set forth in *Minnesota Statutes*, § 116.16, subd. 5(a) (Supp. 1987).

All persons have until 4:30 p.m. on December 14, 1988, to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the Agency will proceed pursuant to *Minnesota Statutes*, §§ 14.131 to 14.20 (1986).

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

Deborah Olson
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155
(612) 296-7223

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

The proposed rules, if adopted, will bring *Minnesota Rule* ch. 7075 into conformance with State statutes and federal policy. Chapter 7075 contains rules for the State independent construction grants program for municipal wastewater treatment facilities. Rules for the Municipal Project List, project eligibility and grant amounts are affected by the proposed amendments. The proposed rules are published below. One free copy of the rules is available upon request from Ms. Olson at the address and telephone number stated above.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rule has been prepared and is also available from Ms. Olson upon request.

You are hereby advised, pursuant to *Minnesota Statutes* § 14.115 (1986), "Small business considerations in rulemaking", that the proposed rules will have no direct effect on small businesses.

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

Gerald L. Willet
Commissioner

Rules as Proposed

7075.0409 MUNICIPAL PROJECT LIST.

Subpart 1. **Adoption of municipal project list.** The agency shall adopt a municipal project list each fiscal year which shall list in order of priority projects for which federal grant funds will be requested from current allotments and for which independent state grants will be awarded from current appropriations. The municipal project list shall also contain those projects for which state financial assistance will be available for combined sewer overflow abatement projects. The municipal project list shall also list any nonproject uses of the state's allotment of federal grant funds and of the appropriation of state grant funds, including but not limited to, training grants and costs of administration.

Subp. 2. **Requirements for placement on list.** A municipality that requests project placement on the municipal project list shall meet the following requirements:

A. If the grant sought is a Step 1, 2, 2+3, or 3 grant, the municipality must be listed on the municipal needs list.

B. If the grant sought is a Step 2 ~~or~~ 2+3 or 3 grant, the municipality shall submit by December 1 prior to the beginning of the fiscal year for which the municipal project list is prepared:

(1) a facilities plan in conformance with part 7075.0200, subpart 9; and

(2) if the municipality is proposing to change the selected treatment method or any other major element of a previously approved facilities plan, a facilities plan addendum in conformance with part 7075.0200, subpart 9.

C. If the grant sought is a Step 2, 2+3, or 3 grant, the municipality shall ~~submit by December 1 prior to the beginning of the fiscal year for which the municipal project list is prepared, by June 1 prior to the beginning of the state fiscal year for which the project list is prepared,~~ make all necessary corrections to the documents listed in item B to make them approvable. If the grant sought is a Step 3 grant, the municipality shall also submit a council resolution by June 1 agreeing to submit the documents listed below by the following September 1:

(1) plans and specifications in conformance with part 7075.0200, subpart 18, and based on a facilities plan previously approved by the agency;

(2) if the city is proposing to change the selected treatment method or any other major element of previously approved plans and specifications, a plans and specifications addendum in conformance with part 7075.0200, subpart 18, and based on a previously approved facilities plan;

(3) a sewer service charge system comprised of a user charge system, including a proposed financial management system, and a system for raising funds to cover the municipality's costs of construction and to retire the municipality's debt costs attributable to the wastewater treatment works to be constructed.

The user charge system must ensure the sufficient generation of revenue to offset the annual costs of operation, maintenance, and replacement (O, M, and R) of the treatment works and must charge each user class a fee proportional to the contribution of each user class to the total wastewater loading.

The user class includes residential, commercial, industrial, institutional, and governmental classes.

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The system for raising funds to cover the municipality's costs of construction and to retire the municipality's debt costs need not be proportionally assessed against each user class, but the manner in which the charge will be distributed must be described.

(4) documentation of how the public has been informed of the proposed sewer service charge system; and

(5) a sewer use ordinance to control discharges to the disposal system throughout the jurisdiction of the municipality.

D. ~~The municipality shall, by June 1 prior to the beginning of the fiscal year for which the municipal project list is prepared, make all necessary corrections to the documents in item B if the grant sought is a Step 2 or 2+3 grant, or the documents in item C if the grant sought is a Step 3 grant, so as to make them approvable. A municipality seeking a Step 3 grant shall submit the documents listed in item C by September 1 of the state fiscal year for which the municipal project list is prepared. If the municipality fails to submit the required items by this deadline, the agency shall remove the municipality from the municipal project list.~~

E. If the grant sought is a Step 2+3 or 3 grant, the municipality shall, by June 1 prior to the beginning of the fiscal year for which the municipal project list is prepared, indicate its preferred funding source, if it has one, in writing to the commissioner.

F. A municipality seeking a Step 3 federal grant for combined sewer overflow abatement projects or state financial assistance for combined sewer overflow abatement projects shall not be subject to the conditions contained in items C and D. The municipality shall submit by June 1 prior to the beginning of the fiscal year for which the grant or financial assistance is sought, a list and schedule of construction projects to be initiated in the following fiscal year. If the municipality's NPDES/SDS permit provides a different date for submission of the list and schedule, the date in the permit shall take precedence.

Subp. 3. [Unchanged.]

Subp. 4. **Procedures for drafting list.** In drafting the proposed municipal project list, the agency shall list projects on the proposed list according to the following procedures:

A. The agency shall attempt to accommodate municipalities' preferences for funding sources in priority order until the costs of the projects being funded from one funding source reach the full allotment or appropriation of grant funds available from that source for the fiscal year. If a municipality expresses no preference, the agency shall determine from which source it will be funded.

B. The agency shall then list projects in priority order, funding those projects from the remaining funding source, until the costs of the projects reach the full allotment or appropriation of grant funds available for the fiscal year. Projects ineligible under the remaining funding source must be considered for placement on the following fiscal year's municipal project list.

C. The agency shall then list on the municipal project list in priority order those projects on the municipal needs list with priority rankings lower than those selected under items A and B, but which have been identified by the ~~commissioner of energy and economic development~~ by July 1 Public Facilities Authority as being substantial economic development projects, and for which a portion of the appropriation for the fiscal year has been set aside for such projects.

D. The agency shall then list combined sewer overflow abatement projects for which state financial assistance will be awarded in the fiscal year from funds available for those kinds of projects.

E. The agency may list projects which will receive Step 1 and 2 grants and advances of allowance in such a manner as to permit funding to proceed in an orderly fashion to fully utilize all allocated and appropriated funds.

Subp. 5. **Reimbursement project list.** The agency shall prepare a reimbursement project list that lists those municipalities that are willing to proceed with projects and are willing to be reimbursed in a subsequent year conditioned upon appropriation of sufficient money for that year. No municipality may be listed on the reimbursement project list unless the municipality has requested placement on the list and has received approval of the documents listed in subpart 2, item C. ~~The total cost of these reimbursement projects may not exceed the amount newly appropriated to the independent state grant program.~~ Reimbursement projects must be listed in the same order of priority as they appear on the municipal needs list. A reimbursement project may appear on both the reimbursement project list and the reserve project list.

7075.0411 PROJECT ELIGIBILITY.

Subpart 1. **Steps eligible.** Federal grants and state matching grants shall be awarded only for Step 2+3 and Step 3 projects. Advances of allowance for Step 1 and 2 projects may also be provided from federal funds. Independent state grants may be awarded for Step 1, Step 2, Step 2+3, and Step 3 projects. Financial assistance for combined sewer overflow abatement shall be awarded only for design and construction work.

Subp. 2. **General eligibility.** No project is eligible for a federal grant or a state matching grant unless it is eligible for funding under the act and applicable federal regulations. No project is eligible for an independent state grant unless it is eligible under this chapter and applicable state statutes. No municipality is eligible for state financial assistance for combined sewer overflow abatement projects unless the municipality complies with the conditions of *Minnesota Statutes*, section 116.162, subdivision 7.

Subp. 3. **Initiation of construction.** A municipality is not eligible for a federal grant or a state matching grant if construction on the project has been initiated prior to the award of the grant.

A municipality may be eligible for retain eligibility of construction costs incurred prior to the award of an independent state grant ~~after initiation of construction, provided that only if:~~

A. the municipality was listed on a reimbursement project list when construction began;

B. the municipality submitted a complete grant application to the agency within 90 days after adoption or revision of the reimbursement project list; and

C. the municipality obtained written permission from the agency to advertise for bids and initiate construction before those steps were taken.

Subp. 4. **Cost-effectiveness.** A project is not eligible for a grant unless the agency determines that the project is an environmentally acceptable cost-effective means of handling the municipality's wastewater. The agency shall not award a grant to pay for those portions of a project that are not environmentally acceptable and cost-effective.

Subp. 5. **Eligible costs.** The following provisions govern eligible costs:

A. The eligible cost of any project for which a grant or state financial assistance will be awarded shall be determined by the application of applicable state and federal statutes and rules.

B. In addition to other eligible costs established by state law for combined sewer overflow abatement projects, storm water conveyance facilities that are part of the most cost effective alternative for combined sewer overflow abatement shall be eligible for state financial assistance. Such facilities shall include those structures, pipes, and appurtenances from the point of entry at the catch basin to the outlet structure which are necessary to convey up to the five-year storm.

7075.0428 GRANT AMOUNTS.

Subpart 1. **State matching grants.** This subpart applies to state matching grants.

A. For projects tendered on or after October 1, 1984, and before October 1, 1987, a federal grant at 55 percent or more of the eligible cost for construction of a treatment works, the agency shall award a state matching grant for up to an additional 30 percent of the eligible cost if construction of the treatment works would otherwise impose a significant financial hardship on the municipality.

B. For projects tendered, on or after October 1, 1987, a federal grant at 55 percent or more of the eligible cost for construction of a treatment works, the agency shall award a state matching grant for 50 percent of the nonfederal share of the eligible cost of construction for municipalities with populations of 25,000 or less.

Subp. 2. **Independent state grants.** The agency may award independent state grants as follows:

A. The agency may award Step 1 and Step 2 independent state grants to municipalities in an amount determined according to the same procedures for calculating an allowance under Code of Federal Regulations, title 40, part 35, appendix B.

B. The agency may award Step 2 + 3 and Step 3 independent state grants to municipalities to pay for 50 percent of the eligible cost of construction, or, if the ~~agency requires and the municipality is constructing advanced treatment,~~ 65 population of the municipality is 25,000 or less, 80 percent of the eligible cost of construction. ~~If construction of a treatment works would otherwise impose a significant financial hardship on a municipality, the agency may award an independent state grant to pay for up to an additional 30 percent of the eligible cost of construction, or if the agency requires and the municipality is constructing advanced treatment, an additional 25 percent of the eligible cost of construction.~~

Subp. 2a. and 3. [Unchanged.]

Subp. 4. **Significant financial hardship.** The amount of a state matching grant awarded to a municipality which was awarded a federal grant after October 1, 1984, and the amount of a supplemental independent state grant awarded to a municipality and before October 1, 1987, depends on the extent to which construction of the treatment works imposes a significant financial hardship on the municipality. The determination of the financial hardship and the amount of the grant must be based on per connection capital cost, median household income, and per capita adjusted assessed valuation, in accordance with the following procedures:

A. The agency shall award a state matching grant ~~or independent state grant~~ for up to five percent of the eligible cost of construction based on the municipality's per connection capital cost after bidding compared with the median per connection capital cost for all projects which accepted bids under the programs during the two years ending July 1 prior to adoption of the municipal

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project list on which the municipality appears. The percentage of the eligible cost to be paid for by the grant based on per connection capital cost is determined by the following table.

Municipality Per Connection Cost $\times 100 \div$ Median Per Connection Cost of Projects Bid During Previous Two Years	Percentage of Cost Funded
60 - 69	0.5
70 - 79	1.0
80 - 89	1.5
90 - 99	2.0
100 - 119	2.5
120 - 139	3.0
140 - 159	3.5
160 - 179	4.0
180 - 199	4.5
200 or more	5.0

B. The agency shall award a state matching grant ~~or independent state grant~~ for up to five percent of the eligible cost of construction based on the municipality's median household income compared with the state median nonmetropolitan household income. Median household income must be determined from the latest federal census. The percentage of the eligible cost to be paid for by the grant based on median household income is determined by the following table.

Municipality Median Household Income $\times 100 \div$ State Median Nonmetropolitan Household Income	Percentage of Cost Funded
100 - 104	0.5
95 - 100	1.0
90 - 94	1.5
85 - 89	2.0
80 - 84	2.5
75 - 79	3.0
70 - 74	3.5
65 - 69	4.0
60 - 64	4.5
less than 60	5.0

C. The agency shall award a state matching grant ~~or independent state grant~~ for up to five percent of the eligible cost of construction based on the municipality's per capita adjusted assessed valuation compared with the state median per capita adjusted assessed valuation. Per capita adjusted assessed valuation must be determined from the latest data available from the Department of Revenue at the time of the grant award. The percentage of the eligible cost to be paid for by the grant based on the per capita adjusted assessed valuation is determined by the following table.

Municipality Per Capita Adjusted Assessed Valuation $\times 100 \div$ State Median Per Capita Adjusted Assessed Valuation	Percentage of Cost Funded
105 - 109	0.5
100 - 104	1.0
95 - 99	1.5
90 - 94	2.0
85 - 89	2.5
80 - 84	3.0
75 - 79	3.5
70 - 74	4.0
65 - 69	4.5
less than 65	5.0

Public Utilities Commission

Proposed Permanent Rules Relating to Telephone Assistance Plan

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Minnesota Public Utilities Commission (Commission) intends to adopt the above-entitled rule amendments without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* sections 14.22 to 14.28 (1986). The Commission's authority to adopt the rule amendments is set forth in *Minnesota Statutes* section 237.10 (1986) and *Laws of Minnesota* 1988, chapter 621, subd. 18.

All persons have until 4:30 p.m. on December 14, 1988, to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. PLEASE USE Docket No. P-999/R-87-358 ON ALL CORRESPONDENCE.

Any person may make a written request for a public hearing on the rules within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed.

