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State of Minnesota

# STATE REGISTER

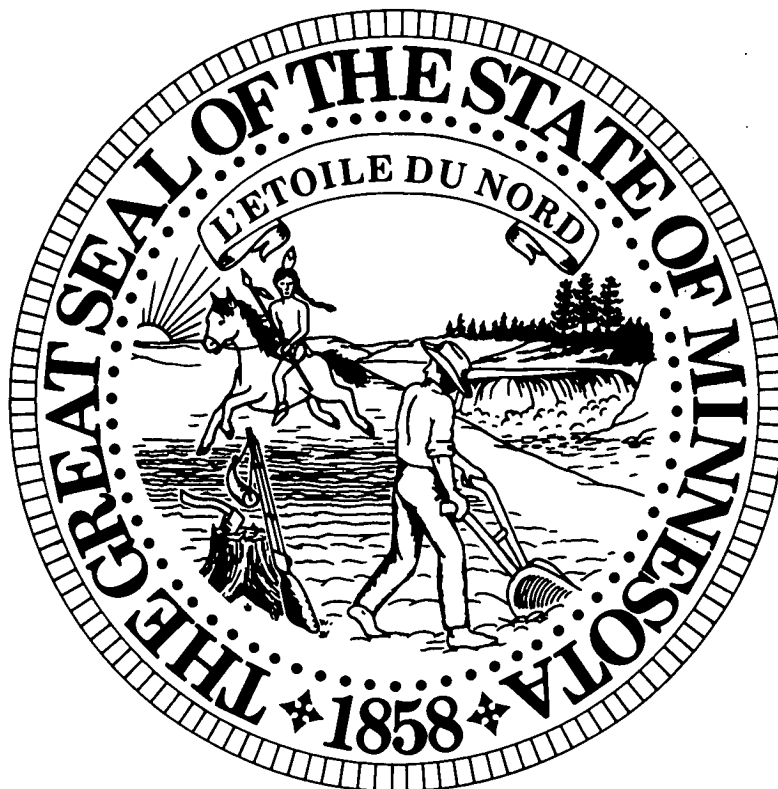
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Published every Monday

8 August 1988

Volume 13, Number 6

Pages 299-330

# STATE REGISTER

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

## Printing Schedule and Submission Deadlines

Vol. 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
6	Monday 25 July	Monday 1 August	Monday 8 August
7	Monday 1 August	Monday 8 August	Monday 15 August
8	Monday 8 August	Monday 15 August	Monday 22 August
9	Monday 15 August	Monday 22 August	Monday 29 August

\*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.

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

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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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## 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 Human Services

### Adopted Permanent Rules Relating to Child Protection Services

The rules proposed and published at *State Register*, Volume 12, Number 40, pages 2176-2190, April 4, 1988 (12 S.R. 2176) are adopted with the following modifications:

#### Rules as Adopted

#### 9560.0214 DEFINITIONS.

Subp. 6. **Child protective services.** "Child protective services" means services provided by the local agency to protect a child who has reportedly been maltreated by a person within the family unit or within a facility who is responsible for the child's care. Child protective services include assessment or investigation; protective intervention under parts 9560.0218, subpart 6 8, 9560.0220, subpart 8, and 9560.0222, subpart 11; and the planning and provision of services under part 9560.0228.

Subp. 9. **Emotional maltreatment.** "Emotional maltreatment" means the consistent or deliberate infliction of mental harm on a child by a person responsible for the child's care, that has an observable, sustained, adverse effect on the child's physical, mental, or emotional development.

Subp. 18. **Maltreatment.** "Maltreatment" means physical ~~abuse~~, or sexual abuse, or neglect under Minnesota Statutes, section 626.556, subdivision 2; ~~paragraphs (a), (e), and (d)~~ 10e. "Neglect" includes emotional maltreatment and infant medical neglect.

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

## Adopted Rules

### 9560.0216 BASIC REQUIREMENTS.

Subp. 2. **Emergency assessment and protective intervention.** The local agency shall screen and assess reports of maltreatment of any child living in or found in the county without regard to the legal residence of the child or the child's family.

B. The local agency ~~may~~ shall not seek a determination of the county of financial responsibility for the child and reimbursement for services provided until after providing for the safety of the child.

Subp. 3. **Screening reports.** The local agency shall screen reports of maltreatment to determine the need for assessment. ~~Reports meeting~~ If a report does not meet the criteria in items A to C ~~must be assessed, the local agency must not conduct an assessment:~~

Subp. 5. **Time frames for initiating an assessment.** The local agency shall respond to reports of maltreatment within the time limits under item A, B, or C.

C. When a report of maltreatment does not indicate a child is in imminent danger, the local agency shall initiate an assessment within ~~24 hours~~ one working day after receiving the report. The local agency may delay initiating the assessment up to 72 hours if:

(2) the need to respond to more serious reports prevents the local agency from acting within ~~24 hours~~ one working day.

Subp. 7. **Notice to persons being interviewed.** The local agency shall:

A. ~~orally~~ inform a person asked to provide private or confidential data about himself or herself as part of an assessment or investigation:

~~A-~~ (1) why the information is being requested;

~~B-~~ (2) how the information will be used;

~~C-~~ (3) that the person may refuse to answer the questions;

~~D-~~ (4) the consequences of either answering or refusing to answer questions;

~~E-~~ (5) the other persons or agencies authorized to receive the information being requested; and

B. provide in writing:

(1) the information given orally under item A;

(2) rights to access data provided under Minnesota Statutes, section 13.04, subdivision 3; and

~~F-~~ (3) a description of the procedure for contesting the accuracy and completeness of the agency's records provided under Minnesota Statutes, section 13.04, subdivision 4.

### 9560.0218 RESPONSE TO REPORTS OF INFANT MEDICAL NEGLECT.

Subp. 5. **Medical consultation.** The local agency shall consult with an independent medical consultant who shall determine whether infant medical neglect is ~~substantiated~~ has occurred.

Subp. 6. **Protective intervention Parental authorization.** If the medical consultant confirms infant medical neglect and recommends treatment, the local agency shall ~~intervene according to items A and B-~~

~~A-~~ The local agency shall, with the medical consultant, seek authorization from the infant's parents for the recommended treatment.

~~B-~~ If the parents refuse to authorize the recommended treatment, the local agency shall:

(1) classify the report as substantiated;

(2) ask the county attorney to obtain a transfer of legal custody of the infant to the local agency in order to provide the recommended treatment; and

(3) provide protective services under part 9560.0228.

Subp. 7. Local agency determinations. The local agency shall make determinations in accordance with item A or B.

A. If the parents authorize the recommended treatment, the local agency shall make a determination that maltreatment has not occurred and that child protective services are not needed.

B. If the parents refuse to authorize the recommended treatment, the local agency shall make a determination that maltreatment occurred and that child protective services are needed.

Subp. 8. Protective intervention. If the local agency makes a determination that maltreatment occurred and that child protective services are needed, the local agency shall:

A. ask the county attorney to obtain a transfer of legal custody of the infant to the local agency in order to provide the recommended treatment; and

B. provide protective services under part 9560.0228.

**9560.0220 RESPONSE TO REPORTS OF MALTREATMENT WITHIN THE FAMILY UNIT.**

Subp. 3. **Child interviews.** The local agency ~~may~~ shall interview the child who is reported to be maltreated ~~and may.~~ When necessary to make the determinations in subpart 6, the local agency shall interview any other minors within the family unit. When interviewing children, the local agency shall follow the procedures in items A to F.

A. The local agency shall interview the child in a face-to-face meeting in a manner appropriate to the child's age, development, and ability to understand and verbalize.

E. The local agency shall make a record of every interview according to subitems (1) and (2):

(1) interviews must be videotaped, audiotaped, or ~~summarized~~ recorded in writing; and

(2) the record must include:

(a) the date, time, place, and duration of the interview; ~~and~~

(b) the identity of the persons present at the interview; and

(c) a written summary completed within 72 hours if the interview is recorded in writing.

Subp. 4. **Parent interviews.** The local agency shall interview parents and persons responsible for the child's care within the family unit. These interviews must take place within 72 hours of interviewing the child unless postponement is necessary to prevent risk to a child or interference with law enforcement's investigation. If, after reasonable effort, the local agency is unable to locate a parent, this requirement is waived.

Subp. 5. **Other interviews.** When necessary to make the determinations in subpart 6, the local agency ~~may~~ shall interview other persons whom the agency believes may have knowledge of the alleged maltreatment.

Subp. 6. **Local agency findings determinations.** When the local agency has completed its assessment under subparts 1 to 5, the local agency shall make ~~findings~~ determinations.

A. The local agency shall make a finding of substantiated determination that maltreatment has occurred if:

B. The local agency shall make a finding of risk of maltreatment determination that child protective services are needed when the agency has documented conditions sufficient to cause a child protection worker to conclude that a child is at significant risk of maltreatment if protective intervention is not provided and that the persons responsible for the child's care have not taken or are not likely to take actions to protect the child from maltreatment or risk of maltreatment. This determination shall be made using a risk assessment tool that has been approved by the department and includes the factors in subitems (1) to (11):

Subp. 7. **Determining the need for protective intervention.** The local agency shall determine the need for protective intervention according to items A to D.

A. If there is a finding of substantiated determination that maltreatment occurred and a finding of risk of maltreatment determination that child protective services are needed, the local agency shall provide protective intervention under subpart 8.

B. If there is a finding of risk of maltreatment determination that child protective services are needed without a finding of substantiated maltreatment determination that maltreatment occurred, the local agency shall provide protective intervention under subpart 8 or other appropriate needed services.

C. If there is a finding of substantiated determination that maltreatment occurred and a finding determination that no child is at risk of future maltreatment in need of child protective services, the local agency ~~may~~ shall offer appropriate any needed services.

D. If there is no finding of determination that maltreatment occurred and no finding of risk of maltreatment determination that child protective services are needed, the local agency shall not provide protective services. ~~The local agency may offer other appropriate services to the family.~~

Subp. 8. **Protective intervention procedure.** When the local agency provides protective intervention, the local agency shall:

D. if the family accepts or a court authorizes services, formulate a plan and provide protective services under part 9560.0228.

