

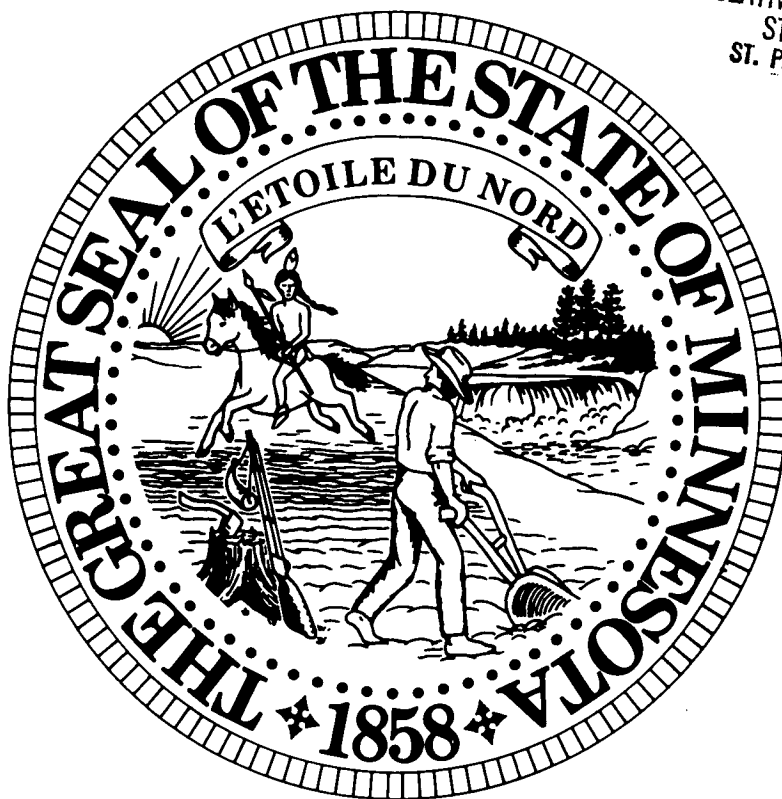
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State of Minnesota

STATE REGISTER

Department of Administration—Print Communications Division

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Rules edition
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Volume 14, Number 18

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STATE REGISTER

Judicial Notice Shall Be Taken of Material Published in the State Register

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

A *Contracts Supplement* is published every Thursday and contains additional state contracts and advertised bids, and the most complete source of state contract awards available in one source.

Printing Schedule and Submission Deadlines

Vol. 14 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
18	Monday 16 October	Monday 23 October	Monday 30 October
19	Monday 23 October	Monday 30 October	Monday 6 November
20	Monday 30 October	Monday 6 November	Monday 13 November
21	Monday 6 November	Monday 13 November	Monday 20 November

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

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

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

The *STATE REGISTER* is published every Monday (Tuesday when Monday is a holiday) by the State of Minnesota, Department of Administration, Print Communications Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to *Minnesota Statutes* § 14.46. A *STATE REGISTER Contracts Supplement* is published every Thursday. The Monday edition is the vehicle for conveying all information about state agency rulemaking, including official notices; hearing notices; proposed, adopted and emergency rules. It also contains executive orders of the governor; commissioners' orders; state contracts and advertised bids; professional, technical and consulting contracts; non-state public contracts; state grants; decisions of the supreme and tax courts; a monthly calendar of scheduled cases before the supreme court; and other announcements. The Thursday edition contains additional state contracts and advertised bids, and the most complete listing of contract awards available in one source.

In accordance with expressed legislative intent that the *STATE REGISTER* be self-supporting, the following subscription rates have been established: the Monday edition costs \$130.00 per year and includes an index issue published in August (single issues are available at the address listed above for \$3.50 per copy); the combined Monday and Thursday editions cost \$195.00 (subscriptions are not available for just the *Contracts Supplement*); trial subscriptions are available for \$60.00, include both the Monday and Thursday edition, last for 13 weeks, and may be converted to a full subscription anytime by making up the price difference. No refunds will be made in the event of subscription cancellation.

Both editions are delivered postpaid to points in the United States, second class postage paid for the Monday edition at St. Paul, MN, first class for the Thursday edition. Publication Number 326630 (ISSN 0146-7751).

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

Rudy Perpich, Governor
Sandra J. Hale, Commissioner
Department of Administration

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FOR LEGISLATIVE NEWS

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

SENATE

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

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

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

HOUSE

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

This Week—weekly interim bulletin of the House.