If a public hearing is required, the Commission will proceed pursuant to *Minnesota Statutes* sections 14.131 to 14.20 (1986).

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

Caroline Heil
Minnesota Public Utilities Commission
780 American Center Building
150 East Kellogg Boulevard
St. Paul, MN 55101
(612) 296-9617

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

The proposed rules, if adopted, will amend the rules governing the Telephone Assistance Plan. The proposed rules are published below. One free copy of the rules is available upon request from the Commission by contacting the Commission's receptionist, Kris Kline, at the above address or by calling (612) 296-7124.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Commission by contacting the Commission's receptionist, Kris Kline, at the above address or by calling (612) 296-7124.

You are hereby advised, pursuant to *Minnesota Statutes* Section 14.115 (1986), "Small business considerations in rulemaking," that the proposed rule amendments may affect small telephone companies. The proposed rule amendments require telephone companies to submit certain information in either monthly or quarterly reports. However, the telephone companies are reimbursed for their administrative expenses, not including the expenses of collecting the surcharges.

The adoption of these rule amendments by the Commission will not require the expenditure of public money by local public bodies nor have a direct impact on agricultural land. Therefore, *Minnesota Statutes* section 14.11 (1986) is not applicable to this rulemaking proceeding.

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

Mary Ellen Hennen
Executive Secretary

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7817.0100 DEFINITIONS.

Subpart 1. to 3. [Unchanged.]

Subp. 3a. Department of Administration. "Department of Administration" means the Minnesota Department of Administration.

Subp. 4. to 5. [Unchanged.]

Subp. 5a. Disabled. "Disabled" has the meaning given it in Minnesota Statutes, section 363.01, subdivision 25.

Subp. 6. **Federal matching plan.** "Federal matching plan" means the any telephone assistance plan of the Federal Communications Commission, including the federal plan in Code of Federal Regulations, title 47, part 69, that waives the federal interstate access charge for eligible local telephone subscribers. This federal plan provides matching federal assistance to eligible households receiving assistance through a state telephone assistance plan.

Subp. 7. to 9. [Unchanged.]

Subp. 10. **Local exchange service.** "Local exchange service" means ~~telecommunication~~ telephone service provided within local exchange service areas in accordance with ~~the~~ telephone company tariffs. It includes the use of exchange facilities required to establish connections between stations within the exchange and between stations and the toll facilities serving the exchange. It also includes extended area service that is interexchange calling for which a message toll charge is not assessed.

Subp. 11. and 12. [Unchanged.]

Subp. 13. **Subscriber.** "Subscriber" means a person in whose name local exchange ~~telecommunications~~ service is provided by a telephone company.

Subp. 14. [Unchanged.]

Subp. 14a. Telephone assistance fund. "Telephone assistance fund" means a statewide surcharge revenue pool created by Laws of Minnesota 1988, chapter 621, section 16.

Subp. 15. [Unchanged.]

Subp. 16. **Telephone company.** "Telephone company" has the meanings given it in Minnesota Statutes, section 237.01, subdivisions 2 and 3, and also means a company that provides local exchange ~~telephone~~ service.

7817.0200 PURPOSE AND CONSTRUCTION.

The purpose of this chapter is to develop and implement a statewide telephone assistance plan to provide telephone assistance credits to reduce the local telephone rates of eligible residential households, to be jointly administered by the commission, the Department of Human Services, and the telephone companies. The purpose of this chapter is also to permit the implementation of federal telephone assistance plans so that the state's local exchange service telephone customers are afforded the opportunity to acquire the benefits of these federal plans.

This chapter is to be liberally construed to further these purposes.

7817.0300 FUNDING.

Subpart 1. **Uniform statewide monthly surcharge.** The telephone assistance plan must be funded through the assessment of a uniform recurring monthly surcharge, not to exceed ten cents per access line, applicable to all classes and grades of access lines provided by each telephone company in the state. Each telephone company may assess the surcharge per access line, combine the surcharge with the charges for other programs such as the emergency 911 telephone service, or include the surcharge in existing or future rates. The initial surcharge must be assessed beginning with the first billing cycle occurring immediately after the effective date of this part. The commission shall determine the level of the surcharge on an annual basis no later than November 30 of each year. The recalculated surcharge must be effective beginning with the first billing cycle of the next calendar year. ~~The surcharge must be calculated based on the following criteria:~~

~~A. the revenue generated by the surcharge must not exceed \$2,500,000 on a statewide basis;~~

~~B. the statewide \$2,500,000 must be apportioned between telephone companies based on their relative number of access lines; and~~

~~C. the surcharge level must be uniform statewide.~~

Subp. 2. **Use Collection of surcharge revenues.** A telephone company shall bill the surcharge and collect the surcharge revenues. ~~The telephone company shall use those revenues to extend credits to eligible subscribers under the telephone assistance plan. The company shall also use the surcharge revenues to cover its administrative expenses associated with the telephone assistance plan.~~

The telephone company shall remit, with its quarterly report, excess surcharge revenues to the commission to become part of the statewide surcharge revenue pool. At the time of reporting under part 7817.0900, subpart 3, item H, a telephone company shall notify the commission if a subscriber does not pay the surcharge.

Subp. 3. **Statewide Use of surcharge revenue pool revenues and fund.** Excess surcharge revenues remitted by the telephone companies to the commission must be placed in a statewide surcharge revenue pool to be administered by the commission. The commission shall use the surcharge revenue pool funds:

A. for full or partial reimbursement of its reasonable administrative expenses associated with the telephone assistance plan; and

B. to reimburse a telephone company, within 60 days of receipt of the company's quarterly report, reasonable expenses and telephone assistance credits associated with the telephone assistance plan and not covered by the surcharge revenues collected by the telephone company. A telephone company shall remit, under Minnesota Statutes, section 403.11, surcharge revenues to the Department of Administration for deposit in the telephone assistance fund. The commission shall use the money in the telephone assistance fund to:

A. reimburse the telephone assistance credits extended by a telephone company and reimburse a telephone company's expenses, not including expenses of collecting the surcharge, within 60 days of receipt of a telephone company's report under part 7817.0900;

B. reimburse the administrative expenses of the Department of Human Services from January 1, 1988 to June 30, 1989, not to exceed \$90,000; and

C. reimburse the administrative expenses of the commission not to exceed \$25,000 annually.

7817.0400 ELIGIBILITY FOR TELEPHONE ASSISTANCE CREDITS.

Subpart 1. **Information provided.** Each telephone company shall annually mail a notice of the availability of the telephone assistance plan to each residential subscriber in a regular billing. The notice must state the following: You may be eligible for assistance in paying your telephone bill if you meet certain household income limits, and you are 65 years of age or older or are disabled. For more information or an application form please contact On request, the local agency telephone company shall offer mail to a person an application form developed by the Department of Human Services and a brochure that describes the telephone assistance plan's eligibility requirements and application process.

Subp. 2. **Application process.** On completing the application stating income within the guidelines certifying that the statutory criteria for eligibility are satisfied, the applicant must return it to the telephone company for enrollment in the telephone assistance plan. An application may be made by the subscriber, the subscriber's spouse, or a person authorized by the subscriber to act on the subscriber's behalf.

Subp. 3. **Documenting, verifying, and reviewing eligibility.** The Department of Human Services or a local agency shall verify the income of an whether the applicant and the applicant's spouse is eligible.

When a condition of eligibility changes, and at each redetermination of eligibility, the Department of Human Services or a local agency may shall verify income eligibility.

A. In a timely manner, an applicant or recipient shall document income or authorize the Department of Human Services or a local agency to verify the income. The Department of Human Services or a local agency shall help an applicant or recipient obtain documents that the applicant or recipient does not possess and cannot obtain. Information previously verified and retained by the Department of Human Services or a local agency must not be verified again unless the information no longer applies to current circumstances.

B. The Department of Human Services or a local agency shall not request information about an applicant or recipient that is not of public record from a source other than local agencies or the Department of Human Services without the applicant's or recipient's prior written consent. The Department of Human Services or a local agency may request information about an applicant or recipient that is not of public record from the telephone companies by obtaining the applicant's or recipient's prior written consent on an application or recertification form. The Department of Human Services or a local agency shall not provide third parties with access to information about an applicant's or recipient's eligibility status or other case record information without the prior written consent of that applicant or recipient, except where access to specific case information is granted to the Department of Human

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Proposed Rules

Services or local agencies designated by the Minnesota Government Data Practices Act, *Minnesota Statutes*, chapter 13. Information designated as confidential by the Minnesota Government Data Practices Act may only be made available to agencies granted access under that law and must not be provided to an applicant, recipient, or third party.

C. The Department of Human Services or a local agency shall inform the recipient of the recipient's responsibility to report permanent changes in circumstances that affect eligibility within ten days of each change.

Subp. 4. **Eligibility criteria.** To be eligible for a telephone assistance credit the applicant must certify that:

- A. the household ~~must is~~ not be in receipt of assistance for telephone service under any other state public assistance program;
- B. the subscriber ~~must be is~~ disabled or 65 years of age or older; ~~and~~
- C. the subscriber ~~must reside~~ resides in Minnesota or has moved to Minnesota and intends to remain; ~~and~~
- D. the household income satisfies the criteria in subpart 5.

Subp. 5. **Income.** To determine eligibility, the Department of Human Services or a local agency shall evaluate income received by household members. All payments must be counted as income if listed in *Minnesota Statutes*, section 290A.03, subdivision 3. ~~Maximum total annual household income must not exceed:~~

- A. ~~when the size of the household is one, \$7,862;~~
- B. ~~when the size of the household is two, \$10,281;~~
- C. ~~when the size of the household is three, \$12,699;~~
- D. ~~when the size of the household is four, \$15,118; or~~
- E. ~~when the size of the household is more than four, \$15,118 plus, for each additional household member, \$2,419.~~

The applicant's household income must be 150 percent or less of the federal poverty income guidelines, as published periodically in the Federal Register, or the applicant must be currently eligible for:

- A. aid to families with dependent children;
- B. medical assistance;
- C. general assistance;
- D. Minnesota supplemental aid;
- E. food stamps;
- F. refugee cash assistance or refugee medical assistance;
- G. energy assistance; or
- H. supplemental security income.

For the purpose of calculating income under this subpart, household income does not include the income of minor children.

Subp. 6. **Local Agency responsibilities.** On receiving notification of an application from the telephone company, the Department of Human Services or a local agency shall determine the applicant's eligibility or ineligibility within 120 days. ~~At the end of least once in every 12-month period, the Department of Human Services or a local agency shall redetermine eligibility.~~

Subp. 7. **Applicant and recipient responsibilities.** An applicant shall provide current information ~~on an application form~~ about circumstances that permanently affect the applicant's eligibility. ~~At least 30 days before the end of every 12-month period, the recipient shall complete a recertification form required for the redetermination of eligibility.~~

Subp. 8. **Notices.** An applicant or recipient must be notified of the disposition of the application in the following manner.

- A. ~~If an applicant or recipient is found eligible, the local agency shall notify the telephone company.~~
- B. ~~If eligible certified, the telephone company shall notify the applicant or recipient by placing telephone assistance credits on the bill.~~
- C. ~~If an applicant is denied eligibility or a recipient's eligibility is terminated, the Department of Human Services or a local agency shall notify the applicant or recipient in writing of the reasons for the denial or termination, of the right to appeal, and of the right to reapply.~~
- D. ~~If an applicant is denied eligibility or a recipient's eligibility is terminated, the Department of Human Services or a local agency shall notify the telephone company.~~
- E. ~~Sixty days before the end of every 12-month period, the local agency shall notify the recipient of the need to redetermine eligibility.~~

D. The Department of Human Services or a local agency shall notify the recipient of the need to verify eligibility and shall allow at least 30 days for the recipient to respond.

Subp. 9. ~~Denial or termination of eligibility~~ Ineligibility. The Department of Human Services or a local agency shall deny or terminate determine that a recipient is ineligible if (1) the recipient does not meet the eligibility for telephone assistance credits if income limits permanently exceed the maximums described in subpart 5 criteria of subpart 4, (2) the recipient does not respond within 30 days to a request for verification under subpart 8, item D, or (3) the Department of Human Services or a local agency is notified of permanent changes in basic eligibility requirements that result in ineligibility.

7817.0600 PROVISION AND TERMINATION OF CREDITS.

Subpart 1. **Provision of credits.** After a telephone company receives an application for telephone assistance credits, the company shall enroll the applicant in the telephone assistance plan and shall apply telephone assistance credits against monthly charges for each certified household. Telephone assistance credits must be made available within 90 days after the date the surcharge is first assessed. A telephone company shall apply telephone assistance credits to an applicant's earliest possible billing cycle but no later than the applicant's second billing cycle after enrollment certification in the telephone assistance plan.

Subp. 2. **Termination of credits.** After the telephone company receives an application from enrolls an applicant or a termination notice from the local agency in the telephone assistance plan, the telephone company shall proceed according to items A and B.

A. A telephone company shall cease credits at the end of every 12-month period by billing cycle when notified by the local agency Department of Human Services that ineligibility has been determined.

B. A telephone company shall cease credits before the end of the 12-month period when notified by the local agency that eligibility has been permanently terminated or when local exchange service ends. When so notified, the credit ends with the start of the telephone company's billing cycle beginning in the month after the month in which the company is notified.

7817.0900 COMPANY RECORDING, REPORTING REQUIREMENTS.

Subpart 1. [Unchanged.]

Subp. 2. **Quarterly report Reporting requirements.** No later than 30 days after the end of each calendar year quarter, a telephone company shall file a quarterly report with the commission and the Department of Public Service for review. With the quarterly report, the telephone company shall submit a check to the commission in the amount of the excess surcharge revenues collected during that quarter. A telephone company shall file at its option either quarterly or monthly reports with the commission and the Department of Public Service for review. Quarterly reports are due no later than 30 days after the end of each quarter of a calendar year. Monthly reports are due no later than 30 days after the end of each calendar month. The reports must be made on a form prescribed by the commission.