Subp. 9. **Removal procedures.** The local agency shall follow the procedures in items A to D when a child is removed from the home.

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

## Adopted Rules

A. The local agency ~~may offer the parents the opportunity to voluntarily place the child outside the family in a setting that shall determine whether a voluntary placement~~ provides for the child's health, safety, and welfare.

### 9560.0222 INVESTIGATION OF REPORTS OF MALTREATMENT IN A FACILITY.

Subp. 6. **Interviewing children.** When ~~necessary to make the determination in subpart 10,~~ the local agency ~~may shall~~ interview any child within the facility in the course of the investigation. Interviews shall be conducted and recorded according to part 9560.0220, subpart 3.

Subp. 10. **Substantiation Local agency determination.** The local agency shall ~~substantiate~~ determine that maltreatment has occurred within the facility on the basis of the criteria in items A and B:

Subp. 11. **Protective intervention.** ~~When If there is a determination that~~ maltreatment has ~~been substantiated~~ occurred, the local agency shall intervene to provide for the safety of the children within the facility.

A. The local agency shall provide a written report to the parents, guardians, or legal custodians, including agencies responsible for placement, of every child within the facility. The report shall not disclose the names of the children who were maltreated, the reporter, the offender, or the persons interviewed during the investigation. The report shall include:

(5) ~~classification of the report~~ the local agency's determination; and

Subp. 12. ~~Inconclusive or false reports~~ **Determination that maltreatment has not occurred.** ~~When a report is classified as inconclusive or false If there is no determination that maltreatment occurred,~~ the local agency:

A. shall provide the notice in subpart 11 to parents, guardians, or legal custodians notified under subpart 5; and

B. shall provide the notice in subpart 11 to the responsible state licensing agencies and the ombudsman notified under subpart 4; and

~~C. may provide the notice in subpart 11 to the parents, guardians, or legal custodians of any other child within the facility when a report is inconclusive. The facility must be informed when this notice is provided.~~

### 9560.0224 REPORTS NOT REQUIRING ASSESSMENT OR INVESTIGATION BY LOCAL AGENCY.

When the local agency receives a report of maltreatment that does not involve an alleged offender from within the family unit or from within a facility, the local agency shall notify the law enforcement agency orally as soon as the report is received. Written notice must be sent within 24 hours.

The local agency shall make appropriate social services available to the child and family.

### 9560.0226 INFORMATION PROVIDED REPORTERS.

Subp. 2. **Mandated reporters.** The local agency shall provide a mandated reporter, upon request, a summary consisting of:

C. the nature of the maltreatment, if the ~~report was substantiated~~ local agency determined maltreatment occurred; and

### 9560.0228 PROTECTIVE SERVICES.

Subpart 1. **General requirement.** The local agency shall ensure that protective services are provided according to a written plan to every child and family who are residents of the county when:

A. a finding determination of infant medical neglect is made under part 9560.0218, subpart 6 7, item B; or

B. protective intervention is required ~~under part 9560.0220, subpart 7, item A;~~ or

~~C. protective services are accepted or authorized under part 9560.0220, subpart 7, item B or C.~~

Subp. 2. **Written plan.** The plan of protective services must meet the criteria in items A ~~to C~~ and B:

A. A child protection worker shall work with the family to formulate the plan and shall provide the family a copy of the plan.

B. The plan must identify:

(3) the specific services expected to ameliorate the conditions that present harm to children; examples include individual or family counseling, home management services, family-based or in-home services, parent support organizations, and parenting courses;

~~C. Services to be provided may include individual or family counseling, home management services, family-based or in-home services, parent support organizations, parenting courses, and any other services that reduce risk of maltreatment and strengthen families.~~

The local agency may use a substitute care plan under Minnesota Statutes, section 257.071, or a court-ordered plan that meets the criteria in items A ~~to C~~ and B.

Subp. 3. **Service delivery.** Protective services ~~may~~ shall be provided directly or arranged by the local agency. The local agency shall retain case management responsibility including responsibility for planning, coordinating, authorizing, monitoring, and evaluating services.

Subp. 4. **Monitoring services.** The local agency shall monitor the provision of services to assure compliance with the plan.

C. The child protection worker's supervisor shall conduct a review at least semiannually. This review ~~may~~ shall consist of:

Subp. 5. **Quarterly reassessment.** The child protection worker and the family shall jointly assess the plan of protective services at least quarterly to:

B. delete goals and objectives that have been achieved or found to be inappropriate; and

C. add goals or objectives behaviors or tasks necessary to ~~reduce the risk of maltreatment~~ achieve goals.

#### **9560.0230 OFFICIAL RECORDS.**

Subp. 2. **Classification of reports.** The local agency shall ~~classify every report of maltreatment~~ make the determination required under parts 9560.0218, subpart 7; 9560.0220, subpart 6; and 9560.0222, subparts 10 and 12 within 90 days of receiving the report.

~~A. A report of infant medical neglect must be classified under subitem (1), (2), or (3):~~

~~(1) false, when no indication is found that medically indicated treatment or appropriate nutrition, hydration, and medication is being withheld; or, after initial indication that medically indicated treatment or appropriate nutrition, hydration, or medication has been withheld, the parents authorize recommended treatment;~~

~~(2) inconclusive, when the medical consultant is unable to determine whether medically indicated treatment or appropriate nutrition, hydration, and medication are being withheld; or, more time is needed to determine medically indicated treatment; or~~

~~(3) substantiated, when the medical consultant determines that medically indicated treatment is being withheld or appropriate nutrition, hydration, or medication is not being provided and the infant's parents refuse to authorize treatment or appropriate nutrition, hydration, or medication after consultation.~~

~~B. A report of maltreatment within the family unit must be classified under subitem (1), (2), or (3):~~

~~(1) false, when there is no indication maltreatment has occurred;~~

~~(2) inconclusive, when the local agency is unable to determine whether maltreatment by a person within the family unit who is responsible for the child's care has occurred; or~~

~~(3) substantiated, when the report meets the criteria in part 9560.0220, subpart 6, item A.~~

~~C. A report of maltreatment within a facility must be classified under subitem (1), (2), or (3):~~

~~(1) false, when there is no indication maltreatment has occurred;~~

~~(2) inconclusive, when the local agency is unable to determine whether maltreatment by a person within the facility who is responsible for a child's care has occurred; or~~

~~(3) substantiated, when the report meets the criteria in part 9560.0222, subpart 10.~~

Subp. 3. **Disclosure of report records.** The local agency may disclose report records ~~to subjects of the report and~~ to members of the case consultation committee of a multidisciplinary child protection team established under Minnesota Statutes, section 626.558.

Subp. 4. **Nondisclosure of reporter's identity.** The local agency shall not disclose the identity of the person making the report of maltreatment while the assessment or investigation is being conducted. After the assessment or investigation is completed, the local agency shall not disclose the identity of the person reporting the maltreatment without:

Subp. 5. **Notification of subject Notice of determinations.** Within ten working days after the assessment or investigation is completed, the local agency shall notify the ~~parents~~ parent or guardian of the child reported to be maltreated and the alleged offender in writing of the following:

A. the agency's ~~classification of the report~~ determinations; and

B. the right to review the local agency's records relating to the report under Minnesota Statutes, section 13.04, subdivision 3; and

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

## Adopted Rules

~~C.~~ the period of time report records will be maintained before being destroyed under subpart 6 including any right of the alleged offender to have the records destroyed.

Subp. 6. **Retention of report records.** The local agency's records relating to reports of maltreatment must be retained or destroyed according to items A to C.

~~A.~~ When a report is classified as false, the local agency shall notify the subject of the report in writing that the agency intends to destroy the records. The subject may, within 30 days, request the local agency to retain the records. If the subject does not request the agency, within 30 days, to retain the records, the local agency shall destroy the records.

~~B.~~ When a report is classified as substantiated, the local agency shall destroy report records seven years following the date of the final entry relating to the report of maltreatment.

~~C.~~ When a report is classified as inconclusive, the local agency may retain the records of the report up to one year. The local agency shall follow the procedure in item A if the report is not substantiated within one year.

The agency shall notify a school that received a notice of intent to interview under part 9560.0220, subpart 3, to destroy the notice at the same time that report records are destroyed under item A, B, or C.

A. If the local agency has made determinations that maltreatment has not occurred and that child protective services are not needed, the local agency may retain the records of the report up to four years. If the alleged offender requests the destruction of the records, the local agency must destroy the records within 30 days of the request.

B. If the local agency has made a determination either that maltreatment has occurred or that child protective services are needed, the local agency shall destroy the records of the report seven years after the date of the final entry in the case record.

C. The local agency shall notify a school that received a notice of intent to interview under part 9560.0220, subpart 3, to destroy all records relating to the report when records are destroyed under item A or B.

## Emergency Rules

### Proposed Emergency Rules

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

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

### Adopted Emergency Rules

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

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

### Continued/Extended Emergency Rules

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

## Pollution Control Agency

### Emergency Amendments to Permanent Rules and Emergency Rules Relating to Municipal Project List and Corrective Action Grants Program

#### Notice of Intent to Continue Emergency Rules

NOTICE IS HEREBY GIVEN that on July 26, 1988, the Minnesota Pollution Control Agency ordered that emergency rules governing the administration of the construction grants and loans programs for municipal wastewater treatment, *Minnesota Rules* ch. 7075, incorporating changes to the existing program and implementing the corrective action grants program be continued in effect for an additional 180 days.

The emergency rules were effective on February 29, 1988, and notice of adoption was published in the *State Register* on March 15, 1988 (12 S.R. 2044). The proposed emergency rules were published on November 30, 1987 (12 S.R. 1138-1146). This continuation is in accordance with *Minnesota Statutes*, section 14.35 (1986). The new expiration date for the emergency rules is February 23, 1989 or the date the emergency rules are replaced by permanent rules, whichever date is earlier.

Gerald L. Willet  
Commissioner

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## 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.

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### Department of Finance

#### Maximum Interest Rate for Municipal Obligations in August

Pursuant to *Minnesota Statutes*, Section 475.55, Subdivision 4, Commissioner of Finance, Tom Triplett, announced today that the maximum interest rate for municipal obligations in the month of August, 1988 would be nine (9) percent per annum. Obligations which are payable wholly or in part from the proceeds of special assessments or which are not secured by General Obligations of the municipality may bear an interest rate of up to ten (10) percent per annum.

Dated: July 27, 1988

Peter Sausen  
Assistant Commissioner  
Cash and Debt Management

### Minnesota Pollution Control Agency

#### Hazardous Waste Division

#### Notice of Intent to Solicit Outside Information Regarding Proposed Amendment to *Minnesota Rules Chapter 7045 Governing the Management of Hazardous Waste*

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) is seeking information or opinions from outside sources in preparing to propose the amendment of rules governing the management of hazardous waste. The MPCA is considering these amendments in response to amendments to the U.S. Environmental Protection Agency (EPA) hazardous waste program promulgated on November 29, 1985, regarding waste fuels. The amendment of the MPCA rules is authorized by *Minnesota Statutes* § 116.07, subd. 4 (1986).

The MPCA is considering proposing amendments to *Minnesota Rules Chapter 7045* regarding the following:

1. Hazardous waste burned for energy recovery in industrial furnaces, industrial boilers, or utility boilers. The amendments would address the requirements for hazardous waste beneficially used by burning in *Minnesota Rules Part 7045.0125*, subp. 10 to incorporate the additional federal requirements promulgated on November 29, 1985.
2. Used oil burned as fuel. The amendments would establish requirements for the burning of used oil as fuel.

The MPCA requests information and opinions concerning the subject matter of the rules. Interested persons or groups may submit data or views in writing or orally. Written or oral statements or comments should be directed to:

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

## Official Notices

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Gail V. Lund  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155  
Telephone: (612) 296-7955

Oral statements will be received during regular business hours, 8:00 a.m. to 4:30 p.m., Monday through Friday.

All statements of information and opinion will be accepted until September 6, 1988. Any written materials received by the MPCA shall become part of the rulemaking record regarding the proposed amendments to *Minnesota Rules* Chapter 7045 governing the management of hazardous waste.

Gerald L. Willet  
Commissioner

## Minnesota Pollution Control Agency

### Hazardous Waste Division

### Notice of Intent to Solicit Outside Information Regarding Proposed Rules Governing the Acceptance of Waste at the Stabilization and Containment Facility to be Sited by Authority of the Waste Management Act

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) is seeking information or opinions from outside sources in preparation for the development of rules to address the requirements of *Minnesota Statutes* § 115A.175, subd. 5. Pursuant to this authority, the MPCA intends to adopt rules establishing procedures by which a demonstration can be made that waste can be accepted at the facility to be sited in Minnesota for the stabilization and containment of hazardous and industrial waste.

*Minnesota Statutes* § 115A.175, subd. 4 specifies that no waste may be accepted at the stabilization and containment facility, except the following:

- a) Waste rendered nonhazardous;
- b) Nonhazardous industrial waste; and
- c) Wastes that cannot be accepted under the above criteria but that can meet the following conditions:
  - there is no feasible and prudent alternative to containment of the waste that would minimize adverse impact upon human health and the environment;
  - the waste has been treated using feasible and prudent technology that minimizes the possibility of migration of any hazardous constituents of the waste;
  - the waste meets federal land disposal restrictions; and
  - an effort has been made to have the waste rendered nonhazardous as provided in a) above.

The MPCA requests information and opinions concerning the subject matter of the proposed rules. Interested persons or groups may submit data or views in writing or orally. Written or oral statements or comments should be directed to:

Carol Nankivel  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155  
Telephone: (612) 296-7260

Oral statements will be received during regular business hours, Monday through Friday. All statements of information and opinion will be accepted until September 5, 1988. Any written materials received by the MPCA shall become part of the rulemaking record in the event that the proposed rules are adopted.

Gerald L. Willet  
Commissioner

## Minnesota State Retirement System

### Board of Directors, Regular Meeting

A meeting of the Board of Directors, Minnesota State Retirement System, will be held on Friday, August 19, 1988 at 8:30 a.m. in the office of the System, 529 Jackson Street, St. Paul, Minnesota.



# 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:** Sigma design cad workstation

**Contact:** Mary Jo Bruski 612-296-3772

**Bid due date at 2pm:** August 8

**Agency:** Board of Vo-Tech Education

**Deliver to:** St. Paul

**Requisition #:** 36000 12392

**Commodity:** Photographic film processing

**Contact:** Don Olson 612-296-3771

**Bid due date at 2pm:** August 11

**Agency:** MN/DOT

**Deliver to:** Various

**Requisition #:** Price Contract

**Commodity:** Bompcilar & Metallurgical Microscopes

**Contact:** Joseph Gibbs 612-296-3777

**Bid due date at 2pm:** August 12

**Agency:** State University

**Deliver to:** Mankato

**Requisition #:** 26071 18271

**Commodity:** Telephone system

**Contact:** Joseph Gibbs 612-296-3750

**Bid due date at 2pm:** August 8

**Agency:** Commerce Department

**Deliver to:** St. Paul

**Requisition #:** 13425 00951

**Commodity:** Commissary items—rebid

**Contact:** Cherie Ackerman 612-296-3776

**Bid due date at 2pm:** August 11

**Agency:** Veterans Home

**Deliver to:** Minneapolis & Hastings

**Requisition #:** Price Contract

**Commodity:** Truck w/drill rig

**Contact:** Bernie Vogel 612-296-3778

**Bid due date at 2pm:** August 12

**Agency:** Transportation

**Deliver to:** Central Shop

**Requisition #:** 79381 01501

**Commodity:** System upgrade

**Contact:** Pat Anderson 612-296-3777

**Bid due date at 2pm:** August 10

**Agency:** Transportation

**Deliver to:** St. Paul

**Requisition #:** 79050 23103

**Commodity:** Light equipment

**Contact:** Pat Anderson 612-296-3777

**Bid due date at 2pm:** August 12

**Agency:** Minneapolis Community College

**Deliver to:** Minneapolis

**Requisition #:** 27000 50486

**Commodity:** Library furniture

**Contact:** Linda Parkos 612-296-3725

**Bid due date at 2pm:** August 12

**Agency:** Community College

**Deliver to:** Minneapolis

**Requisition #:** 02310 16187

**Commodity:** Office furniture

**Contact:** Linda Parkos 612-296-3725

**Bid due date at 2pm:** August 11

**Agency:** Intertech

**Deliver to:** St. Paul

**Requisition #:** 02410 90026

**Commodity:** Bituminous driveway

**Contact:** Pat Anderson 612-296-3777

**Bid due date at 2pm:** August 12

**Agency:** Vermilion Community College

**Deliver to:** Ely

**Requisition #:** 27000 47110

**Commodity:** Laboratory supplies

**Contact:** Joseph Gibbs 612-296-3750

**Bid due date at 2pm:** August 15

**Agency:** State University

**Deliver to:** Mankato

**Requisition #:** 26071 18238

**Commodity:** Radiator tanks, cores & supplies

**Contact:** Dale Meyer 612-296-3773

**Bid due date at 2pm:** August 11

**Agency:** MN State Prison

**Deliver to:** Various

**Requisition #:** Price Contract

**Commodity:** Wind tunnels

**Contact:** Joseph Gibbs 612-296-3777

**Bid due date at 2pm:** August 12

**Agency:** State University

**Deliver to:** Mankato

**Requisition #:** 26071 18268

**Commodity:** Dynamometer

**Contact:** Joseph Gibbs 612-296-3750

**Bid due date at 2pm:** August 15

**Agency:** State University

**Deliver to:** Mankato

**Requisition #:** 26071 18224

## State Contracts and Advertised Bids

**Commodity:** Industrial chemicals  
**Contact:** Pat Anderson 612-296-3777  
**Bid due date at 2pm:** August 15  
**Agency:** Natural Resources  
**Deliver to:** St. Paul  
**Requisition #:** 29005 11521

**Commodity:** Rental of Konica 5503  
ZMR copier  
**Contact:** Teresa Ryan 612-296-7556  
**Bid due date at 2pm:** August 15  
**Agency:** Natural Resources  
**Deliver to:** Grand Rapids  
**Requisition #:** 29002 15672

**Commodity:** Docutron 2000 optical disk  
system w/laser scanner  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 2pm:** August 15  
**Agency:** Transportation  
**Deliver to:** St. Paul  
**Requisition #:** 79000 91625

**Commodity:** Rental of Konica 5503  
copier-change date  
**Contact:** Teresa Ryan 612-296-7556  
**Bid due date at 2pm:** August 16  
**Agency:** Department Natural Resources  
**Deliver to:** Grand Rapids  
**Requisition #:** 29002 15672

**Commodity:** Athletic supplies—  
badminton equipment  
**Contact:** Brenda Thielen 612-296-9075  
**Date opens:** August 9  
**Agency:** Normandale Community  
College  
**Deliver to:** Bloomington  
**Requisition #:** 27156 10382

**Commodity:** VHS editors & controllers  
**Contact:** Pat Anderson 612-296-3777  
**Date opens:** August 11  
**Agency:** Minneapolis Community  
College  
**Deliver to:** Minneapolis  
**Requisition #:** 27000 50475

**Commodity:** Purchase of 3 Canon  
2015S copiers  
**Contact:** Teresa Ryan 612-296-7556  
**Date opens:** August 11  
**Agency:** Rochester Community College  
**Deliver to:** Rochester  
**Requisition #:** 27 148 50274

**Commodity:** Barrister word processing  
equipment  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 2pm:** August 16  
**Agency:** Transportation  
**Deliver to:** St. Paul  
**Requisition #:** 79000 90657

**Commodity:** Analysis & balancing  
equipment  
**Contact:** Joseph Gibbs 612-296-3750  
**Bid due date at 2pm:** August 16  
**Agency:** State University  
**Deliver to:** Mankato  
**Requisition #:** 26071 18267