Subp. 3. **Contents of report.** The quarterly report or monthly reports must list, quarterly the following items for that reporting period and cumulatively for the year:

- A. the surcharge revenues collected by the telephone company;
- B. the number of access lines billed the surcharge;
- C. itemized telephone assistance plan expenses incurred by the company;
- D. the amount of excess surcharge revenues collected reimbursement requested from the telephone assistance fund;
- E. the amount of surcharge revenue deficiency;
- F. the amount of reimbursement from the federal matching plan applied for or received;

G. E. the number of subscribers that received credits under the telephone assistance plan and the number of subscribers that were given waivers under the federal matching plan; and

H. G. the monetary amount of credits extended by the telephone company under the telephone assistance plan and the monetary amount of waivers given under the federal matching plan; and

H. a list of the subscribers who did not pay the surcharge.

This report These reports must be made on a ~~form~~ forms prescribed by the commission.

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Proposed Rules

Subp. ~~3~~. **4. Annual report.** No later than 30 days after the end of a calendar year, a telephone company shall file a year-end report with the commission and the Department of Public Service. ~~The~~ Depending on the reporting option chosen under subpart 2, a cumulative ~~fourth-quarter~~ year-end ~~monthly or quarterly~~ report provided under subpart ~~2~~ 3 may serve as the annual report. This report must be a financial report and accounting for the telephone company's experience under the telephone assistance plan. The report must also be adequate to satisfy the reporting requirements of the federal matching plan.

Adopted Rules

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

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

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

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

Department of Health

Adopted Permanent Rules Relating to the WIC Program

The rules proposed and published at *State Register*, Volume 13, Number 8, pages 383-394, August 22, 1988 (13 S.R. 383) are adopted with the following modifications:

Rules as Adopted

4617.0100 APPEALS BY VENDORS AND LOCAL AGENCIES.

Subp. ~~3~~. **Costs.** If an adverse action is upheld through contested case procedures under *Minnesota Statutes*, sections 14.57 to 14.62, and the appellant does not seek judicial review, or if the adverse action is upheld through contested case procedures and judicial review, the local agency or vendor shall reimburse the commissioner for all fees and costs of the proceedings, including the costs of services given the commissioner by the Office of the Attorney General, State Office of Administrative Hearings, investigative fees and costs, and court reporter costs.

Subp. ~~4~~. **3. Burden of proof.** A local agency or vendor that appeals the commissioner's denial of an application to participate has the burden of proving the facts at issue by a preponderance of the evidence. When a local agency or vendor appeals a disqualification or other sanction, the commissioner has the burden of proof.

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.

Office of the Ombudsman for Mental Health and Mental Retardation

Notice of Meeting

The Ombudsman for Mental Health and Mental Retardation Agency Committee will conduct a general meeting at 9:00 a.m. on Friday, December 9, 1988. The meeting will be held at the Capitol Holiday Inn, Sibley Room A & B, second floor.

Department of Commerce

Bulletin of Pending Applications Under the Reciprocal Interstate Banking Act Minnesota Statutes, § 48.98, Subdivision 2, (2)

The following listing of applications are pending with the Commissioner of Commerce subject to criteria for approval as set out in *Minnesota Statutes* § 48.93 and shall be disapproved if:

- (1) The financial condition of any acquiring person is such as might jeopardize the financial stability of the bank or prejudice the interests of the depositors of the bank;
- (2) The competence, experience, integrity of any acquiring person or if any of the proposed management personnel indicates that it would not be in the interest of the depositors of the bank, or in the interest of the public to permit the person to control the bank;
- (3) The acquisition will result in undue concentration of resources or substantial lessening of competition in this area;
- (4) The application failed to adequately demonstrate that the acquisition proposal would bring net new funds into Minnesota;
- (5) A subsidiary of the acquiring bank holding company has failed to meet the requirements set forth in the federal Community Reinvestment Act; or
- (6) The acquisition will result in over 30 percent of Minnesota's total deposits in financial institutions as defined in section 13A.01, subdivision 2, being held by banks located in this state owned by reciprocating state bank holding companies. This limitation does not apply to consideration for approval pursuant to section 48.99, special acquisitions.

In addition, the Commissioner has determined by rule that applicants must describe its plan of compliance in providing an acceptable level of development loans or developmental investments in the community affected.

Current List of Pending Acquisitions:

- The First Wisconsin Corporation, 777 Wisconsin Avenue, Milwaukee, Wisconsin 53202, proposes to acquire the St. Anthony Bancorporation, Inc., Omaha, Nebraska 68114, and thereby indirectly acquire control of the St. Anthony National Bank, 2401 Lowry Avenue Northeast, St. Anthony, Minnesota 55108
- Charter 95 Corporation, 307 Second Street, P.O. Box 187, Hudson, Wisconsin 54016, proposes to acquire the Merchants State Bank of North Branch, Seventh and Elm, P.O. Box 520, North Branch, Minnesota 55056

NOTICE

The Commissioner shall accept public comment on an application for a period of not less than 30 days from the date of the final publication in a newspaper of general circulation within the county in which the bank to be acquired or a proposed new bank is located; or 30 days after the date of the availability of the bulletin of Pending Applications which includes the listing of the acquisition.

Public Information

Copies of bulletins of pending applications prepared and updated with each new application filed with the Commissioner is available without charge to any person upon request by writing to Department of Commerce, Bulletin of Pending Applications, Reciprocal Interstate Banking Act, 500 Metro Square Building, Seventh and Robert Streets, St. Paul, Minnesota 55101.

Dated: 7 November 1988

Michael A. Hatch
Commissioner of Commerce

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Official Notices

Department of Commerce

Petroleum Tank Release Compensation Board

Notice to Solicit Outside Opinion Regarding Proposed Rules Specifying Reasonable Cost Requirements With Respect to Reimbursement Requests Submitted to the Petroleum Tank Release Compensation Board Including the Impact of the Rules on Small Business

NOTICE IS HEREBY GIVEN that the Department of Commerce is seeking information or opinions from persons outside the agency in preparing to promulgate new rules with respect to reimbursement requests submitted to the Petroleum Tank Release Compensation Board. Promulgation of these rules is authorized by *Minnesota Statutes* 115C.07 and 45.023.

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

The Department of Commerce requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally in writing to:

Heidi Almquist
Department of Commerce
500 Metro Square Building
St. Paul, MN 55101
(612) 297-3238

Oral statements will be received during regular business hours over the telephone at (612) 297-3238.

All statements of information and comment shall be accepted until December 12, 1988. Any written material received by the Department of Commerce shall become part of the record in the event that the rules are promulgated.

F Philip Troutwine
Chair

Metropolitan Council

Notice of Metropolitan Council Public Meeting on the Metropolitan Agencies 1988 Consolidated Financial Report

The Metropolitan Council's Management Committee will hold a public meeting to discuss and comment on the *1988 Metropolitan Agencies Consolidated Financial Report* prepared by the seven metropolitan agencies. You are encouraged to participate in this meeting and provide the committee with your comments. The meeting will be held:

Tuesday, Dec. 6, 9 a.m.
Metropolitan Council Offices
Mears Park Centre
230 E. Fifth St.
St. Paul, Minn.

The report provides financial information about the metropolitan agencies, both individually and in aggregate, and on agency financial policies, goals and priorities. The report also analyzes trends in financial activities for the agencies over the 1986-1991 time period.

Copies of the draft report will be available Nov. 11, and copies of the final report, Nov. 30. To receive a copy of the document, call 291-8140.

Department of Public Safety

Emergency Response Commission

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules of the State Department of Public Safety Governing Hazardous Material Reporting and Placarding

NOTICE IS HEREBY GIVEN that the State Department of Public Safety is seeking information or opinions from sources outside the agency in preparing to promulgate rules governing Hazardous Material and Placarding.

The promulgation of these rules is authorized by *Minnesota Statutes* section 299F.093, which requires the agency to establish the form and content of the hazardous substance notification form and to allow a fire department to require employers within its jurisdiction to post signs indicating the presence of hazardous substances.

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

Jeff Bruce
Management Analyst
Department of Public Safety
Room 205 Transportation Building
St. Paul, MN 55155

Oral statements will be received during regular business hours over the telephone at (612) 296-2608 and in person at the above address.

Any written material received by the State Department of Public Safety shall become part of the rulemaking record in the event that the rules are promulgated.

Department of Public Service

Energy Division

Notice of Public Comment Period and Public Meeting Pertaining to State Energy Policy and Conservation Report

NOTICE IS HEREBY GIVEN that the Department of Public Service has completed a draft of the State Energy Policy and Conservation Report as required by *Minnesota Statutes* 216C.18. The comprehensive report is entitled "ENERGY—Minnesota's Options for the 1990s," and identifies major emerging trends in energy supply, consumption, conservation and costs, and offers recommendations to the legislature on energy related issues. Copies of the document are available from the Department at the address below.

Public meetings to solicit comments on the document will be held on Tuesday, November 29, 1988 at 1:30 p.m. and 7:00 p.m. in Room 10 of the State Office Building, 100 Constitution Avenue, St. Paul, Minnesota. The meetings will be officiated by Judge Stephen Swanson from the State Administrative Hearings Office.

Written comments regarding the document will also be accepted. Comments should be addressed to William Grant, Manager, Energy Information and Analysis Office, at the address below. Comments must be received at the Department's office no later than 4:00 p.m., December 13, 1988.

Minnesota Department of Public Service
Energy Division
900 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
296-5175
1-800-652-9747 (ask for energy)

Persons not interested in receiving or commenting on the draft report but wishing to receive a copy of the final document, may call or write the Department. It is anticipated that the final report will be available mid-January, 1988.

Teachers Retirement Association

Notice of Regular Meeting

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Thursday, December 1, 1988 at 9:30 a.m. in Suite 500, Gallery Building, 17 West Exchange Street, St. Paul, MN to consider matters which may properly come before the 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.

Commodity: Xerox typewriter maintenance—rental
Contact: Don Olson 612-296-3771
Bid due date at 2pm: November 15
Agency: Print Communication Division
Requisition #: Price Contract Addendum No. 1

Commodity: Aeration pumps—DNR—Various
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 2pm: November 16
Agency: DNR South Service Center
Deliver to: St. Paul, MN
Requisition #: 29000 51129

Commodity: Four wheel drive, wheel loaders
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 2pm: November 17
Agency: Transportation
Deliver to: Various
Requisition #: 79382 01531

Commodity: Xerox typewriter maintenance—state owned
Contact: Don Olson 612-296-3771
Bid due date at 2pm: November 15
Agency: Various
Deliver to: Various
Requisition #: Price Contract Addendum No. 1

Commodity: TI 990 maintenance
Contact: Don Olson 612-296-3771
Bid due date at 2pm: November 9
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: Design consultant
Contact: Don Olson 612-296-3771
Bid due date at 2pm: November 18
Agency: Intertech
Deliver to: St. Paul
Requisition #: Price Contract

Commodity: Vending machines
Contact: Joan Breisler 612-297-2729
Bid due date at 2pm: November 16
Agency: Jobs and Training
Requisition #: Price Contract

Commodity: Four wheel drive, wheel loaders
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 2pm: November 17
Agency: Transportation
Deliver to: Various
Requisition #: 79382 01539

Commodity: Wand readers
Contact: Bernie Vogel 612-296-3778
Bid due date at 2pm: November 18
Agency: State University
Deliver to: Mankato
Requisition #: 26071 18400

State Contracts and Advertised Bids

Commodity: Dual cache
Contact: Bernie Vogel 612-296-3778
Bid due date at 2pm: November 18
Agency: State University
Deliver to: Mankato
Requisition #: 26071 18397

Commodity: Snowmobiles
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 2pm: November 18
Agency: Natural Resources
Deliver to: Various
Requisition #: 29002 17023

Commodity: Lumber
Contact: Pam Anderson 612-296-1053
Bid due date at 2pm: November 18
Agency: Transportation
Deliver to: Duluth
Requisition #: 79100 08968

Commodity: Loose leaf binder mechanisms—rebid
Contact: Ann Wefald 612-296-2546
Bid due date at 2pm: November 21
Agency: Correction Facility
Deliver to: Oak Park Heights
Requisition #: Price Contract

Commodity: Library shelving & install
Contact: Linda Parkos 612-296-3725
Bid due date at 2pm: November 21
Agency: Community College
Deliver to: Rochester
Requisition #: 02310 16383

Commodity: Trucks and vans
Contact: Dale Meyer 612-296-3773
Bid due date at 2pm: November 22
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: Epson computers
Contact: Bernie Vogel 612-296-3778
Bid due date at 2pm: November 22
Agency: DHS—Regional Service Center
Deliver to: Brainerd
Requisition #: 55304 08013

Contract Awards—Materials Management Division

Item: Repair, alteration to building and
Req. #: 02307 91307 02
Awarded to: General Electric Company,
St. Paul, MN
Awarded amount: \$32,736.00
Awarded date: October 28, 1988
Expir/deliv date: March 15, 1989
Shipped to: Various Locations

Item: Laboratory supplies
Req. #: 26071 18311 01
Awarded to: Science Tech, Newport,
MN
Awarded amount: \$10,994.00
Awarded date: October 28, 1988
Expir/deliv date: December 30, 1988
Shipped to: Mankato State University

Item: Computer equipment
Req. #: 02509 92224 01
Awarded to: Software Marketing Intl.,
Bloomington, MN
Awarded amount: \$15,996.00
Awarded date: October 31, 1988
Expir/deliv date: November 5, 1988
Shipped to: Minnesota Department of
Administration

Item: Chromatographs, liquid-column
Req. #: 12400 27206 01
Awarded to: Hewlett Packard Company,
St. Paul, MN
Awarded amount: \$67,095.75
Awarded date: October 31, 1988
Expir/deliv date: December 30, 1988
Shipped to: Minnesota Department of
Health

Item: Computer equipment
Req. #: 12800 26786 01
Awarded to: Apple Computer Inc.,
Rolling Meadows, IL
Awarded amount: \$5,090.00
Awarded date: October 31, 1988
Expir/deliv date: December 30, 1988
Shipped to: Minnesota Department of
Health