**Commodity:** TDD—Ring signalers  
**Contact:** Don Olson 612-296-3771  
**Bid due date at 2pm:** August 16  
**Agency:** Human Services  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Car wash service (Twin  
City metro. area only)  
**Contact:** Ed Shank 612-296-3770  
**Bid due date at 2pm:** August 16  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Epoxy sealer  
**Contact:** Pat Anderson 612-296-3777  
**Date opens:** August 11  
**Agency:** MN/DOT  
**Deliver to:** Owatonna  
**Requisition #:** 79 650 00418

**Commodity:** Photographic equipment  
**Contact:** Pat Anderson 612-296-3777  
**Date opens:** August 12  
**Agency:** Minneapolis Community  
College  
**Deliver to:** Minneapolis  
**Requisition #:** 27 000 50487

**Commodity:** Lighting equipment  
**Contact:** Pat Anderson 612-296-3777  
**Date opens:** August 12  
**Agency:** Minneapolis Community  
College  
**Deliver to:** Minneapolis  
**Requisition #:** 27 000 50486

**Commodity:** Genuine Caterpillar diesel  
engine repair parts  
**Contact:** Dale Meyer 612-296-3773  
**Bid due date at 2pm:** August 16  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** License plate paddles &  
insert  
**Contact:** Doug Thompson 612-296-  
3775  
**Bid due date at 2pm:** August 16  
**Agency:** Public Safety  
**Deliver to:** St. Paul  
**Requisition #:** 07700 51622

**Commodity:** Shoes, canvas, athletic &  
casual  
**Contact:** Dale Meyer 612-296-3773  
**Date opens:** August 17  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Video cameras &  
accessories  
**Contact:** Pat Anderson 612-296-3777  
**Date opens:** August 12  
**Agency:** Minneapolis Community  
College  
**Deliver to:** Minneapolis  
**Requisition #:** 27 000 50478

**Commodity:** Video equipment  
**Contact:** Pat Anderson 612-296-3777  
**Date opens:** August 12  
**Agency:** Minneapolis Community  
College  
**Deliver to:** Minneapolis  
**Requisition #:** 27 000 50477

**Commodity:** Lights  
**Contact:** Pat Anderson 612-296-3777  
**Date opens:** August 12  
**Agency:** Minneapolis Community  
College  
**Deliver to:** Minneapolis  
**Requisition #:** 27 000 50492

## State Contracts and Advertised Bids

**Commodity:** Beseler equipment  
**Contact:** Pat Anderson 612-296-3777  
**Date opens:** August 12  
**Agency:** Lakewood Community College  
**Deliver to:** White Bear Lake  
**Requisition #:** 27 154 46797

**Commodity:** Overhead doors  
**Contact:** Pat Anderson 612-296-3777  
**Date opens:** August 12  
**Agency:** MN/DOT  
**Deliver to:** Albany  
**Requisition #:** 79000 90406 01

**Commodity:** Roof repair  
**Contact:** Pat Anderson 612-296-3777  
**Date opens:** August 15  
**Agency:** St. Cloud State University  
**Deliver to:** St. Cloud  
**Requisition #:** 26 073 20567

**Commodity:** Sandblast sand  
**Contact:** Pat Anderson 612-296-3777  
**Date opens:** August 15  
**Agency:** MN/DOT  
**Deliver to:** Oakdale  
**Requisition #:** 79900 03655

**Commodity:** Light wall enclosures  
**Contact:** Pat Anderson 612-296-3777  
**Date opens:** August 15  
**Agency:** MN/DOT  
**Deliver to:** Rochester  
**Requisition #:** 79 600 03962

**Commodity:** Interior lighting  
**Contact:** Pat Anderson 612-296-3777  
**Date opens:** August 15  
**Agency:** Transportation  
**Deliver to:** Crookston  
**Requisition #:** 79250 00696

**Commodity:** G.E. lighting  
**Contact:** Pat Anderson 612-296-3777  
**Date opens:** August 15  
**Agency:** Transportation  
**Deliver to:** St. Paul, Fort Snelling  
**Requisition #:** 79000 91568

**Commodity:** Wood trusses  
**Contact:** Pat Anderson 612-296-3777  
**Date opens:** August 15  
**Agency:** MnDOT  
**Deliver to:** St. Paul  
**Requisition #:** 79000 90411

**Commodity:** Rubber floor installation  
**Contact:** Pat Anderson 612-296-3777  
**Date opens:** August 18  
**Agency:** Military Affairs  
**Deliver to:** St. Paul  
**Requisition #:** 01 000 05583

## Contract Awards—Materials Management Division

**Item:** Service other purchased  
**Req. #:** 27138 50302 01  
**Awarded to:** Courier Dispatch,  
Minneapolis, MN  
**Awarded amount:** \$9,014.72  
**Awarded date:** July 28, 1988  
**Expir/deliv date:** August 1, 1988  
**Shipped to:** Community College Board  
Office

**Item:** Furniture dorm/ward  
**Req. #:** 55100 03973 01  
**Awarded to:** Nordic Oaks Inc.,  
Minneapolis, MN  
**Awarded amount:** \$7,685.00  
**Awarded date:** July 28, 1988  
**Expir/deliv date:** September 30, 1988  
**Shipped to:** Anoka-Metro Regional  
Treatment Center

**Item:** Security detection device  
**Req. #:** 78830 09411 01  
**Awarded to:** Red Wing Service Co. Inc.,  
Red Wing, MN  
**Awarded amount:** \$5,225.00  
**Awarded date:** July 28, 1988  
**Expir/deliv date:** August 20, 1988  
**Shipped to:** MN Correctional Facility

**Item:** Computer equipment  
**Req. #:** 26071 18216 01  
**Awarded to:** Heath Zenith Computers &  
Elec., St. Paul, MN  
**Awarded amount:** \$5,040.00  
**Awarded date:** July 29, 1988  
**Expir/deliv date:** August 15, 1988  
**Shipped to:** Mankato State University

**Item:** Maintenance contract equipment  
only  
**Req. #:** 27152 46546 01  
**Awarded to:** Gray T. K. Inc.,  
Minneapolis, MN  
**Awarded amount:** \$8,450.00  
**Awarded date:** July 29, 1988  
**Expir/deliv date:**  
**Shipped to:** Anoka-Ramsey Community  
College

**Item:** Centrifuge accessories, density  
gradient  
**Req. #:** 26071 18217 01  
**Awarded to:** Curtin Matheson Scientific,  
Eden Prairie, MN  
**Awarded amount:** \$5,123.00  
**Awarded date:** July 29, 1988  
**Expir/deliv date:** August 30, 1988  
**Shipped to:** Mankato State University

**Item:** Rent lease office equipment  
**Req. #:** 55303 13171 01  
**Awarded to:** River Bend Business,  
Mankato, MN  
**Awarded amount:** \$8,774.48  
**Awarded date:** July 29, 1988  
**Expir/deliv date:** August 1, 1988  
**Shipped to:** Faribault Regional Human  
Services Center

**Item:** Electronic component parts &  
accessories  
**Req. #:** 79050 20696 01  
**Awarded to:** Riddle Control Products,  
Minnetonka, MN  
**Awarded amount:** \$548,680.00  
**Awarded date:** July 29, 1988  
**Expir/deliv date:** November 1, 1988  
**Shipped to:** MN/DOT, Electrical  
Services

**Item:** Construction & hwy maintenance  
equipment  
**Req. #:** 79382 01388 01  
**Awarded to:** Midwest Industrial, Grand  
Forks, ND  
**Awarded amount:** \$81,500.00  
**Awarded date:** July 29, 1988  
**Expir/deliv date:**  
**Shipped to:** MN Department of  
Transportation