Item: Micro graphic equipment
Req. #: 26071 18353 01
Awarded to: Olm Equipment Inc., Eden
Prairie, MN
Awarded amount: \$6,632.00
Awarded date: October 31, 1988
Expir/deliv date: November 15, 1988
Shipped to: Mankato State University

State Contracts and Advertised Bids

Item: Computer, personal computers
Req.#: 27150 50084 01
Awarded to: Apple Computer Inc.,
Rolling Meadows, IL
Awarded amount: \$13,228.00
Awarded date: October 31, 1988
Expir/deliv date: December 31, 1988
Shipped to: Mesabi Community College

Item: Tractor wheeled industrial
Req.#: 29000 50992 01
Awarded to: Ziegler Inc., Minneapolis,
MN
Awarded amount: \$36,533.00
Awarded date: October 31, 1988
Expir/deliv date: January 3, 1989
Shipped to: DNR—Southern Service
Center

Item: Air conditioning, household and
accessories
Req.#: 55303 13250 01
Awarded to: Sears Roebuck and
Company, Minneapolis, MN
Awarded amount: \$8,938.00
Awarded date: October 31, 1988
Expir/deliv date: November 15, 1988
Shipped to: Faribault Regional Human
Services Center

Item: Scanners, photoelectric
Req.#: 79000 92196 01
Awarded to: Surface Systems Inc., St.
Louis, MO
Awarded amount: \$36,384.00
Awarded date: October 31, 1988
Expir/deliv date: December 30, 1988
Shipped to: Minnesota Department of
Transportation

Item: Mowers—4 Wheel riding type,
front mount
Req.#: 27145 07639 01
Awarded to: Lakeland Power
Equipment, Willmar, MN
Awarded amount: \$6,985.00
Awarded date: November 1, 1988
Expir/deliv date: November 21, 1988
Shipped to: Willmar Community
College

Item: Shelving, library steel
Req.#: 79000 84441 02
Awarded to: Olm Equipment Inc., Eden
Prairie, MN
Awarded amount: \$7,851.00
Awarded date: November 1, 1988
Expir/deliv date: January 31, 1989
Shipped to: Minnesota Department of
Transportation

Item: Repair, alteration to building and
Req.#: 01000 05627 01
Awarded to: Central Roofing Company,
Minneapolis, MN
Awarded amount: \$12,241.00
Awarded date: November 2, 1988
Expir/deliv date: December 1, 1988
Shipped to: Department of Military
Affairs

Item: Incubators
Req.#: 04121 91734 02
Awarded to: Gibbco Scientific Inc.,
Coon Rapids, MN
Awarded amount: \$23,843.00
Awarded date: November 2, 1988
Expir/deliv date: January 19, 1989
Shipped to: Various Locations

Item: Autos, trucks, vans, for clients
only
Req.#: 21607 74180 01
Awarded to: Burnsville Lincoln,
Burnsville, MN
Awarded amount: \$13,785.14
Awarded date: November 2, 1988
Expir/deliv date: November 15, 1988
Shipped to: Various Locations

Item: Electric current detectors
Req.#: 21200 19133 01
Awarded to: Northern States Power,
Minneapolis, MN
Awarded amount: \$8,379.00
Awarded date: November 2, 1988
Expir/deliv date: November 14, 1988
Shipped to: Minnesota Department of
Jobs and Training

Item: Electrical hardware and supplies
Req.#: 21200 19601 01
Awarded to: Powervar, Tustin, CA
Awarded amount: \$10,908.00
Awarded date: November 2, 1988
Expir/deliv date: November 15, 1988
Shipped to: Minnesota Department of
Jobs and Training

Item: Laundry and dry cleaning
equipment
Req.#: 26071 18359 01
Awarded to: Minnesota Chemical
Company, St. Paul, MN
Awarded amount: \$8,015.00
Awarded date: November 2, 1988
Expir/deliv date: January 20, 1989
Shipped to: Mankato State University

Item: Furniture, office
Req.#: 26072 01659 01
Awarded to: Fireside Office Products,
Fargo, ND
Awarded amount: \$5,404.00
Awarded date: November 2, 1988
Expir/deliv date: December 19, 1988
Shipped to: Moorhead State University

Item: Used automobiles
Req.#: 26073 20764 01
Awarded to: Fridley, City of, Fridley,
MN
Awarded amount: \$5,825.00
Awarded date: November 2, 1988
Expir/deliv date: November 14, 1988
Shipped to: St. Cloud State University

Item: Computer equipment
Req.#: 27138 50686 01
Awarded to: North Telecom Inc.,
Minneapolis, MN
Awarded amount: \$23,160.00
Awarded date: November 2, 1988
Expir/deliv date: December 20, 1988
Shipped to: Community College Board
Office

Item: Athletic and sporting equipment
Req.#: 27153 20156 01
Awarded to: Fitness Store, The,
Bloomington, MN
Awarded amount: \$23,134.00
Awarded date: November 2, 1988
Expir/deliv date: November 15, 1988
Shipped to: North Hennepin
Community College

Item: Wheelchair
Req.#: 55103 05120 01
Awarded to: Handicapped Aids, Duluth,
MN
Awarded amount: \$5,012.30
Awarded date: November 2, 1988
Shipped to: Moose Lake Regional
Treatment Center

State Contracts and Advertised Bids

Item: Electrical hardware and supplies
Req.#: 79000 92318 01
Awarded to: Riddle Control Products,
Minnetonka, MN
Awarded amount: \$9,840.00
Awarded date: November 2, 1988
Expir/deliv date: January 31, 1989
Shipped to: Mn/DOT, Electrical
Services

Item: Service Other Purchased
Req.#: 79000 92308 01
Awarded to: Keys Well Drilling, St.
Paul, MN
Awarded amount: \$5,180.00
Awarded date: November 2, 1988
Expir/deliv date: November 10, 1988
Shipped to: Minnesota Department of
Transportation

Item: Traffic and transit signal system
Req.#: 79000 92187 01
Awarded to: Golden River Corporation,
Rockville, MD
Awarded amount: \$18,825.00
Awarded date: November 2, 1988
Expir/deliv date: December 15, 1988
Shipped to: Minnesota Department of
Transportation

Item: Roofing, siding, material and
supplies
Req.#: 79000 92199 01
Awarded to: Two Harbors Lumber
Company, Two Harbors, MN
Awarded amount: \$12,608.30
Awarded date: November 2, 1988
Expir/deliv date: November 10, 1988
Shipped to: Various Locations

Item: Repair, alteration to building and
Req.#: 02307 91307 01
Awarded to: Carrier Air Conditioning,
Bloomington, MN
Awarded amount: \$598,694.00
Awarded date: November 3, 1988
Expir/deliv date: February 1, 1989
Shipped to: Various Locations

Item: Rent, lease, other, and general
Req.#: 55000 95283 01
Awarded to: Eastman Kodak Company,
Minneapolis, MN
Awarded amount: \$15,142.68
Awarded date: November 3, 1988
Expir/deliv date: December 1, 1988
Shipped to: Department Human
Services

Item: Cone, traffic and delineator
Req.#: 79350 00946 01
Awarded to: Lakeside Plastics Inc.,
Oshkosh, WI
Awarded amount: \$7,428.00
Awarded date: November 3, 1988
Expir/deliv date: December 5, 1988
Shipped to: Minnesota Department of
Transportation

Item: Radio communication equipment:
mobile/portable
Req.#: 07500 51696 01
Awarded to: Console Systems Inc., Los
Angeles, CA
Awarded amount: \$128,492.01
Awarded date: November 4, 1988
Expir/deliv date: March 3, 1989
Shipped to: Various Locations

Item: Radio communication equipment:
mobile/portable
Req.#: 07500 51660 01
Awarded to: General Electric Company,
Minneapolis, MN
Awarded amount: \$6,579.07
Awarded date: November 4, 1988
Expir/deliv date: February 1, 1989
Shipped to: Department of Public Safety

Item: Audiometers
Req.#: 12600 26781 01
Awarded to: Electro Medic Inc.,
Minneapolis, MN
Awarded amount: \$5,145.00
Awarded date: November 4, 1988
Expir/deliv date: November 11, 1988
Shipped to: Minnesota Department of
Health

Item: Vending machine
Req.#: 21200 19548 01
Awarded to: Viking Vending Inc.,
Minneapolis, MN
Awarded amount: \$8,588.00
Awarded date: November 4, 1988
Expir/deliv date: December 5, 1988
Shipped to: Minnesota Department of
Jobs and Training

Item: Laboratory supplies
Req.#: 26071 18305 01
Awarded to: Flow Engineering, St. Paul,
MN
Awarded amount: \$17,195.00
Awarded date: November 4, 1988
Expir/deliv date: January 5, 1989
Shipped to: Mankato State University

Item: Laboratory supplies
Req.#: 26071 18268 01
Awarded to: Leeds Precision
Instruments, Minneapolis, MN
Awarded amount: \$17,456.00
Awarded date: November 4, 1988
Shipped to: Mankato State University

Item: Spectrometers, Atomic
Absorption
Req.#: 26071 18336 01
Awarded to: Perkin Elmer Corporation,
Eden Prairie, MN
Awarded amount: \$61,640.00
Awarded date: November 4, 1988
Expir/deliv date: December 6, 1988
Shipped to: Mankato State University

Item: Computer Equipment
Req.#: 27152 46582 02
Awarded to: Dagostino Gary and
Associates, Coon Rapids, MN
Awarded amount: \$40,600.00
Awarded date: November 4, 1988
Expir/deliv date: January 15, 1989
Shipped to: Anoka-Ramsey Community
College

Item: Electrical work (remodeling)
Req.#: 27152 46580 01
Awarded to: Seriographics, Edina, MN
Awarded amount: \$11,846.00
Awarded date: November 4, 1988
Expir/deliv date: December 10, 1988
Shipped to: Anoka-Ramsey Community
College

State Contracts and Advertised Bids

Item: Down box and chain sets
Req.#: 27143 43130 01
Awarded to: Dial A Down Inc., Kansas City, MO
Awarded amount: \$59,963.75
Awarded date: November 4, 1988
Expir/deliv date: November 11, 1988
Shipped to: Hibbing Community College

Item: Copying equipment
Req.#: 27154 46831 01
Awarded to: Eastman Kodak Company, Minneapolis, MN
Awarded amount: \$105,840.00
Awarded date: November 4, 1988
Expir/deliv date: November 4, 1988
Shipped to: Lakewood Community College

Item: Snow removal—Virginia
Req.#: 27150 50064 01
Awarded to: Skubic A B Inc., Virginia, MN
Awarded amount: \$8,000.00
Awarded date: November 4, 1988
Shipped to: Mesabi Community College

Item: Balancing machines, precision electronic
Req.#: 27148 50335 01
Awarded to: Pasco Scientific Company, Hayward, CA
Awarded amount: \$5,092.00
Awarded date: November 4, 1988
Expir/deliv date: November 25, 1988
Shipped to: Rochester Community College

Item: Printers, computer
Req.#: 32300 18817 01
Awarded to: Dytec North Inc., St. Paul, MN
Awarded amount: \$7,067.00
Awarded date: November 4, 1988
Expir/deliv date: November 15, 1988
Shipped to: Minnesota Pollution Control Agency

Item: Chemical industrial
Req.#: 43000 10296 01
Awarded to: Snow May Technologies 2, White Bear Lake, MN
Awarded amount: \$7,822.50
Awarded date: November 4, 1988
Expir/deliv date: November 4, 1988
Shipped to: Giant's Ridge Recreation Area

Item: Maintenance contract equipment only
Req.#: 75200 30440 01
Awarded to: Twin City Elevator, St. Paul, MN
Awarded amount: \$8,100.00
Awarded date: November 4, 1988
Expir/deliv date: December 31, 1999
Shipped to: Minnesota Veterans Home

Item: Maintenance contract equipment only
Req.#: 75250 40170 01
Awarded to: Twin City Elevator, St. Paul, MN
Awarded amount: \$6,000.00
Awarded date: November 4, 1988
Shipped to: Minnesota Veterans Home

Item: Roofing, siding, material and supplies
Req.#: 79050 21114 01
Awarded to: Itasca Lumber Company, Grand Rapids, MN
Awarded amount: \$27,030.77
Awarded date: November 4, 1988
Expir/deliv date: December 1, 1988
Shipped to: Minnesota Department of Transportation

Item: Repair, body vehicle
Req.#: 79990 00191 01
Awarded to: Auto Truck Service, Minneapolis, MN
Awarded amount: \$11,955.00
Awarded date: November 4, 1988
Expir/deliv date: November 10, 1988
Shipped to: Mn/DOT, Central Shop

Item: Laboratory supplies
Req.#: 04111 91736 01
Awarded to: Varian Instrument Group, Sugarland, TX
Awarded amount: \$22,920.00
Awarded date: November 7, 1988
Expir/deliv date: December 23, 1988
Shipped to: Minnesota Department of Agriculture

Item: Automobile
Req.#: 07300 52591 01
Awarded to: National Fleet Sales, Edina MN
Awarded amount: \$11,700.00
Awarded date: November 7, 1988
Expir/deliv date: November 15, 1988
Shipped to: Department of Public Safety

Item: Chromatographs, gas
Req.#: 12400 27021 01
Awarded to: Varian Instruments, Sugarland, TX
Awarded amount: \$33,705.00
Awarded date: November 7, 1988
Expir/deliv date: December 23, 1988
Shipped to: Minnesota Department of Health

Item: Vending Machine
Req.#: 21200 19549 01
Awarded to: National Vendors, St. Louis, MO
Awarded amount: \$16,531.50
Awarded date: November 7, 1988
Expir/deliv date: December 5, 1988
Shipped to: Minnesota Department Jobs and Training

Item: Vending Machine
Req.#: 21200 19622 01
Awarded to: Viking Vending Inc., Minneapolis, MN
Awarded amount: \$6,630.00
Awarded date: November 7, 1988
Expir/deliv date: November 20, 1988
Shipped to: Minnesota Department Jobs and Training

Item: Computer equipment
Req.#: 26137 04600 01
Awarded to: Digital Equipment Corporation, Minneapolis, MN
Awarded amount: \$6,089.60
Awarded date: November 7, 1988
Expir/deliv date: February 10, 1989
Shipped to: St. Cloud State University

Item: Computer equipment
Req.#: 26137 04618 01
Awarded to: Unisys, St. Paul, MN
Awarded amount: \$11,329.00
Awarded date: November 7, 1988
Expir/deliv date: December 10, 1988
Shipped to: Mankato State University

Item: Computer equipment—supplies
Req.#: 26074 12380 01
Awarded to: Business Security, Minneapolis, MN
Awarded amount: \$5,704.70
Awarded date: November 7, 1988
Expir/deliv date: November 28, 1988
Shipped to: Winona State University

State Contracts and Advertised Bids

Item: Construction material,
miscellaneous

Req.#: 26074 12333 01

Awarded to: Modern Concrete, Inc.,
Winona, MN

Awarded amount: \$6,000.00

Awarded date: November 7, 1988

Shipped to: Winona State University

Item: Large van, 15 passenger

Req.#: 27144 44164 01

Awarded to: North Star Dodge Center,
Minneapolis, MN

Awarded amount: \$16,408.00

Awarded date: November 7, 1988

Expir/deliv date: February 10, 1989

Shipped to: Itasca Community College

Item: Sound reproduction equipment

Req.#: 27000 07627 01

Awarded to: Electric Design Company,
St. Paul, MN

Awarded amount: \$10,899.00

Awarded date: November 7, 1988

Expir/deliv date: December 15, 1988

Shipped to: Willmar Community
College

Item: Computer equipment

Req.#: 38000 89405 01

Awarded to: Weldon Electric, Plymouth,
MN

Awarded amount: \$9,345.00

Awarded date: November 7, 1988

Expir/deliv date: November 28, 1988

Shipped to: State Board of Investment

Item: General construction (remodeling)

Req.#: 02310 16472 01

Awarded to: Sell Hardware Inc., Duluth,
MN

Awarded amount: \$12,466.00

Awarded date: November 8, 1988

Expir/deliv date: December 30, 1988

Shipped to: Brainerd Regional Human
Services

Item: Laboratory supplies

Req.#: 12200 27204 01

Awarded to: Continental Safety
Equipment, Eagan, MN

Awarded amount: \$13,495.80

Awarded date: November 8, 1988

Expir/deliv date: November 24, 1988

Shipped to: Minnesota Department of
Health

Item: Sound systems (furnish and
install)

Req.#: 21200 19607 01

Awarded to: Acoustic Communication,
Golden Valley, MN

Awarded amount: \$8,287.50

Awarded date: November 8, 1988

Expir/deliv date: November 30, 1988

Shipped to: Minnesota Department Jobs
and Training

Item: Computer software purchase (non-
PC)

Req.#: 21200 19655 01

Awarded to: IBM Corporation,
Minneapolis, MN

Awarded amount: \$96,720.00

Awarded date: November 8, 1988

Expir/deliv date: November 24, 1988

Shipped to: Minnesota Department of
Jobs and Training

Item: Maintenance contract, other

Req.#: 26073 20592 01

Awarded to: S & N Elevator Company,
St. Paul, MN

Awarded amount: \$9,576.00

Awarded date: November 8, 1988

Shipped to: St. Cloud State University

Item: Janitorial and refuse disposal
service

Req.#: 26073 20674 01

Awarded to: Park Refuse Service, St.
Cloud, MN

Awarded amount: \$49,188.00

Awarded date: November 8, 1988

Shipped to: St. Cloud State University

Item: Drafting, graphic art equipment

Req.#: 27158 91006 01

Awarded to: Lab Corporation, Afton,
MN

Awarded amount: \$22,495.00

Awarded date: November 8, 1988

Expir/deliv date: December 12, 1988

Shipped to: Hibbing Community
College

Item: Snow removal—Rochester

Req.#: 27148 50270 01

Awarded to: Shamrock Enterprises,
Rochester, MN

Awarded amount: \$12,000.00

Awarded date: November 8, 1988

Shipped to: Rochester Community
College

Item: Trailer cargo and utility

Req.#: 29003 02135 01

Awarded to: North County Equipment
Inc., Grand Rapids, MN

Awarded amount: \$5,929.00

Awarded date: November 8, 1988

Expir/deliv date: December 1, 1988

Shipped to: DNR—Northern Service
Center

Item: Aggregate rock, gravel, and
construction

Req.#: 29006 07334 01

Awarded to: Solberg Construction
Company Inc., Rosemount, MN

Awarded amount: \$11,300.00

Awarded date: November 8, 1988

Expir/deliv date: November 10, 1988

Shipped to: Department Natural
Resources

Item: Rent, lease, other and general

Req.#: 55101 09174 01

Awarded to: Aladdin Synergetics Inc.,
Nashville, TN

Awarded amount: \$11,869.30

Awarded date: November 8, 1988

Shipped to: Fergus Falls Regional
Treatment Center

Item: Meat, fresh, frozen, canned, cured

Req.#: 78830 09541 01

Awarded to: Armour and Company, St.
Paul, MN

Awarded amount: \$5,709.00

Awarded date: November 8, 1988

Shipped to: Minnesota Correctional
Facility

Item: Janitorial and refuse disposal
service

Req.#: 78830 09373 01

Awarded to: Park Refuse Service, St.
Cloud, MN

Awarded amount: \$50,976.00

Awarded date: November 8, 1988

Shipped to: Minnesota Correctional
Facility

State Contracts and Advertised Bids

Item: Construction and highway maintenance equipment
Req.#: 79382 01527 01
Awarded to: Carlson Tractor and Equipment, Rosemount, MN
Awarded amount: \$41,080.00
Awarded date: November 8, 1988
Expir/deliv date: December 10, 1988
Shipped to: Minnesota Department of Transportation

Item: Construction and highway maintenance equipment
Req.#: 79382 01529 01
Awarded to: MacQueen Equipment Inc., St. Paul, MN
Awarded amount: \$23,330.00
Awarded date: November 8, 1988
Expir/deliv date: November 24, 1988
Shipped to: Minnesota Department of Transportation

Item: Construction and highway maintenance equipment
Req.#: 79382 01534 01
Awarded to: MacQueen Equipment Inc., St. Paul, MN
Awarded amount: \$10,390.00
Awarded date: November 8, 1988
Expir/deliv date: November 18, 1988
Shipped to: Minnesota Department of Transportation

Item: Service, other purchased
Req.#: 79250 00714 01
Awarded to: Olson Sodding & Landscaping, Grand Rapids, MN
Awarded amount: \$11,800.00
Awarded date: November 8, 1988
Expir/deliv date: November 15, 1988
Shipped to: Minnesota Department of Transportation

Item: Employee relocation expense
Req.#: 79300 05029 01
Awarded to: Vector Moving Systems Inc., St. Cloud, MN
Awarded amount: \$5,419.80
Awarded date: November 8, 1988
Expir/deliv date: November 9, 1988
Shipped to: Minnesota Department of Transportation

Department of Administration: Print Communications Division

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: Claims for audit, 2M 3-part sets, camera ready + negs, 8½" × 11" detached, 1-sided
Contact: Printing Buyer's Office
Bids are due: November 15
Agency: State Auditor's Office
Deliver to: St. Paul
Requisition #: 2922

Commodity: Quarterly grade report, 150M 5-part continuous forms, negs furnished, 1-sided, 10" × 4¼" overall
Contact: Printing Buyer's Office
Bids are due: November 16
Agency: Community College System
Deliver to: St. Paul
Requisition #: 2577

Commodity: Prebill envelope (w/o permit), 500M 8" × 3¾" with poly window, camera ready, 2-sided
Contact: Printing Buyer's Office
Bids are due: November 16
Agency: Public Safety Department
Deliver to: St. Paul
Requisition #: 2933

Commodity: DPS kraft envelope w/ metal clasp, 3M 11½" × 14½", negs furnished, 1-sided
Contact: Printing Buyer's Office
Bids are due: November 16
Agency: Public Safety Department
Deliver to: St. Paul
Requisition #: 2957

Commodity: CVSA decals, 20M, 2" × 3", pressure-sensitive, preprinted numbering
Contact: Printing Buyer's Office
Bids are due: November 16
Agency: State Patrol
Deliver to: St. Paul
Requisition #: 2715

Commodity: MSU conference folders, 10M 9½" × 11¾", 1-sided, camera ready, v-cut pockets to open center
Contact: Printing Buyer's Office
Bids are due: November 16
Agency: State University
Deliver to: Mankato
Requisition #: 2926

Commodity: Child support mailer, 160M sets continuous, type to set, 2-sided, 10½" × 4⅝" overall
Contact: Printing Buyer's Office
Bids are due: November 16
Agency: Human Services Department
Deliver to: New Brighton
Requisition #: 2861

Commodity: Violation warning, 2M books of 50 2-part sets per book, preprinted numbering, 7⅞" × 4¼" exclusive, camera ready, 2-sided
Contact: Printing Buyer's Office
Bids are due: November 16
Agency: State Patrol
Deliver to: St. Paul
Requisition #: 2935

Commodity: Certificate of rent paid, 1,000M 2-part sets, 8½" × 6⅞" incl. stub, camera ready, 1-sided
Contact: Printing Buyer's Office
Bids are due: November 17
Agency: Revenue Department
Deliver to: St. Paul
Requisition #: 3055

State Contracts and Advertised Bids

Commodity: Financial aid brochure, 10M books 4 pgs + cover, 6" × 9", type to set, 2-sided
Contact: Printing Buyer's Office
Bids are due: November 17
Agency: Normandale Community College
Deliver to: Bloomington
Requisition #: 2888

Commodity: Road tax return, 60M 2-part continuous form, 8¾" × 11" incl. ½" pinfeed, type to set, 1-sided
Contact: Printing Buyer's Office
Bids are due: November 17
Agency: Revenue Department
Deliver to: St. Paul
Requisition #: 2905

Commodity: Dividers w/printed laminated tabs, 50 12-page sets, type to set, 2-sided, 8½" × 11" plus tabs
Contact: Printing Buyer's Office
Bids are due: November 17
Agency: Jobs and Training Department
Deliver to: St. Paul
Requisition #: 2767

Commodity: Release of Embargo, 60 pads multiple part forms, 8½" × 6¼" overall, camera ready, 1-sided
Contact: Printing Buyer's Office
Bids are due: November 17
Agency: Agriculture Department
Deliver to: St. Paul
Requisition #: 2904

Commodity: Plant maintenance service request, 25M 5½" × 8½" 3-part sets, 1-sided, negs furnished
Contact: Printing Buyer's Office
Bids are due: November 17
Agency: Human Services Department
Deliver to: St. Paul
Requisition #: 2836

Commodity: MN intrastate carrier ID of authority, 20M sheets 3½" × 7¼" detached, negs furnished, 1-sided, fan-fold 3 up
Contact: Printing Buyer's Office
Bids are due: November 17
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 3005

Commodity: Department purchase order, 7M pads of 175M sets of 5-part forms, 1-sided, 11" × 9½", 2-colors, negs available, 3-staple stitch
Contact: Printing Buyer's Office
Bids due date at 2 pm: November 22
Agency: Administration Department, Central Stores
Deliver to: St. Paul
Requisition #: 3007

Contract Awards—Print Communications Division

Item: 1988 comprehensive annual financial report
Req. #: 1856
Awarded to: Printing Solutions, Bloomington
Amount: \$5,945.00
Date: November 2
Deliver to: PERA, St. Paul
Delivery date: December 15

Item: Vehicle accident report folder
Req. #: 1853
Awarded to: Heinrich Envelope Corporation, Minneapolis
Amount: \$8,402.80
Date: November 3
Deliver to: Public Safety Department, St. Paul
Delivery date: 35 working days

Item: 1989 Minnesota waterfowl stamp
Req. #: 1711
Awarded to: Johnson Litho Graphics, Eau Claire, Wis.
Amount: \$6,990.00
Date: November 3
Deliver to: DNR—License Bureau, St. Paul
Delivery date: As Requested

State Contracts and Advertised Bids

Item: 1989 Minnesota trout stamp
Req.#: 1712
Awarded to: Johnson Litho Graphics,
Eau Claire, Wis.
Amount: \$6,990.00
Date: November 3
Deliver to: DNR—License Bureau, St.
Paul
Delivery date: As Requested

Item: 1989 Minnesota pheasant stamp
Req.#: 1713
Awarded to: Johnson Litho Graphics,
Eau Claire, Wis.
Amount: \$6,990.00
Date: November 3
Deliver to: DNR—License Bureau, St.
Paul
Delivery date: As Requested

Item: Envelopes
Req.#: 1515
Awarded to: Hawkensen Printing, St.
Paul
Amount: \$1,254.00
Date: November 2
Deliver to: Water and Soil Resource
Board, St. Paul
Delivery date: As Requested

Item: Letterhead and second sheets
Req.#: 1516
Awarded to: Hawkensen Printing, St.
Paul
Amount: \$400.00
Date: November 2
Deliver to: Water and Soil Resource
Board, St. Paul
Delivery date: As Requested

Item: 1989 winter state park maps
Req.#: 2098
Awarded to: Artcraft Press, Minneapolis
Amount: \$12,367.00
Date: November 2
Deliver to: DNR, St. Paul
Delivery date: As Requested

Item: D.C.D. report
Req.#: 2368
Awarded to: Royal Business Forms,
Brooklyn Center
Amount: \$580.00
Date: November 4
Deliver to: PERA, St. Paul
Delivery date: 30 days

Item: Equipment usage form
Req.#: 2213
Awarded to: Bann Division Stuart
Hooper Company, St. Paul
Amount: \$2,182.20
Date: November 2
Deliver to: Transportation Department,
St. Paul
Delivery date: 30 days