## State Contracts and Advertised Bids

**Item:** Maintenance contract equipment only

**Req.#:** 79500 03157 01

**Awarded to:** J & W Instruments Inc.,  
New Brighton, MN

**Awarded amount:** \$17,076.00

**Awarded date:** July 29, 1988

**Expir/deliv date:**

**Shipped to:** MN Department of  
Transportation

**Item:** Athletic & sporting equipment & supplies

**Req.#:** 26073 20545 01

**Awarded to:** Steichens Sporting Goods,  
St. Paul, MN

**Awarded amount:** \$9,331.75

**Awarded date:** August 1, 1988

**Expir/deliv date:** August 13, 1988

**Shipped to:** St. Cloud State University

**Item:** Janitorial & refuse disposal service

**Req.#:** 26175 09209 01

**Awarded to:** Ritters Sanitary Service,  
Marshall, MN

**Awarded amount:** \$17,396.00

**Awarded date:** August 1, 1988

**Expir/deliv date:**

**Shipped to:** Southwest State University

**Item:** Furniture office

**Req.#:** 26074 12183 01

**Awarded to:** West Suburban Industrial  
Supply, Plymouth, MN

**Awarded amount:** \$8,299.78

**Awarded date:** August 1, 1988

**Expir/deliv date:** December 30, 1988

**Shipped to:** Winona State University

**Item:** Photocopy & copy machine expense

**Req.#:** 29000 50476 01

**Awarded to:** Copy Duplicating Product,  
Bloomington, MN

**Awarded amount:** \$16,330.00

**Awarded date:** August 1, 1988

**Expir/deliv date:** August 1, 1988

**Shipped to:** DNR—Bureau of Records

**Item:** Shelving, steel

**Req.#:** 67410 05126 01

**Awarded to:** Mid America Business  
System, Minneapolis, MN

**Awarded amount:** \$181,032.00

**Awarded date:** August 1, 1988

**Expir/deliv date:** October 1, 1988

**Shipped to:** Various locations

**Item:** Preservative & sealing comp

**Req.#:** 79500 03151 01

**Awarded to:** Construction Materials  
Inc., Minneapolis, MN

**Awarded amount:** \$11,581.20

**Awarded date:** August 1, 1988

**Expir/deliv date:** August 15, 1988

**Shipped to:** MN Department of  
Transportation

**Item:** Tools equipment and access for clients

**Req.#:** 21607 69657 01

**Awarded to:** Apple Computer Inc.,  
Rolling Meadows, IL

**Awarded amount:** \$7,187.80

**Awarded date:** August 2, 1988

**Expir/deliv date:** August 30, 1988

**Shipped to:** Various locations

**Item:** Uniform men

**Req.#:** 29007 10080 02

**Awarded to:** Williams Store, Mound,  
MN

**Awarded amount:** \$8,187.95

**Awarded date:** August 2, 1988

**Expir/deliv date:** October 1, 1988

**Shipped to:** DNR—Northern Service  
Center

**Item:** Computer equipment

**Req.#:** 12800 25423 01

**Awarded to:** Apple Computer Inc.,  
Rolling Meadows, IL

**Awarded amount:** \$6,799.72

**Awarded date:** August 3, 1988

**Expir/deliv date:** August 30, 1988

**Shipped to:** MN Department of Health

**Item:** Service other purchased

**Req.#:** 22400 02316 01

**Awarded to:** Communication Mailing,  
St. Paul, MN

**Awarded amount:** \$10,000.00

**Awarded date:** August 3, 1988

**Expir/deliv date:** August 8, 1988

**Shipped to:** Trade & Economic  
Development

**Item:** Athletic & sporting equipment & supplies

**Req.#:** 26073 20561 01

**Awarded to:** Steichens Sporting Goods,  
St. Paul, MN

**Awarded amount:** \$11,160.00

**Awarded date:** August 3, 1988

**Expir/deliv date:** August 19, 1988

**Shipped to:** St. Cloud State University

**Item:** Athletic & sporting equipment & supplies

**Req.#:** 26073 20564 02

**Awarded to:** Steichens Sporting Goods,  
St. Paul, MN

**Awarded amount:** \$6,634.80

**Awarded date:** August 3, 1988

**Expir/deliv date:** August 20, 1988

**Shipped to:** St. Cloud State University

**Item:** Telephone & telegraph equipment

**Req.#:** 26074 12300 01

**Awarded to:** US West Communications,  
St. Paul, MN

**Awarded amount:** \$39,900.00

**Awarded date:** August 3, 1988

**Shipped to:** Winona State University

**Item:** Computer equipment

**Req.#:** 27154 46785 01

**Awarded to:** Computers of St. Cloud, St.  
Cloud, MN

**Awarded amount:** \$29,118.75

**Awarded date:** August 3, 1988

**Expir/deliv date:** August 20, 1988

**Shipped to:** Lakewood Community  
College

**Item:** Rent lease other and general

**Req.#:** 32600 18486 01

**Awarded to:** Eastman Kodak Co.,  
Minneapolis, MN

**Awarded amount:** \$51,360.00

**Awarded date:** August 3, 1988

**Expir/deliv date:** August 4, 1988

**Shipped to:** MN Pollution Control  
Agency

**Item:** Computer equipment

**Req.#:** 25000 01222 01

**Awarded to:** Apple Computer Inc.,  
Rolling Meadows, IL

**Awarded amount:** \$31,749.60

**Awarded date:** August 3, 1988

**Expir/deliv date:** August 30, 1988

**Shipped to:** Various Locations

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## State Contracts and Advertised Bids

**Item:** Furniture office  
**Req. #:** 43000 10130 01  
**Awarded to:** Executive Office Concepts,  
Minnetonka, MN  
**Awarded amount:** \$5,574.95  
**Awarded date:** August 3, 1988  
**Expir/deliv date:** September 23, 1988  
**Shipped to:** Iron Range Interpret Center

**Item:** Furniture office  
**Req. #:** 02310 16277 01  
**Awarded to:** Herman Miller,  
Minneapolis, MN  
**Awarded amount:** \$76,917.36  
**Awarded date:** August 3, 1988  
**Expir/deliv date:** September 24, 1988  
**Shipped to:** Various Locations

**Item:** Computer equipment  
**Req. #:** 78000 19684 01  
**Awarded to:** Scantron, Bloomington,  
MN  
**Awarded amount:** \$17,640.00  
**Awarded date:** August 3, 1988  
**Expir/deliv date:** August 25, 1988  
**Shipped to:** Various Locations

**Item:** Electronic component parts &  
accessories  
**Req. #:** 79050 23006 01  
**Awarded to:** Traffic Control  
Corporation, Edina, MN  
**Awarded amount:** \$11,415.00  
**Awarded date:** August 3, 1988  
**Expir/deliv date:** October 31, 1988  
**Shipped to:** MN/DOT, Electrical  
Services

**Item:** Auto HD truck & van  
**Req. #:** 79382 01376 01  
**Awarded to:** Boyer Ford Trucks,  
Minneapolis, MN  
**Awarded amount:** \$27,751.00  
**Awarded date:** August 3, 1988  
**Expir/deliv date:** December 10, 1988  
**Shipped to:** MN/DOT, Central Shop

**Item:** Auto HD truck & van  
**Req. #:** 79382 01374 01  
**Awarded to:** North Star International  
Trucks, Minneapolis, MN  
**Awarded amount:** \$57,705.62  
**Awarded date:** August 3, 1988  
**Expir/deliv date:** October 10, 1988  
**Shipped to:** MN/DOT, Central Shop

## Department of Administration: Printing & Mailing Services

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

**Commodity:** Civ. weight documents  
referral, 3M 3-part sets carbonless,  
7½"x4¼"

**Contact:** Printing Buyer's Office  
**Bids are due:** August 9  
**Agency:** State Patrol  
**Deliver to:** St. Paul  
**Requisition #:** 0458

**Commodity:** TEDLINES newsletter,  
monthly, 300 8 pages, on two 17"x11"  
sheets folded camera ready

**Contact:** Printing Buyer's Office  
**Bids are due:** August 9  
**Agency:** Trade & Economic  
Development  
**Deliver to:** St. Paul  
**Requisition #:** 0524

**Commodity:** Estate tax file index cards,  
660 sets with preprinted numbering,  
5"x3¾"

**Contact:** Printing Buyer's Office  
**Bids are due:** August 9  
**Agency:** Revenue Department  
**Deliver to:** St. Paul  
**Requisition #:** 0635

**Commodity:** License with loose  
horizontal perforation and tight  
perforation, with standard pin feed for  
computer output, 250M 1-side,  
9¾"x3⅝"

**Contact:** Printing Buyer's Office  
**Bids are due:** August 9  
**Agency:** State Distribution Center  
**Deliver to:** Arden Hills  
**Requisition #:** 0590

**Commodity:** Program brochures (500  
each) 16"x9" folded to 4"x9", type to  
set; and 10M general brochures,  
13½"x17" folded to 3⅝"x8½", type to  
set

**Contact:** Printing Buyer's Office  
**Bids are due:** August 9  
**Agency:** Rochester Community College  
**Deliver to:** Rochester  
**Requisition #:** 394 and 395

**Commodity:** Envelopes: 27M #10 and  
27M #9, type to set, black ink  
**Contact:** Printing Buyer's Office  
**Bids are due:** August 9  
**Agency:** Human Services Department  
**Deliver to:** St. Paul  
**Requisition #:** 671 and 672

**Commodity:** Contractual services form,  
3,500 6-part forms, carbon interleave,  
8½"x14¾" overall

**Contact:** Printing Buyer's Office  
**Bids are due:** August 9  
**Agency:** Central Stores  
**Deliver to:** St. Paul  
**Requisition #:** 0627

**Commodity:** Licensed practical nurse  
renewal application, 12M 9½"x11"  
pinfeed included, type to set, two-  
sided

**Contact:** Printing Buyer's Office  
**Bids are due:** August 9  
**Agency:** Health Department  
**Deliver to:** Minneapolis  
**Requisition #:** 0230

**Commodity:** Diplomas, college  
parchment, 2,700, type to set, 6"x8"

**Contact:** Printing Buyer's Office  
**Bids are due:** August 9  
**Agency:** St. Cloud State University  
**Deliver to:** St. Cloud  
**Requisition #:** 0321

## State Contracts and Advertised Bids

**Commodity:** MV sticker envelope,  
300M 6½" × 3⅞"; 12M 8⅞" × 4¼"  
**Contact:** Printing Buyer's Office  
**Bids are due:** August 11  
**Agency:** Public Safety Department  
**Deliver to:** St. Paul  
**Requisition #:** 0082&0111

**Commodity:** Certificate of live birth,  
100M 2-part sets, type to set,  
8½" × 11" and 8½" × 14"  
**Contact:** Printing Buyer's Office  
**Bids are due:** August 11  
**Agency:** Health Department  
**Deliver to:** Minneapolis  
**Requisition #:** 0253

## Contract Awards—Printing & Mailing Services

**Item:** Fish scale envelope  
**Req. #:** 0166  
**Awarded to:** Quality Park Products, St.  
Paul  
**Awarded date:** July 28  
**Awarded amount:** \$518.50  
**Deliver to:** St. Paul  
**Delivery date:** 30 days

**Item:** Benefits form  
**Req. #:** 0264  
**Awarded to:** Bann Division Stuart  
Hooper Co., St. Paul  
**Awarded date:** July 29  
**Awarded amount:** \$785.00  
**Deliver to:** St. Paul  
**Delivery date:** September 7

**Item:** Focus on financial aid  
**Req. #:** 0136  
**Awarded to:** Sell Publishing, Forest  
Lake  
**Amount:** \$14,765.93  
**Date:** July 28  
**Deliver to:** St. Paul  
**Delivery date:** August 19

**Item:** Physician's hospital order sheet  
**Req. #:** 0239  
**Awarded to:** Royal Business Forms,  
Brooklyn Center  
**Awarded date:** July 29  
**Awarded amount:** \$1,684.50  
**Deliver to:** St. Paul  
**Delivery date:** August 18

**Item:** Resource review newsletter  
**Req. #:** 0192  
**Awarded to:** Sexton Printing, West  
St. Paul  
**Amount:** \$10,000.00  
**Date:** July 29  
**Deliver to:** St. Paul  
**Delivery date:** 1st of each month

**Item:** Sample card envelope  
**Req. #:** 0342  
**Awarded to:** Quality Park Products,  
St. Paul  
**Amount:** \$1,181.50  
**Date:** July 29  
**Deliver to:** St. Paul  
**Delivery date:** 30 days

### Plan a summer getaway

**Room at the Inn Wisconsin.** Includes hard-to-find lodgings in out-of-the-way places, as well as in Wisconsin's major metropolitan areas and most popular vacation destinations. 224pp. Stock #19-3. \$9.95 plus tax.