Item: Prebill with title
Req.#: 2255
Awarded to: Moore Business Forms,
Bloomington
Amount: \$11,882.50
Date: November 3
Deliver to: Public Safety Department,
St. Paul
Delivery date: 40 days

Item: Driver license envelope
Req.#: 2257
Awarded to: Heinrich Envelope
Corporation, Minneapolis
Amount: \$2,947.34
Date: November 4
Deliver to: Public Safety Department,
St. Paul
Delivery date: 50 working days

Item: Driver license application and
voter registration card
Req.#: 2258
Awarded to: Printing Resources,
Shoreview
Amount: \$9,290.00
Date: November 3
Deliver to: Public Safety Department,
St. Paul
Delivery date: As Requested

Item: Application for AFDC, GA, FS,
MA, MSA
Req.#: 2311
Awarded to: Printed Media Services,
Golden Valley
Amount: \$32,435.00
Date: November 3
Deliver to: Human Services
Department, St. Paul
Delivery date: As Requested

Item: Statement of Need
Req.#: 2312
Awarded to: Printed Media Services,
Golden Valley
Amount: \$118,000.00
Date: November 3
Deliver to: Federal Surplus Property,
New Brighton
Delivery date: As Requested

Item: Refund Window Envelope
Req.#: 2475
Awarded to: Tension Envelope
Corporation, Minneapolis
Amount: \$20,960.00
Date: November 4
Deliver to: Revenue Department, St.
Paul
Delivery date: 60 days

Item: Residential services invoice
Req.#: 2558
Awarded to: Moore Business Forms,
Bloomington
Amount: \$11,695.00
Date: November 4
Deliver to: Federal Surplus Property,
New Brighton
Delivery date: 30 days

Item: Fixed asset property label
Req.#: 2138
Awarded to: Applied Power Products,
St. Paul
Amount: \$2,237.00
Date: November 4
Deliver to: Central Stores, St. Paul
Delivery date: 21 days

Item: 1989 Minnesota Fishing
Regulations
Req.#: 2251
Awarded to: Printed Media Services,
Golden Valley
Amount: \$80,044.00
Date: November 8
Deliver to: DNR—License Bureau, St.
Paul
Delivery date: As Requested

State Contracts and Advertised Bids

Item: Consultation Division Labels
Req.#: 2263
Awarded to: Label Enterprises,
Mendota Heights
Amount: \$250.00
Date: November 4
Deliver to: Labor & Industry
Department., St. Paul
Delivery date: As Requested

Item: Weighing Tickets
Req.#: 2303
Awarded to: Bann Division Stuart
Hooper Company, St. Paul
Amount: \$2,301.85
Date: November 4
Deliver to: Transportation Department,
St. Paul
Delivery date: 30 days

Item: Job service introduction card
Req.#: 2378
Awarded to: Action Business Forms,
Minneapolis
Amount: \$1,074.50
Date: November 3
Deliver to: Jobs and Training
Department, St. Paul
Delivery date: 30 days

Item: Chemistry I Form
Req.#: 2398
Awarded to: Pauly Business Forms
Company, Plymouth
Amount: \$342.00
Date: November 4
Deliver to: Human Services
Department, St. Paul
Delivery date: 28 days

Item: "Start Seeing Motorcycles" poster
Req.#: 2385
Awarded to: Twin City Litho, Roseville
Amount: \$1,087.00
Date: November 3
Deliver to: Public Safety Department,
St. Paul
Delivery date: 15 days

Item: Kraft envelopes
Req.#: 2424
Awarded to: Twin City Litho, Roseville
Amount: \$240.00
Date: November 4
Deliver to: Electricity Board, St. Paul
Delivery date: 10 days

Item: Employee bi-weekly time report
Req.#: 2574
Awarded to: Bann Division Stuart
Hooper Company, St. Paul
Amount: \$591.36
Date: November 4
Deliver to: Education Department, St.
Paul
Delivery date: 12-15 working days

Item: Request for records
Req.#: 2614
Awarded to: Action Business Forms,
Minneapolis
Amount: \$459.20
Date: November 3
Deliver to: Records Center, St. Paul
Delivery date: 30 days

Item: Medication Record
Req.#: 2617
Awarded to: Twin City Litho, Roseville
Amount: \$920.00
Date: November 7
Deliver to: Human Services
Department, St. Paul
Delivery date: 10 days

Item: Field Investigation Information
Req.#: 2635
Awarded to: Bann Division Stuart
Hooper Company, St. Paul
Amount: \$147.50
Date: November 7
Deliver to: Jobs and Training
Department, St. Paul
Delivery date: As Requested

Item: Uniform Traffic Tickets
Req.#: 2643
Awarded to: Bann Division Stuart
Hooper Company, St. Paul
Amount: \$3,177.50
Date: November 4
Deliver to: Public Safety Department,
St. Paul
Delivery date: 30-35 days

Community College System

Information Services Division

REQUEST FOR PROPOSAL for Specialized Staff Training in Customer Service and Communication

The Information Services Division of the Minnesota Community College System requires some customized training for the entire staff. This training should address how Information Services fits into the organization, who are our customers, how do we best serve our customers, internal and external communication, interpersonal relations and documentation.

This Request for Proposal does not obligate the State to complete the project, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

A. SCOPE OF THE PROJECT

The Information Services Division is an integral part of the Minnesota Community College System; therefore, it is important for the staff to be aware of its role as a service provider. The training desired should result in a staff that understands the role of Information Services and will work together to achieve it.

State Contracts and Advertised Bids

B. GOALS AND OBJECTIVES

It is anticipated that this training program will provide the staff members with knowledge of, or skills in:

- the mission/goals of the Minnesota Community College System
- the organization of the Minnesota Community College System
- the role Information Services plays
- communication—both internal and external
- documentation
- the importance of being a team player
- quality of service.

C. PROJECT TASKS

The tasks requested are a series of workshops covering the goals listed above. These workshops should be short (2 to 4 hours each), spread over 6 to 9 months and specifically address data processing in a higher education environment. The proposal submitted should list:

- the number of workshops
- the topic(s) of each workshop
- the timeframe for presenting each workshop
- which segment of the division should attend each workshop.

Responser may propose additional tasks or activities if they will substantially improve the results of the project.

D. DEPARTMENT CONTACTS

Prospective responders who have questions regarding this Request for Proposal may call or write:

Dr. David E. Godderz
Director of Information Services
Minnesota Community College System
550 Cedar St.—Room 203
St. Paul, MN 55101
(612) 296-8970

Please note: Other Department personnel are not allowed to discuss the project with responders before the submittal of proposal deadline.

E. SUBMISSION OF PROPOSALS

All proposals must be sent to and received by—Dr. David E. Godderz (address above)—not later than 3:00 p.m., November 25, 1988.

Late proposals will not be accepted. Submit 2 copies of proposal. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. Each copy of the proposal must be signed, in ink, by an authorized member of the firm. Prices and terms of the proposal as stated must be valid for the length of the project.

PROJECT COSTS

The Department has estimated that the cost of this project should not exceed \$6000.

PROJECT COMPLETION DATE

The project will be completed by August 31, 1989; or within 9 months from the date of project authorization.

Department of Education

Division of Instructional Effectiveness: Unique Learner Needs Section— Interagency Planning Project for Young Children with Handicaps

Request for Proposals for Planning, Developing or Implementing Early Identification, Referral or Intervention Services for Young Children with Handicaps or Those at Risk for Such Handicapping Conditions and Their Families—Part H, PL 99-457; 1989-90

I. BACKGROUND: According to the Notice of Proposed Rulemaking for Early Intervention Program for Infants and Toddlers with Handicaps in the *Federal Register*, V. 52, No. 222, "Part H of PL 99-457 is designed to build upon existing State systems of early intervention services . . . and to use funds to develop a statewide system that fits their own individual characteristics." During the first two years of participation (MINNESOTA is in year two), it is expected that funds will be used to build upon previous planning, development and implementation activities.

One goal of Minnesota's state plan is to "develop state policy and provide direction in the planning of a system for comprehensive, coordinated, interagency, multidisciplinary services for young children with handicaps and their families" through the funding of model projects. In 1988, 17 proposals were funded in the areas of central referral/single point of entry, tracking and followup, transition, multi-disciplinary assessment practices and the use of community-based settings for intervention. Fifty applications were received from school districts, county social service agencies, community health service agencies, interagency early intervention committees, medical centers and Head Start programs. (For a complete listing see *Your Link*, V. 2, No. 2 Summer, 1988 pp.2-3.)

II. The Minnesota Department of Education, in cooperation with the Departments of Health and Human Services through the Interagency Planning Project for Young Children with Handicaps announces a request for proposals from rural areas, small towns, and metropolitan areas targeted toward the above priorities. Approximately \$250,000 is available to fund grants amounting to \$40,000, \$20,000 and/or \$10,000.

Priorities for funding include:

- multi-disciplinary assessment practices
- coordinated individual intervention plans
- comprehensive systems to identify children in need of services
- single point of entry or central referral
- service coordination (case management)
- effective transition services and plans (i.e. transition of a young child from home-based early intervention to a preschool program, DAC to school setting, or preschool program to kindergarten.)
- involvement of medical professionals
- service gap problems in the provision of year-round services
- identification and intervention for low-incidence populations (i.e. Infants who are hearing impaired or physically handicapped)
- use of community-based early intervention settings such as the home, daycare or early childhood: family education
- increased involvement of county social service agencies

The application for funds packet is available from:

Christi Hansen
Interagency Planning Project for Young Children with Handicaps
8th Fl—Capitol Square Bldg. St. Paul, MN 55101
550 Cedar St. (612) 297-1512

One original application for funds and eight copies **must be received by** the Interagency Planning Project no later than **4:30 p.m. on Wednesday, March 1, 1989**. All applications that are funded will have a starting date of July 1, 1989 and will be for a period of 12 months to be completed by June 30, 1990. The Minnesota Department of Education reserves the right not to award any grants.

Local interagency early intervention committees are encouraged to link with their membership and send for one application packet only whenever possible.

Preference will be given to those applicants who have not received a grant previously.

State Contracts and Advertised Bids

Minnesota Historical Society

Request for Proposals for Marketing Consultant—*Northern Lights*

Scope of Proposal

The Minnesota Historical Society is seeking individuals and firms experienced in textbook marketing to develop a Marketing Plan for *Northern Lights*, a curriculum in Minnesota state history (grades 6-8).

Project Tasks

The Marketing Plan will require:

1. A specific sales plan for each school district—especially such large districts as Apple Valley, Bloomington, Duluth, Minneapolis, Rosemount, St. Cloud, and St. Paul—which will (1) identify the district's curriculum review cycle and (2) determine how the Society can access that process for effective sales promotion of *Northern Lights*.

2. A specific sales plan for each private school in the state which will (1) identify the decision-making process each school employs in purchasing curriculum materials and (2) determine how the Society can access the process for effective sales promotion of *Northern Lights*.

3. Recommendation for sales promotion materials (brochures, review copies, etc.) required for effective presentation of *Northern Lights* to the schools.

4. A plan for effective use of a sales team to present *Northern Lights* to curriculum review committees or other school personnel for sales purposes, including an action calendar for contacting public and private schools.

5. A five-year inventory investment plan or printing schedule based on (1) the timing of public and private schools' potential decisions to purchase; (2) Economic Order Quantity (EOQ); and (3) inventory carrying costs.

6. Determining the feasibility of (1) a prepublication sales offer and (2) a deferred payment plan offer.

Project Schedule

The project will begin on or about December 15, 1988 and be completed by March 15, 1989.

Project Costs

It is anticipated that the cost of this project will not exceed \$5,000.00, including consultant's fees, expenses, clerical support, telephone, and other relevant expenses.

Society Contacts

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

Submission of Proposals

All proposals must be sent to: Mark Schwartz, Contract Officer, Minnesota Historical Society, 1500 Mississippi Street, St. Paul, Minnesota 55101.

All proposals must be received no later than the close of the business day (5:00 p.m.), December 2, 1988. Late proposals will not be accepted.

Submit six (6) copies of the proposal in an 8 1/2 x 11 format not to exceed 20 pages/sides. Proposals are to be sealed in mailing envelopes or packages with responder's name, address, and the name of the project for which the proposal is being submitted clearly written on the outside. The proposal must be signed, in ink, by an authorized member of the firm. Prices and terms of the proposal must be valid for the length of the project.

Upon completion of evaluation and selection, results will be sent immediately by mail to all responders.

This Request for Proposals does not obligate the Society to complete the project, and the Society reserves the right to cancel solicitation if it is considered to be in the Society's best interests.

Proposal Contents

The following will be considered minimum contents of a proposal:

1. Identify and describe the deliverables to be provided.

2. A resume outlining the responder's capabilities and experience on comparable projects.

3. Identify the personnel who will supervise and conduct this project and detail their training and work experience. No change in personnel will be permitted without the approval of the Society.

4. Professional references.

5. Responder will prepare a cost breakdown, work plan, and project schedule that identifies major tasks to be accomplished. Responder should state how project will be billed.

Evaluation

All proposals received by the deadline will be evaluated by representatives of the Minnesota Historical Society. In some instances, an interview will be part of the process. Factors upon which proposals will be judged include, but are not limited to, the following:

1. Expressed understanding of the project objectives.
2. Project work plan and schedule.
3. Project cost detail.
4. Prior experience and qualifications of both responder and personnel.

Minnesota Pollution Control Agency

Office of Waste Management Grants and Assistance

Request for Proposal for Developing a School Education Program on Solid and Hazardous Waste

The Minnesota Pollution Control Agency wishes to obtain the services of a consultant to develop a framework for solid and hazardous waste management education curricula for grades K-6 and one instructional package. Services will begin March 1, 1989. For a detailed request for proposal contact:

Suzanne Hanson
Waste Education Coordinator
Minnesota Pollution Control Agency
Office of Waste Management Grants and Assistance
1350 Energy Lane
St. Paul, Minnesota 55108
(612) 649-5786

Proposals must be received no later than 4:00 p.m., CST, January 5, 1989.

Gerald L. Willet
Commissioner

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 Council

Request for Proposal to Conduct Study that Evaluates Federal Housing Subsidy Programs

NOTICE IS HEREBY GIVEN that the Metropolitan Council is requesting proposals to conduct a literature search and analysis of studies that evaluate various federal housing programs. The work will commence in mid January, 1989 and should be completed by mid March, 1989. All proposals must be received no later than 4:00 p.m. on Friday, December 9, 1988. (Attention: Ana B. Moreno, Housing Planning Program).

Copies of the Request for Proposal may be obtained from the Metropolitan Council, Mears Park Centre, 230 E. Fifth Street, St. Paul, Minnesota 55101. Inquiries should be directed to Ana B. Moreno, (612) 291-6601.

Non-State Public Contracts

Metropolitan Council

Request for Proposal to Design, Conduct and Prepare Report on Handicapped Accessible Housing in Seven-County Metro Area

NOTICE IS HEREBY GIVEN that the Metropolitan Council is requesting proposals to design and conduct a survey and prepare a report analyzing the results of availability and types of handicapped-accessible housing in subsidized and market-rate apartments in the seven-county Metro Area. The project will commence on January 2, 1989 and must be completed by December 31, 1989. All proposals must be received no later than 9:00 a.m. on December 5, 1988. (Attention: Kay S. Zwernik, Developmental Disabilities Program).

Copies of the Request for Proposal may be obtained from the Metropolitan Council, Mears Park Centre, 230 E. Fifth St., St. Paul, MN 55101. Inquiries should be directed to Kay S. Zwernik, (612) 291-6364.

St. Anthony Falls Heritage Board

Notice of Availability of Contract for Project Coordinator

The St. Anthony Falls Heritage Board, which includes the Minneapolis Mayor, City Council, and Park Board, and the Minnesota Historical Society, seeks individual or firm to act as project coordinator for the creation of a plan to interpret the heritage of the Minneapolis riverfront.

Will manage and oversee process of selection and work of consultants; conduct research; coordinate public participation; perform administrative functions as needed.

Requires substantial education and experience in urban and/or park planning, public administration, historical interpretation; ability to deal effectively with public and private groups; strong organizational skills.

One year, less-than-full-time contract position to start early 1989; mid to upper \$20's.

For position description call (612) 296-7129 weekdays. Send letter of application and resume to Elisabeth Doermann, Heritage Zone Coordinator, Minnesota Historical Society, 240 Summit Avenue, St. Paul, MN 55102, postmarked by December 2, 1988. (EOE)

Supreme Court Decisions

Decisions Filed 10 November 1988

CX-87-2510 State of Minnesota v. Jeffrey Brian Ness, Appellant. Isanti County.

The evidence was sufficient to support the jury's conclusion that the defendant killed his father intentionally and with premeditation.

Trial court did not commit prejudicial error in admitting defendant's confession into evidence.

Affirmed. Yetka, J.

C0-74-45110 In Re Petition for Disciplinary Action against Thomas E. Moore, an Attorney at Law of the State of Minnesota. Supreme Court.

Suspended indefinitely. Per Curiam.

Tax Court

Pursuant to Minn. Stat. § 271.06, subd. 1, an appeal to the tax court may be taken from any official order of the Commissioner of Revenue regarding any tax, fee or assessment, or any matter concerning the tax laws listed in § 271.01, subd. 5, by an interested or affected person, by any political subdivision of the state, by the Attorney General in behalf of the state, or by any resident taxpayer of the state in behalf of the state in case the Attorney General, upon request, shall refuse to appeal. Decisions of the tax court are printed in the *State Register*, except in the case of appeals dealing with property valuation, assessment, or taxation for property tax purposes.

Tax Court—Regular Division

Docket No. 4772—Dated: October 5, 1988

M & O Farms and Chef Reddy Foods, Appellants, vs. Commissioner of Revenue, Appellee.

The above-entitled matters were consolidated for trial and came on for hearing before the Honorable Earl B. Gustafson, Chief Judge of the Minnesota Tax Court, on April 19, 1988, at the Hubbard County Courthouse in Park Rapids, Minnesota.

Maclay R. Hyde, Attorney at Law, appeared for petitioners.

James W. Neher, Special Assistant Attorney General, appeared for the respondent.

Post-trial briefs were filed by both parties and the matter was submitted to the Court for decision on July 7, 1988.

The sole issue for determination is whether the subject property should be classified as commercial or agricultural property for tax purposes. The issue of valuation is being reserved for a subsequent trial.

The Court, having heard and considered the evidence adduced at the hearing and upon all of the files and records herein, now makes the following:

FINDINGS OF FACT

1. Petitioners have sufficient interest in the property to maintain their petitions; all statutory and jurisdictional requirements have been complied with, and the Court has jurisdiction over the subject matter of the action and the parties hereto.

2. In addition to the above-captioned petitions, these Findings of Fact, Conclusions of Law, and Order for Judgment are applicable to an appeal from the Commissioner of Revenue's Order dated November 14, 1986 regarding the Hubbard County 1986 property tax assessments. Said appeal was filed with the Minnesota Tax Court on January 12, 1987, entitled **M & O Farms and Chef Reddy Foods v. Commissioner of Revenue**, Minnesota Tax Court Docket No. 4772.

3. After appeals through the township and county boards of review, the Commissioner of Revenue has classified two parcels of land in Hubbard County as commercial. Petitioners seek to have both parcels changed to an agricultural classification.

4. Parcel No. 27-35-00400 (the "Rapids Russet" parcel) is a five acre parcel of land containing a large potato storage warehouse which is owned by Rapids Russet and leased to M & O Farms, a partnership engaged in raising potatoes and other crops. M & O Farms, under the terms of the lease, is obligated to pay the property taxes.

5. No crops are raised on the Rapids Russet parcel. The warehouse is used for the storage of potatoes grown by M & O Farms on other land in both Hubbard and Becker Counties and for potato seeds for M & O Farms' future crops. It is also used for cutting seed potatoes into pieces for planting.

6. Parcel No. 25-02-00110 (the "Chef Reddy" parcel) is owned by Chef Reddy Foods and is 54.88 acres in size, containing a processing plant with two separate potato storage warehouses.

7. Chef Reddy Foods is a partnership engaged in processing potatoes into frozen french fries.

8. No crops are raised on the Chef Reddy parcel. The land and buildings are used exclusively for producing frozen french fried potatoes. The two storage warehouses are used solely to store potatoes prior to their being transferred into the processing plant.

9. The attached Memorandum is hereby made a part of these Findings of Fact.

CONCLUSIONS OF LAW AND ORDER FOR JUDGMENT

1. Parcel No. 27-35-00400 qualifies for agricultural classification under *Minnesota Statutes* § 273.13, subd. 23(c) (1986).

2. Parcel No. 25-02-00110 does not qualify for agricultural classification under *Minnesota Statutes* § 273.13, subd. 23(c) (1986).

3. The Commissioner of Revenue's Order classifying these parcels as commercial property for the assessment year 1986 is hereby reversed as to parcel No. 27-35-00400 and affirmed as to parcel No. 25-02-00110.

LET JUDGMENT BE ENTERED ACCORDINGLY. A STAY OF 15 DAYS IS HEREBY ORDERED.

ORDER FOR JUDGMENT

Pursuant to the attached decision of the Tax Court in the matter of **M & O Farms and Chef Reddy Foods v. County of Hubbard**, Minnesota Tax Court File Nos. 29C-87-211 and 29C-87-212 (October 5, 1988), it is ordered that Judgment be entered in the above-entitled action.

LET JUDGMENT BE ENTERED ACCORDINGLY. A STAY OF 15 DAYS IS HEREBY ORDERED.

BY THE COURT,

Earl B. Gustafson, Chief Judge
Minnesota Tax Court

Tax Court—Regular Division

Docket Nos. 4861 and 4862—Dated: October 12, 1988

Dennis J. Arrigoni, Appellant, vs. Commissioner of Revenue, Appellee. AND Joe D., Inc., Appellant, vs. Commissioner of Revenue, Appellee.

The above-entitled matters were consolidated for trial and came on for hearing before the Honorable M. Jean Stepan, Judge of the Minnesota Tax Court, on April 26, 1988, at the Courtroom of the Tax Court, 520 Lafayette Road, St. Paul, Minnesota.

J. Patrick Brinkman, Attorney at Law, appeared on behalf of the appellants.

Sarah G. Mulligan, Special Assistant Attorney General, appeared on behalf of the appellee.

Post-trial briefs were filed by both parties and the matter was submitted to the Court for decision on July 21, 1988.

The Court, having heard and considered the arguments of counsel and upon all of the files and records herein, now makes the following:

FINDINGS OF FACT

1. Appellant Joe D., Inc. was a Minnesota corporation incorporated in 1968 to own and operate an on-sale liquor lounge in premises leased by two of its stockholders within the Sibley Plaza Shopping Center on West 7th Street in St. Paul, Minnesota.

2. Derby Bowl, Inc. was a Minnesota corporation also incorporated in 1968 to own and operate a bowling alley in premises adjacent to Joe D., Inc.'s location.

3. Both corporations has fiscal years running from September 1st through August 31st.

4. When the corporations were incorporated, the shareholders of Joe D., Inc. and Derby Bowl, Inc. were identical: Joseph Arrigoni, Sr. (father), 33 $\frac{1}{3}$ %; Joseph Arrigoni, Jr. (son/brother), 33 $\frac{1}{3}$ %; and Dennis J. Arrigoni (son/brother), 33 $\frac{1}{3}$ %.

5. In 1968 Joseph Arrigoni, Sr. and Joseph Arrigoni, Jr. entered a lease with Paster Enterprises for the premises on which a bowling alley and liquor lounge were to operate. The term of the lease was 17 years with an option for renewal for 5 years, for a total of 22 years. The tenants Joseph Arrigoni, Sr. and Joseph Arrigoni, Jr., in turn, by oral agreement, sublet a portion of the premises to Derby Bowl, Inc. for its bowling alley operations. These subtenancies were agreed to be for the same terms and with the same option to renew as the lease with Paster Enterprises.

6. Joseph Arrigoni, Sr. and his sons, Joseph, Jr. and Dennis, frequently entered into business ventures together or assisted each other in their respective business enterprises. The Arrigonis' accountant in their various business ventures was Clifford Nimis, a licensed public accountant. The family members would periodically report intercompany or intrafamily transactions or advances to Mr. Nimis. He would then periodically update the records maintained for each of the businesses and individuals. The parties involved seldom prepared formal promissory notes or other legal documentation for these transactions.

7. In the early 1970's Joseph Arrigoni, Jr. bought out the other two stockholders. In 1976 he sold both businesses to a purchaser under installment contracts. Derby Bowl's sale was subject to a bowling equipment lease it had with Continental Leasing Company.

8. Since the cash downpayments received from the sale were not sufficient to satisfy the then outstanding obligations of Joe D., Inc. and Derby Bowl, Inc., a capital contribution was made to each corporation by Joseph Arrigoni, Sr. and Dennis Arrigoni, and the ownership of each corporation was changed so that Joseph Arrigoni, Sr. owned 50%, Joseph Arrigoni, Jr. owned 25% and Dennis Arrigoni owned 25% of each corporation.

9. The purchaser subsequently resold the businesses to a second purchaser subject to the installment contract obligations to Joe D., Inc. and Derby Bowl, Inc., and the bowling equipment lease with Continental. The second purchaser defaulted under the lease agreement with Continental. Continental then repossessed and removed the bowling equipment from the Derby Bowl, Inc. premises.

10. The second purchaser of the business also failed to cure defaults on the underlying installment sales contracts with Joe D., Inc. and Derby Bowl, Inc. Joe D. and Derby Bowl therefore repossessed their businesses in 1980 pursuant to the installment contract security terms.

11. Derby Bowl, Inc., being without equipment to operate a bowling alley, remodeled the premises and began operating a game arcade. Dennis Arrigoni assumed the day-to-day management of both businesses.

12. Dennis Arrigoni testified that in 1982, Derby Bowl, Inc. purchased the outstanding shares of Joseph Arrigoni, Sr. and Joseph Arrigoni, Jr., by issuing installment promissory notes in the amounts of \$14,000 and \$7,000, respectively. No such notes were produced at trial. Dennis testified that the notes could not be located because they had been paid off some time ago. In August, 1982, Joseph Arrigoni, Jr.'s stock in Joe D., Inc. was redeemed, leaving Joseph Arrigoni, Sr. with a $\frac{2}{3}$ interest in that company and Dennis Arrigoni with a $\frac{1}{3}$ interest. Dennis, as the sole shareholder of Derby Bowl, Inc., then continued to run both businesses.

13. The business of Joe D., Inc. declined without the bowling alley business to feed into it. Joe D., Inc. was often unable to meet its sublease obligations to Joseph Arrigoni, Sr. and Joseph Arrigoni, Jr. They were consequently unable to make payments due under their lease with Paster Enterprises. Disputes and law suits arose over the lease between Paster Enterprises and the Arrigonis. In the latter part of 1983, Paster Enterprises made an offer to Joseph Arrigoni, Sr. to buy out the remaining terms of their lease in consideration of forgiveness of rent arrearages, several months' future rent forgiveness, and \$14,000 cash.

14. In late 1983, Joseph Arrigoni, Sr., Dennis J. Arrigoni and Clifford Nimis participated in meetings to discuss the Paster Enterprises' offer and the resulting effect of terminating the Joe D., Inc. and Derby Bowl, Inc. businesses. Joseph Arrigoni, Sr., as the controlling shareholder of Joe D., Inc., favored accepting the offer since Joe D.'s business was unprofitable, and acceptance of the offer would permit it to liquidate its major asset, an on-sale liquor license, Dennis Arrigoni, as the sole shareholder of Derby Bowl, Inc., took the position that Derby Bowl, Inc., because it was able to maintain a profitable operation, would be harmed by a termination of the lease since it had no major assets to sell and it would lose future profits from continued operation under its subtenancy. It was decided that Paster Enterprises' offer would be accepted and that upon the sale of Joe D.'s liquor license, 20% of the proceeds of that sale would be paid to Derby Bowl, Inc.