**Room at the Inn Minnesota.** Looking for a weekday or weekend get-away? For a business meeting or simply pleasure? This is the only guide to more than 50 historic "Bed & Breakfast" homes, hotels, and country inns and all are within a day's drive of the Twin Cities. 127pp. Stock #19-72, \$7.95 plus tax.

**Roughing It Elegantly.** A guide for the canoe camper visiting the BWCA, Voyageurs Park and Quetico Provincial Park. Full of practical tips and information: planning, organizing, packing, site location, and camp set-up. Simple, creative, enjoyable meals are a major feature. 159pp. Stock #9-3, \$9.95 plus tax.

**Guide to Wilderness Canoeing.** A unique blend of practical information and personal philosophy. Subjects covered include: spring and fall canoeing, traditional versus modern canoe design, and different paddling techniques. 143pp. Stock #19-81, \$6.95 plus tax.

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



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

## **Department of Administration**

### **Intergovernmental Information Systems Advisory Council**

#### **Notice of Request for Proposals for Programming of a Basic Accounting System**

The Minnesota Association of Townships, in cooperation with the League of Minnesota Cities and the State Auditor's Office, has a requirement to automate certain functions of the accounting process used by Townships and small Cities. The automated functions are to be implemented using the Lotus 1-2-3 spreadsheet. The task will be to automate several standard accounting tasks currently being done manually by Township and City clerks.

A prospective vendor pre-bid conference will be held on Monday, August 22, 1988 at 1:30 at:

2nd Floor Conference Room  
League of Minnesota Cities  
183 University Avenue East  
St. Paul, MN

The deadline for the receipt of proposals by IISAC is 2 P.M. on Friday, September 9, 1988.

The maximum amount of funds available for this effort is \$7,000.00.

The RFP and the current prescribed accounting methodology manual, has been sent to firms known to have an interest in this type of project. Anyone having an interest who has not received the RFP and has an interest in bidding is requested to contact John C. Asmus, Executive Director of the IISAC, at 612-297-2172.

## **Department of Education**

#### **Notice of Request for Proposals for Evaluation of Alcohol/Drug Abuse Prevention Programs**

Proposals are being solicited to conduct evaluation/research of school-based alcohol/drug prevention programs funded under the Governor's Drug-Free Schools Program of the federal Anti-Drug Abuse Act of 1986. The evaluation includes development of standardized data collection, design of evaluation systems for comprehensive prevention programs, data analysis, provision of technical assistance to programs and preparation of a final report.

The anticipated time frame is October 1, 1988 through August 30, 1989. Up to \$25,000 is available for this evaluation.

This is a one-year contract with option for renewal in subsequent years subject to agreement of both parties and based on continued funding.

Applicants must have documented education and expertise in evaluation and prevention methodology.

Copies of the complete Request for Proposal may be obtained by contacting Nancy Montemurro at 612/296-4080 of the Minnesota Department of Education, Learner Support Systems, 906 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101.

Proposals must be submitted by September 30, 1988.

## **Department of Employee Relations**

#### **Notice to Marketing/Communications Agencies Group Insurance Sales Agencies**

(This notice is an addendum/clarification to the Public Employees Insurance Plan Request for Proposal summarized in the August 1 *State Register* on pages 281 and 282.)

The Department of Employee Relations seeks proposals for marketing/communication services and sales services to support a new Public Employees Insurance Plan. The selected marketing/communications agency will assist in developing and implementing a statewide campaign to promote the plan. The selected sales organization will contact public employees throughout the state to solicit participation and secure enrollment.

For further information on the project or to receive a copy of the Request for Proposal, contact:

Ricka Stenerson, Marketing Director  
Public Employees Insurance Plan  
Department of Employee Relations

## State Contracts and Advertised Bids

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3rd Floor, 520 Lafayette Road  
St. Paul, MN 55155  
(612) 296-5444 or (612) 297-1933

The deadline for submitting proposals is 4:00 P.M., September 16, 1988.

### Department of Health

#### Division of Health Promotion and Education Request for Bids for a Conference Site

The Division of Health Promotion and Education, Minnesota Department of Health, is seeking proposals from qualified establishments to host a two-day conference in Spring 1989. Requirements are meeting space for 300 people, on-site meal functions with customized menu and up to 150 sleeping rooms for one or two nights. For a detailed request for proposal contact:

Shelly Heck  
Project Coordinator  
Minnesota Department of Health  
Division of Health Promotion and Education  
P.O. Box 9441  
717 S.E. Delaware Street  
Minneapolis, MN 55440  
612/623-5701

Proposals must be received no later than August 15, 1988.

### Department of Human Services

#### Request for Proposal for Audio/Visual Production

The Department of Human Services wishes to retain a contractor for audio/visual production services. The services of the contractor will begin 9/15/88 and end 1/15/89. The project will result in a 20-30 minute public information videotape that will be a part of a broader public information program about Family Based Services.

Proposals must be received at 4:30 p.m., August 29, 1988. For a detailed Request for Proposal, please contact:

Department of Human Services  
Children's Services Division  
Family Based Services  
444 Lafayette Road  
St. Paul, Minnesota 55155-3832

### Department of Natural Resources

#### Request for Proposal for a Feasibility Study for the proposed Lester River Tunnel and Fishways

The Department of Natural Resources (DNR) hereby solicits proposals for a feasibility study, design, and preparation of construction documents for a fishway tunnel near Lester River Falls in Duluth, Minnesota, and for altering two lesser falls upstream to provide fish passage. The DNR wishes to retain an engineering consultant with expertise in the geotechnical, economic, environmental and design aspects of tunnelling through rock and providing for fish passage. The consultant will be expected to complete the following tasks and activities commencing October 3, 1988, and shall present a completed draft by December 16, 1988.

##### Proposer Tasks

**Task 1.** Review the history and evaluate current proposals and potential alternatives for providing fishways for passing steelhead trout past the main barrier falls of the Lester River and two lesser falls upstream. This shall include investigating local permits and approvals required from the City of Duluth and other units of government. A primary document for review will be the feasibility study performed by Charles Wagner of Milwaukie, Oregon, at the request of the Lake Superior Steelhead Association (LSSA).

**Task 2.** Conduct site investigation to establish *site specific* geotechnical, environmental, hydrological/hydraulic, safety, and access for construction and maintenance. Feasibility shall address excavation, fishway baffle design, water flow control, waste rock disposal,



logistical support and esthetics. In general, care must be taken to avoid damaging adjacent features in Lester Park, obstructing local traffic, or unnecessarily disturbing local residents. No alterations of the Lester River Falls will be allowed, and tunnel entrances must be unobtrusive. An assessment of the area's geologic setting and the site's likely rockmass strength and deformation characteristics will be necessary. The evaluation will be based on readily available data (such as literature review, existing borehole data, reviews of similar facilities in like geologic conditions) and field reconnaissance, i.e., at this stage no drilling or other direct investigations will be initiated.

**Task 3.** Provide a feasibility report including design recommendations, preliminary plans, construction cost estimates, operation/maintenance cost estimates and project construction schedule, complying with the criteria established under Tasks 1 and 2 for review by the DNR. The construction schedule shall include site specific considerations for placement of equipment and materials, workmen access to the sites, and methods for disposal of rock so that there will be minimal impact on the appearance of public use of Lester Park during and after construction.

**Task 4.** Present the results of the feasibility report at a meeting of DNR, LSSA and City of Duluth officials.

### **Activities**

The following activities are recommended prior to submitting a proposal.

- Meeting of prospective bidders with DNR and LSSA representatives to discuss information not included with this RFP to help in preparing the proposal.
- Site visit to consider construction site details, methods of waste rock removal, and construction logistics.

The selected contractor shall perform the following activities in order to accomplish the tasks:

- Meet with City of Duluth officials to determine the need for local permits and to seek out acceptable sites for logistical support of construction.
- Meeting with DNR biweekly to discuss progress made on project plans.
- Meeting with DNR and LSSA to review draft project plans and schedules.
- Meet with DNR and LSSA to review final project plans.
- Presentation of project plans at a public meeting in the City of Duluth, Minnesota.

### **Proposal Contents**

The prospective bidder shall provide a proposal containing information responding to the tasks and activities presented in this Request for Proposal (RFP). The proposal will also include background information on the proposer's staff that would be assigned to the contract and information on projects that have been completed by the proposer that use construction methods similar to those needed in this project. Proposals are to include specifics as to how the proposer plans to complete the tasks and activities, and a cost breakdown and timetable. The proposal shall be valid for a minimum of 30 days from the date submitted. This RFP is not a purchase order. Minnesota DNR reserves the right to review the proposals privately and unannounced and to reject any or all proposals.

Proposals are to be received by the Minnesota DNR no later than 4:30 P.M. on September 1, 1988, and shall be address to:

Richard Hassinger, Chief  
Section of Fisheries  
Minnesota Department of Natural Resources  
500 Lafayette Road  
St. Paul, MN 55155-4012

## Non-State Public Contracts

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

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

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## Metropolitan Council of the Twin Cities Area

### Request for proposals for aerial photographs of Metropolitan Area landfills

The Metropolitan Council desires proposals for providing aerial photographs, and computations of remaining capacities at six sanitary landfills in the metropolitan area.

Responses must be received on or before 4:00, Aug. 29, 1988. Questions and requests for copies of the RFP should be directed to:

Thomas R. Caswell  
Metropolitan Council  
Mears Park Centre  
230 East Fifth Street  
St. Paul, MN 55101  
(612) 291-6319

## County of Stearns

### Stearns County Purchasing

### Invitation to Bid Gasoline for J.O.B.S. Programs Clients

Stearns County invites bidders to bid regular and unleaded gasoline for J.O.B.S. Programs clients. All bidders shall be within a five (5) mile radius of the City of St. Cloud. This contract shall be awarded at the regularly scheduled Stearns County Board of Commissioners meeting of Tuesday, September 6, 1988 and shall be for the remainder of 1988 with an option to renew for three (3) additional one (1) year periods.

Specifications are available for prospective bidders after August 8, 1988. Bids will be opened Friday, August 26, 1988 at 10:00 a.m. in Room 103 of the Stearns County Courthouse. For additional information, please contact:

Renee Tamm or Steve Lueck  
Stearns County Purchasing  
P.O. Box 615  
St. Cloud, MN 56302-0615  
(612) 259-3607

Dated: 25 July 1988

Renee Tamm  
Stearns County Purchasing

# State Grants

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

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

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## Department of Human Services

### Notice of Request for Proposals for Adolescent Life Skills Programs

The Minnesota Department of Human Services announces the availability of funds to be awarded through the Adolescent Life Skills Innovative Program Grant program. Grants will be awarded to public or private nonprofit agencies in Minnesota to help develop life skills training for adolescents preparing to leave foster care. Applications are due October 3, 1988; grant awards will be announced on or before November 1, 1988. Contact Joan Vitek Hiller 612/296-2612 to receive an application packet.

## Supreme Court Decisions

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### Decisions Filed 5 August 1988

**C4-87-929, C8-87-965 Geo. A. Hormel & Company, petitioner, Relator v. Myron Asper, et al. and Commissioner of Jobs and Training, petitioner, Relator. Court of Appeals.**

Hormel employees on strike filed valid claims for unemployment compensation benefits at the inception of the strike.

Individual unconditional offers to return to work tendered prior to the cessation of active progress of a labor dispute do not lift the strike disqualification for unemployment compensation benefits.

The Commissioner of Jobs and Training did not err by refusing to reopen the record to admit new evidence of activities of a rival union.

The labor dispute ceased to be in "active progress" when the trustee of Local P-9 tendered an unconditional offer to return to work on behalf of all striking Hormel employees.

Affirmed in part and reversed in part. Amdahl, C.J.

Took no part: Kelley, J.

**C0-87-1494 State of Minnesota, petitioner, Appellant v. William R. Shamp. Court of Appeals.**

Under the plain error rule, defendant could obtain relief from trial court's failure to caution the jury not to base any verdict of guilt on conduct occurring outside the statute of limitations only if the trial court's failure seriously affected substantial rights and only if the error was prejudicial error; disagreeing with the court of appeals, we hold that any error was harmless.

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

**C3-87-1845 State of Minnesota, petitioner, Appellant v. Mark Robert DeZeler. Court of Appeals.**

If the trial court rejects a plea agreement as to sentence, the defendant is entitled to withdraw his guilty plea; but if the trial court rejects a recommendation as to sentence made pursuant to an agreement, the defendant is not entitled to withdraw his plea unless he establishes, as here, that there is some other ground for withdrawal.

Affirmed on different ground. Amdahl, C.J.

**CX-87-2281 State of Minnesota, petitioner, Appellant v. Brandt Edward Storvick. Court of Appeals.**

Need to ascertain defendant's blood alcohol level was an "exigent circumstance" justifying warrantless entry of defendant's residence (a) where police were conducting a field investigation of a hit-and-run motor vehicle accident likely resulting in the death of a pedestrian, (b) where the field investigation began immediately after the accident and continued nonstop to the moment over 2 hours later when the decision to enter without a warrant was made, (c) where the investigation produced strong probable cause to believe not only that defendant had committed a very serious felony offense but that he was in the residence, (d) where defendant did not respond to repeated loud knocking and doorbell ringing, and (e) where police had sufficient basis for believing that defendant had been drinking and that prompt action was necessary in order to obtain and preserve evidence of the drinking before the evidence dissipated.

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

## Supreme Court Decisions

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### **C9-87-1414 State of Minnesota v. Gerald W. Norris, Appellant. Hennepin County.**

The evidence is sufficient to sustain defendant's conviction for murder in the first degree and five convictions for assault in the second degree.

The trial court properly admitted the *Spriggl* evidence of a prior aggravated robbery by the defendant.

The consecutive application of five terms of 60 months each, for a total of 300 months, added to a sentence of life imprisonment for murder in the first degree, on the facts and circumstances of this case, unfairly exaggerates the criminality of defendant's conduct.

The issues raised in defendant's pro-se brief are without merit: the trial court did not err in allowing defendant's 1985 conviction of theft by swindle to be used for impeachment purposes; defendant is not entitled to a new trial on the basis of newly-discovered evidence; there is no evidence of prosecutorial misconduct nor improper denial of a motion for mistrial which requires a new trial.

Convictions affirmed; sentence of life imprisonment for murder in the first degree with three of the five consecutive sentences of terms of 60 months each for assault in the second degree to be served concurrently. Wahl, J.

### **C0-87-782 David Schmidt v. Midwest Family Mutual Insurance Company, petitioner, Appellant. Court of Appeals.**

Participation by an insured in arbitration pursuant to the policy's terms, does not estop the insured from later challenging the validity of a clause in the policy's arbitration provision affording the insurer a right to a trial de novo unless the insured has retained a benefit from the arbitration not threatened by enforcement of the clause.

A clause in an uninsured motorist endorsement to an automobile insurance policy which permits an insurer to demand a trial de novo if an arbitration award exceeds a designated amount violates the state's public policy favoring the use of arbitration to resolve disputes between contracting parties, and is, therefore, unenforceable.

Affirmed. Kelley, J.

### **C5-87-1037 Eddie T. Parson v. Holman Erection Company, Inc., and Home Insurance Company, Employer/Insurer-Relators and L. H. Sowles, Inc. and Home Insurance Company. Workers' Compensation Court of Appeals.**

On cessation of an employee's entitlement to temporary total compensation 90 days after reaching maximum medical improvement or 90 days after the end of an approved retraining plan, an employee who, despite diligent search, is unable to find employment is not entitled to temporary partial compensation at the temporary total compensation rate.

The limitation of temporary total compensation provided in *Minnesota Statutes* § 176.101, subd. 3 (1984), does not violate the employee's rights under the due process clause of the Fifth and Fourteenth Amendments of the United States Constitution or under article I, § 8 of the Minnesota Constitution.

Entitlement to temporary total compensation does not recommence after exhaustion of economic recovery compensation.

Reversed. Coyne, J.

Dissenting: Wahl, Yetka, & Popovich, JJ.

### **CX-87-1793 State of Minnesota, Appellant v. Eileen Jean Krawsky. Court of Appeals.**

*Minnesota Statutes* § 609.50 (1986), which makes it a misdemeanor to intentionally interfere with a peace officer while the officer is engaged in the performance of his official duties, is not unconstitutionally overbroad or vague on its face.

Reversed and remanded for trial. Coyne, J.

### **C6-87-2424, C6-87-2438 William F. Giese v. Green Giant Company and The Travelers Insurance Company, Relators (C6-87-2438) and City of Blue Earth, Self-Insured, Relator (C6-87-2424). Workers' Compensation Court of Appeals.**

The employee's award of temporary partial compensation at the temporary total rate is reversed.

The employee's disability is not subject to statutory apportionment.

Affirmed in part, reversed in part. Coyne, J.

Dissenting, Yetka, Wahl, Popovich, JJ.

### **C9-88-371 Bruce Lamont v. Schmidt Brewing, and American Mutual Insurance Company, Relators. Workers' Compensation Court of Appeals.**

The employee's award of temporary partial compensation is reversed.

Reversed. Popovich, J.

**C4-88-696 Judy Welton v. Fireside Foster Inn, and Travelers Insurance Company, Relators and Fireside Foster Inn, and Western National Mutual Insurance Company, Relators and Fireside Foster Inn, and Western Casualty & Surety Company, Relators and Memorial Hospital, et al. Worker's Compensation Court of Appeals.**

The compensation judge's findings, including a finding that the employee did not have a compensable low-back disability, were supported by substantial evidence and should not have been reversed by the Workers' Compensation Court of Appeals.

Reversed and remanded. Popovich, J.

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## Announcements

**Joint Venture Guidelines and Applications:** New guidelines and applications are available for the Tourism Joint Venture Marketing Program. Marketing funds are available from the program for nonprofit tourism organizations. Deadline for applications under the current funding cycle is August 31. To receive the new guidelines brochure and application form, call the Minnesota Office of Tourism, Travel Trade Services Unit: 612-297-2333.

**Great Lakes Travel Guide:** The new travel planning guide to the Great Lakes States USA, now available, features Minnesota, Illinois, Indiana, Michigan, Ohio and Wisconsin. English, German and Japanese language editions will be distributed to the travel trade in the United Kingdom, West Germany and Japan.

**New Video Available:** The Dept. of Public Service, Energy Division, has completed a video production called "Energy Conservation for Resorts and Hotels." A limited number of copies are available to borrow. To inquire about the video's availability, contact the Energy Information Center: 296-5175 from the Twin City area, or toll free from outside of the Twin Cities 800-652-9747.

**Propargyte (Comite) Use Authorized:** Commissioner of Agriculture Jim Nichols authorized the use of the chemical, propargyte (Comite), beginning August 1 for use against the twospotted spider mite, a tiny insect threatening Minnesota's soybean crop. The action was necessary because large outbreaks of the mite are threatening soybean crops in southern Minnesota and existing insecticides for use against the pest are in short supply. The spider mite locates itself on the underside of the soybean leaf and feeds on the plant until it discolors and dies. The effects of the infestation can easily be mistaken for plant stress. Nichols urged farmers to check for the mite and advised them to contact their county extension office for further information on treatment.