15. The lease between Paster Enterprises and Joseph Arrigoni, Sr. and Joseph Arrigoni, Jr. was terminated and Paster Enterprises paid Joseph Arrigoni, Sr. \$14,000.

16. In April, 1984, Joe D., Inc. and Derby Bowl, Inc. ceased doing business, and soon thereafter Joe D., Inc. sold its liquor license for \$80,000. Derby's portion of the proceeds was calculated to be \$16,000 based on the agreed upon formula of 20% of the liquor license sale price.

17. When the companies' accountant performed the year-end review and update of the companies' books on August 31, 1984, he posted an adjusting journal entry in the books, describing the transaction as a "commission." Later the transaction in Joe D., Inc.'s books was backdated to December 31, 1983 and the explanation "20% of sale of license for giving up lease" was added to the entry.

18. On its 1983 income tax return (for fiscal year ending August 31, 1984), Joe D., Inc. claimed as a deduction, the \$16,000 payment to Derby Bowl, Inc. from the proceeds of the sale of its liquor license. Upon audit by the Department of Revenue in 1986, the deduction was disallowed. On May 15, 1987, the Commissioner of Revenue issued an order assessing appellant Joe D., Inc. additional 1983 income tax on the ground that the \$16,000 credit to Derby Bowl was not deductible as an ordinary or necessary business expense.

19. As of May 1, 1984, the books and records showed that Joe D., Inc. owed Dennis Arrigoni \$18,020.00; Joe D., Inc. owed Derby Bowl, Inc. \$29,601.21; and Derby Bowl, Inc. owed Dennis Arrigoni \$11,165.09.¹ To satisfy its obligation to Dennis Arrigoni, Derby Bowl, Inc. assigned to Dennis Arrigoni \$11,165.09 of its intercompany account receivable due from Joe D., Inc. This intercompany adjusting entry was posted by Mr. Nimis to the intercompany accounts as of August 31, 1984.

20. From the sale proceeds deposited into its account in May, 1984, Joe D., Inc. made payments to Dennis Arrigoni of \$10,000.00 on May 16, 1984, \$25,000.00 on June 4, 1984, and \$10,000.00 on August 17, 1984. At year-end these payments were debited by the companies' accountant to Joe D., Inc.'s payable to Dennis Arrigoni, thereby satisfying in full the \$18,020.00 of cash advances made by Dennis Arrigoni, the \$11,165.09 assignment from Derby Bowl, Inc., and creating a balance owed by Dennis Arrigoni to Joe D., Inc. of \$15,814.91. In its subsequent audit of Joe D., Inc.'s records, the Commissioner of Revenue reclassified the \$15,814.91 excess payment to Dennis Arrigoni as a dividend.

21. As of September 1, 1984, Derby Bowl, Inc. still owed approximately \$19,522.45 to Joseph Arrigoni, Sr. and Joseph Arrigoni, Jr., pursuant to the stock redemption transaction in 1982. Joe D., Inc. still owed approximately \$21,436.12 to Derby Bowl, Inc., part of which balance arose from the \$16,000.00 settlement agreement. Dennis Arrigoni testified that when the companies went out of business, he personally assumed Derby Bowl, Inc.'s obligation of \$19,522.45 to Joseph Arrigoni, Sr. and Joseph Arrigoni, Jr. in consideration for Derby Bowl, Inc. assigning to him its \$21,436.12 receivable from Joe D., Inc. The difference of \$1,913.67 was reflected as a balance receivable by Derby Bowl, Inc. from Dennis Arrigoni. These year-end adjustments were entered on Derby Bowl, Inc.'s books on August 31, 1985.

22. At the trial, Dennis Arrigoni produced cancelled checks showing payment by him to Joseph Arrigoni, Sr. and Joseph Arrigoni, Jr. as follows:

June, 1984	\$10,000 to Joseph, Jr.
May, 1985	4,000 to Joseph, Sr.
December, 1985	5,000 to Joseph, Sr.
September, 1986	2,000 to Joseph, Sr.
TOTAL	\$21,000

¹ The transactions giving rise to these debts were not the subject of the audit by the appellee and the facts surrounding them were not disclosed at trial.

Tax Court

23. On October 3, 1984 Joe D., Inc. paid \$37,000.00 to Dennis Arrigoni, \$21,436.12 of which offset Joe D., Inc.'s obligation that Dennis Arrigoni acquired from Derby Bowl, Inc. The excess balance of \$15,563.88 was reduced by a \$2,000.00 repayment by Dennis Arrigoni on November 15, 1984. The resulting balance of \$13,563.88 together with an additional advance of \$500.00, by Joe D., Inc. to Dennis Arrigoni on March 11, 1985, (\$14,063.88) was subsequently reclassified by the Commissioner of Revenue as dividend to Dennis Arrigoni.

24. During the course of the audit of appellant Joe D., Inc., Mr. Showel, the examiner from the Department of Revenue, examined payments by Joe D., Inc. to appellant Dennis Arrigoni during calendar year 1984 in the amount of \$82,000. None of those amounts was reported as income on appellant Dennis Arrigoni's 1984 individual income tax return. Mr. Showel reclassified \$47,878.79 of this amount as constructive dividends to appellant Dennis Arrigoni. This amount is made up of the following:

- \$15,814.91 Payments in excess of the balance due by Joe D., Inc. to Dennis Arrigoni pursuant to its books and records as of August 31, 1984. (See Finding No. 20.)
- \$14,063.88 Payments in excess of the balance owed by Joe D., Inc. to Dennis Arrigoni pursuant to its books and records as of August 31, 1985. (See Finding No. 23.)
- \$1,500.00 From the November 15, 1984 advance repayment by Dennis Arrigoni to Joe D., Inc., not recognized by the Commissioner. (See Finding No. 23.)
- \$16,000.00 Part of the \$21,436.12 payable of Joe D., Inc. to Derby Bowl, Inc., assigned by Derby Bowl, Inc. to Dennis Arrigoni. (See Finding No. 23.)

25. On April 10, 1987, the Commissioner issued an order assessing additional individual income tax against appellant Dennis J. Arrigoni because of these additional constructive dividends.

26. At trial appellant stipulated that \$31,878.79 of these amounts assessed as constructive dividends (the first three items in Finding No. 24) were properly so classified. The remaining \$16,000 paid to appellant by Joe D., Inc. is the only issue in dispute in Dennis Arrigoni's appeal.

27. The attached Memorandum is hereby made a part of these Findings of Fact.

CONCLUSIONS OF LAW

1. The \$16,000 credit from Joe D., Inc. to Derby Bowl, Inc. as shown on the books and records of Joe D., Inc. by an entry dated December 31, 1983 was not deductible by Joe D., Inc. as an ordinary and necessary business expense.

2. The Order of the Commissioner of Revenue dated May 15, 1984 assessing additional income tax against appellant Joe D., Inc. is hereby affirmed.

3. Payment of \$16,000 by Joe D., Inc. to Dennis Arrigoni in 1984 was not includible in Dennis Arrigoni's income as a constructive dividend.

4. The Order of the Commissioner of Revenue dated April 10, 1987 assessing additional income tax against appellant Dennis J. Arrigoni is hereby reversed with respect to the \$16,000 payment, but is affirmed in all other respects.

LET JUDGMENT BE ENTERED ACCORDINGLY. A STAY OF 15 DAYS IS HEREBY ORDERED.

BY THE COURT,
M. Jean Stepan, Judge
Minnesota Tax Court

Announcements

Sentencing Guidelines Commission: A meeting will be held Thursday 17 Nov. from 9 a.m.-4 p.m. in Hearing Room 10, State Office Building, St. Paul. Agenda items include: recommendations of the attorney general's task force on prevention of sexual violence against women; criminal vehicular operation; aggravated durational departures; mitigated dispositional departures for reasons related to social and economic factors; and nonimprisonment guidelines.

Metropolitan and Regional Positions Open: Twin Citians are encouraged to apply for vacant positions on the Metropolitan Council, Metropolitan Waste Control Commission, Metropolitan Parks and Open Space Commission and Regional Transit Board. In all, there will be 20 vacancies among the four regional organizations at the end of the year. The Secretary of State's office is now taking applications for eight vacancies on the Metropolitan Council. The governor makes those appointments. The Metropolitan Council is taking applications for four vacancies on each metropolitan commission, to which

the council appoints commission members. Candidates should apply by mid-December. For information or applications, call 291-6390. The Metro Council is also seeking volunteers to fill vacancies on its Advisory Committee on Aging, a 24-member committee that will have 13 vacancies at the end of this year. Deadline for applications is Dec. 2. Appointments will be made Dec. 15. For an application call 291-6390.

Folk Arts Apprenticeships: Applications are available for folk arts apprenticeships which provide support to help master folk artists teach their skills to promising apprentices. Applications are accepted from apprentices working within all folk arts traditions. Funds may be used for the master's fees, and apprentice expenses. The deadline for apprenticeship applications is Jan. 10, 1989. Guidelines and applications are available from the Minnesota State Arts Board, 432 Summit Avenue, St. Paul, MN 55102, or call (612) 297-2603 or toll-free in Minnesota (800) 652-9747.

Environmental Quality Board (EQB): Comments are due on Nov. 30 for the Environmental Assessment Worksheets (EAWs) on the following projects and their listed regional governing unit: Maplewood Multi-Family Housing, City of Maplewood; The Lexington, City of Roseville; BMI Plant #2, City of Rosemount; SYSCO Industrial Development, City of Moundsview; Lonsdale Wastewater Treatment Facility Expansion, MN Pollution Control Agency; Rental Car Facility—Mpls./St. Paul International Airport, Metropolitan Airports Commission; Ground Transportation Center Building and Vertical Circulation Improvements—Mpls./St. Paul International Airport, Metropolitan Airports Commission; Shamrock Development Shopping Center, City of Coon Rapids; Minnesota Rowing and Canoe/Kayak Center, City of St. Paul; Mullery Property School Development, City of Rosemount; and Trout Lake Township Sludge Disposal, MN Pollution Control Agency.

Home Care Task Force Meeting: The Minnesota Home Care Advisory Task Force will meet on November 16, from 9:00 a.m. to 3:00 p.m. in the Chesley Room, located on the first floor of the Department of Health Building, 717 Delaware St. S.E., Minneapolis. The task force meetings are open to the public. For more information contact Julianne Johnston at (612) 643-2158 or David Siegel at (612) 643-2159—or write to the Division of Health Resources, Minnesota Department of Health, 393 N. Dunlap, Box 64900, St. Paul 55164-0900.

Fund Allocated for Weatherization Assistance: Funds totaling \$3.7 million have been allocated to 28 state community action agencies and seven Indian Reservations to provide weatherization assistance for low-income households. The allocation is part of a total grant of \$8.3 million authorized by the 1988 state Legislature. The funds come from the Stripper Well oil overcharge settlement appropriated to Minnesota. The balance of the oil overcharge weatherization grant will be distributed next April. The purpose of the program is to reduce the amount of energy consumed by adding weatherstripping, caulking, insulation to attics, sidewalls and foundations, plus adjustments to heating systems for greater efficiency. More than 2,300 homes throughout the state are scheduled to receive the weatherization help. The program is funded and regulated by the U.S. Department of Energy. It is administered by the Economic Opportunity Office of the state Department of Jobs and Training.

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Geological Adventures in Minnesota

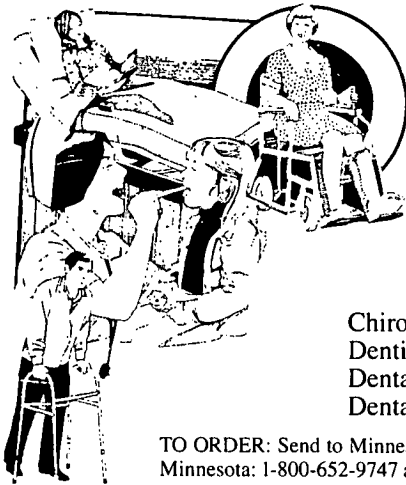
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Health Care Facilities Directory 1988

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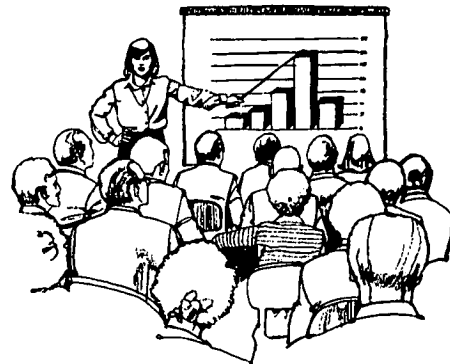
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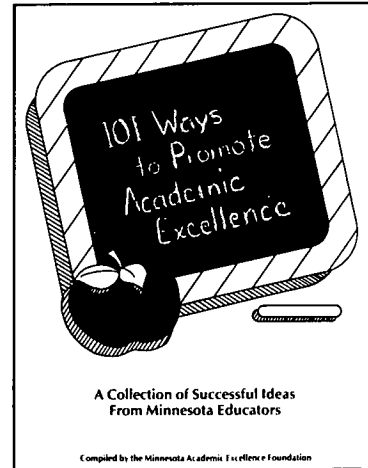
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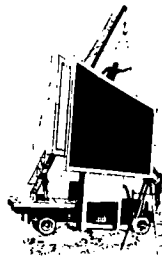
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Minnesota Manufacturer's Directory 1987-88

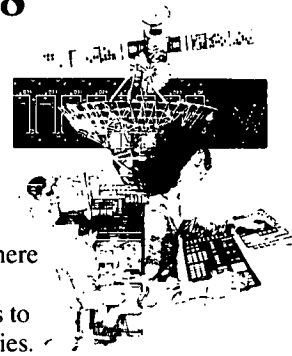


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