**Group Drafts Maternal and Child Health Guidelines:** A statewide committee has been organized to develop health care guidelines for new and prospective mothers, pregnant women and newborn infants in Minnesota. The guidelines are being prepared primarily for the use of local public health agencies across the state, although they will also be available to other government agencies and private health care providers. The guidelines will outline the kinds of care that should be provided to childbearing women and newborns. The committee—which was organized by the Minnesota Department of Health—includes representatives of local health agencies, as well as members from the fields of medicine, nursing, nurse midwifery, health education, nutrition, social service and health insurance. Committee members from greater Minnesota include Jill Bruns, Olivia; Fred Fuhrmann, Marshall; Mary Ho, Faribault; Dr. R.A. Kaplan, Marshall; Christa Nollenberger, Duluth; Jennifer Oschwald, St. Cloud; Kathy Saari, Crookston; and Marianne E. Siebenaler, Rochester. Committee members from the Twin City metro area include Dr. Donald S. Asp, St. Paul; Kenyari Bellfield, Minneapolis; Trish Booth, Roseville; Mary Lou Christensen, St. Paul; Heidi Depue, Minneapolis; Mary Donohue, Minneapolis; Dr. Blanca-Rosa Egas, Minneapolis; Dianne Eggen, St. Paul; Marlene Fondrick, St. Paul; Barbara Frederick, St. Paul; Dr. Emanuel Gaziano, Minneapolis; Dr. Erick Y. Hakanson, St. Paul; Betty Lia Hoagberg, Minneapolis; Karen Knoll, Minneapolis; Mary Koloroutis, Minneapolis; Kathryn Lamp, St. Paul; Claire Nelson, Minneapolis; Ann M. Peterson, Brooklyn Center; Mary Rossi, Minneapolis; Virginia Schuster, Minneapolis; Carol Siefert, Shorewood; Estrella B. Urbi, South St. Paul; Pam VanZyl York, St. Paul; and Stella Whitney-West, Minneapolis.

**Twin Cities Metropolitan Area Jobless Rate:** The Minneapolis-St. Paul metropolitan area unemployment rate rose to 3.0 percent in June, up slightly from 2.8 percent in May, but considerably below the 4.4 percent rate of June 1987. The increase was anticipated and is a normal occurrence for this period. Total employment increased for the month but the labor force grew by a larger amount as a result of the numbers of students and graduates who enter the labor market in June. The comparable national jobless rate for June was 5.5 percent and the statewide rate for the month was 3.4 percent. The metropolitan area labor force in June was 1,402,500, up 13,500 from May and up 48,800 from June of last year. The number of persons employed in June was 1,361,000, up 10,700 from May and up 67,200 from June a year ago. The number of unemployed persons in the Twin Cities area in June was 41,500, up 2,800 from May and down 18,400 from June a year ago.

## Announcements

**Camp Ripley Archery Hunt:** Deer archery hunting will be permitted in Camp Ripley Military Reservation on two weekends—Oct. 8-9 and Oct. 22-23, with 2,500 permits to be issued each weekend. About 2,500 applicants who applied correctly but were not selected in last year's drawing will receive preference this year and will automatically receive special instructions by mail. Other archers may obtain applications by writing: ARCHERY HUNT, RR4, Box 19A, Little Falls, MN 56345 or by picking up the applications at the above address between 8:00 a.m. and 4:30 p.m. If more applications are received than permits are available, a random drawing will be held again this year. Those applying for a party should indicate the number in the party. Requests for application forms must be accompanied by a business-sized (4 1/8" x 9 1/2"), stamped and self-addressed envelope which will be used to return the official application forms and instructions. Phone requests for applications will *NOT* be accepted. Completed applications must be received at the above address before the deadline of 4:30 p.m. Friday, Aug. 19. Applications that are received after the deadline will be discarded. Individuals and parties selected in the drawing will be notified about Sept. 1, and they will be requested to submit a non-refundable, \$6 fee per hunter to cover the special costs for this hunt. For more information, contact: Tim Bremicker, (612) 297-2072.

**New Process for Antlerless Deer Lottery:** In an effort to minimize incorrect information entered into the Antlerless Deer Lottery System, the Department of Natural Resources (DNR) is mailing to all entrants who correctly applied in the 1987 lottery, a post card with a peel-off label containing all the information necessary to enter the 1988 lottery. The post card contains complete instructions on how to use the label, and, if necessary, how to make any changes or corrections on the label. A *signed* 1988 Antlerless Deer Permit Application with this label properly affixed and postmarked *on time* will assure error-free entry into the system. As in the past, the Antlerless Deer Permit Application is provided with purchase of the Firearms Deer License. Those hunters not receiving a label for the 1988 Lottery are probably among the 21,885 entries which contained errors which eliminated them from the 1987 lottery process. Of the total errors, over 2,500 of them were late or unsigned entries. Numerous other applications were also rejected because of invalid driver's license, date of birth and zone or area errors. Hunters can still enter the 1988 lottery without using the DNR-provided return label by carefully printing all the required data correctly on their Antlerless Deer Permit applications. The chances of being selected are the same regardless of whether you use the label or fill the application out by hand. It is anticipated the 1988 deer licenses will be available starting the second week of August. For more information, contact: Margaret Winkel, License Bureau Administrator (612) 296-4507.



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**Woodworking for Wildlife**, delightfully written and carefully illustrated with a variety of game bird and mammal box designs. Includes important information on the placement of nests in proper habitat areas and maintenance requirements. Diagrams, 48 pp. Code #9-14, \$3.95.

**Help Minnesota's Wildlife**, feed the birds and give to the Nongame Wildlife Checkoff on your Minnesota Tax Forms. Poster. 22" x 17", full color. Code #9-2, \$4.00.

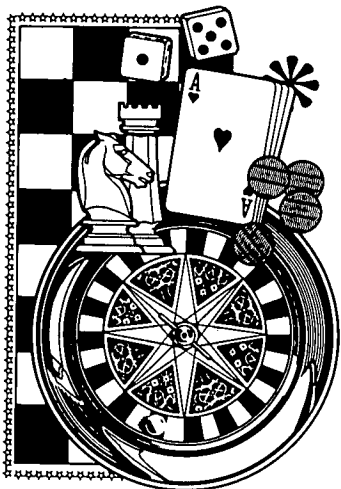
**Fifty Birds of Town and City**, describes the activities and habitats of these birds commonly seen today through full color paintings, Hardbound. 50 pp. Code #16-23, \$7.50.

**Mammals of Minnesota**, discusses wild mammals that inhabit Minnesota today, or in the recent past. Tells how to identify them, their distribution in the state, and their natural history. U of M Press, 1977, illustrated, index, bibliography, paperbound, 290 pp. Code #19-35; \$15.95.

**Bird Portraits in Color**, a total of 295 species of birds are depicted through magnificent illustrations, reproduced in seven-color lithography, accompanied by authoritative information about birds' activities, habitats, songs, and other characteristics, U of M Press, 1980, index, 92 color plates, hardbound. Code #19-41, \$12.95.

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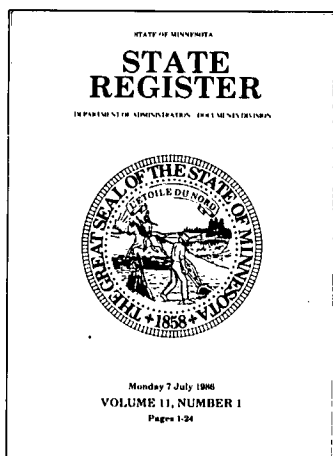
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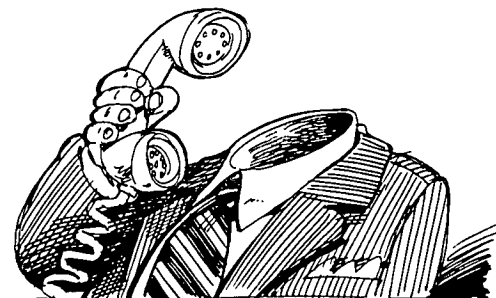
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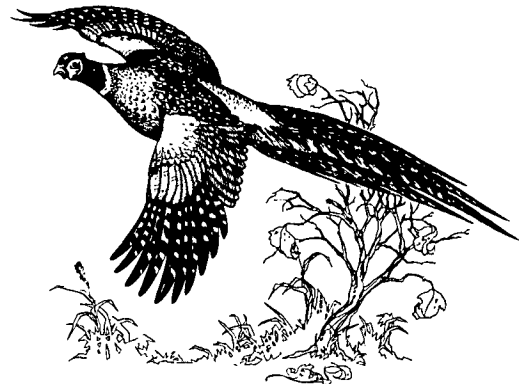
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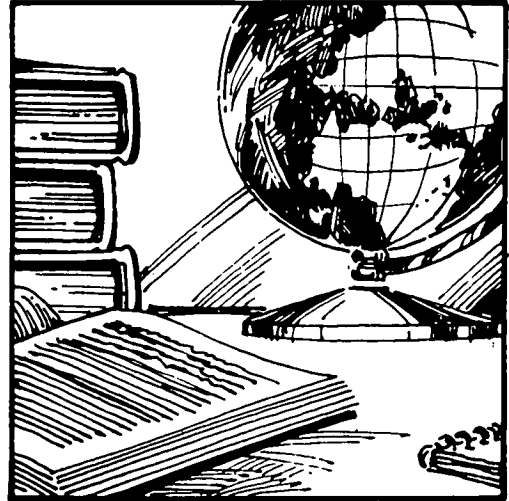


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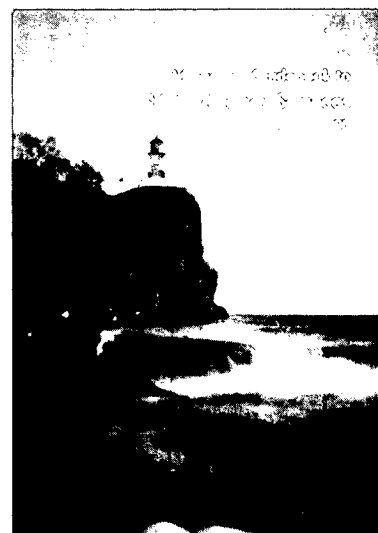
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