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

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

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

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

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

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

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Proposed Rules

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

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

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

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

Minnesota Department of Health

Notice of Withdrawal of Proposed Permanent Rules Relating to Fees for Manufactured Home Parks and Recreational Camping Areas

NOTICE IS HEREBY GIVEN that, pursuant to *Minnesota Statutes*, section 14.05, subdivision 3, the Minnesota Department of Health withdraws the above entitled rules proposed and published at *State Register*, Volume 13, Number 14, pages 817-823, October 3, 1988 (13 S.R. 817).

Department of Health

Proposed Permanent Rules Relating to Fees for Manufactured Home Parks and Recreational Camping Areas

Notice of Intent to Adopt Rule Amendments Without Public Hearing, Notice of Intent to Adopt Rule Amendments With a Public Hearing on the Proposed Amendments If 25 or More Persons Request a Hearing With Respect to Proposed Amendments, and Notice of Intent to Cancel Hearing on the Proposed Amendments If Fewer than 25 Persons Request a Hearing With Respect to the Proposed Amendments

Explanation of Alternative Notices

The Minnesota Department of Health (hereinafter "Department") hereby gives notice of its intent to adopt rule amendments without public hearing under the noncontroversial rulemaking procedure of *Minnesota Statutes* §§ 14.22 to 14.28 (1988). However, in case 25 or more persons request a hearing with respect to the proposed amendments thus necessitating that one be held pursuant to *Minnesota Statutes* § 14.25 (1988), and in order to expedite the rulemaking process should that occur, the Department is at the same time hereby giving notice of hearing on the proposed rule amendments pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1988). The hearing on the proposed amendments will, of course, be cancelled if 25 or more people do not request that one be held with respect to the proposed amendments. With the comment period closing on November 29, 1989, there will be eight days before the scheduled hearing date. This eight-day period will give interested persons time to contact the Department to find out whether the hearing will be cancelled.

Notice of Intent to Adopt Rule Amendments Without Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Health (hereinafter "Department") proposes to adopt the above-captioned rule amendments without public hearing unless 25 or more persons submit written requests for a public hearing with respect to the proposed amendments. The Department has determined that the proposed changes will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes* §§ 14.22 to 14.28 (1988).

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

Proposed Rules

Interested persons shall have 30 days from the date this notice is published in the *State Register* to submit comments in support of or in opposition to the proposed rule amendments. The 30 days will expire on November 29, 1989. Comment is encouraged. Each comment should identify the portions of the proposed rule amendments being addressed, the reason for the comment, and any change proposed to the rule amendments by the comment. The proposed rule amendments may be modified if the modifications are supported by the data and views submitted to the Department and do not result in a substantial change in the proposed language.

In addition to submitting comments, interested persons may request in writing during the 30-day comment period that a hearing be held on the proposed rule amendments. Any person requesting a hearing should state his or her name, address, and telephone number and is encouraged to identify the portions of the proposed rule amendments addressed, the reason for the request, and any changes they want made to the proposed rule amendments. If a person desires that a hearing be held on only a portion of the proposed rule amendments, it is requested that the Department be informed of the specific portion of the amendments on which a hearing is being requested at the time that the hearing request is made. This will enable the Department to limit the hearing, if one is held, to the specific issues of concern. A public hearing will be held only if 25 or more persons submit in writing requests for a hearing on the proposed amendments or a portion thereof by November 29, 1989, thus necessitating that one be held with respect to the proposed amendments. If a hearing is required, it will be held in accordance with the provisions of *Minnesota Statutes* §§ 14.131 to 14.20 (1988) and the hearing notice provided below.

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

Charles B. Schneider, RS, Chief
Environmental Field Services
Minnesota Department of Health
717 Delaware Street Southeast
Minneapolis, Minnesota 55440
Telephone: (612) 623-5337

The statutory authority of the Department to adopt the proposed rule amendments is as follows: *Minnesota Statutes* §§ 144.05(b) and (c), 144.12, 144.122(a), 157.045, and 327.16, subd. 3 (1988).

The proposed amendments will amend *Minnesota Rule* pt. 4630.1900 to classify manufactured home parks and recreational camping areas as "high risk establishments" if they meet one or more of the following conditions: (1) has a public swimming pool; (2) draws its drinking water from a surface water supply; or (3) has 50 or more sites. "Low-risk establishments" are classified as those that are not high-risk.

The proposed amendments to *Minnesota Rules* pt. 4630.2000 (1989) increase initial and renewal license application fees and increase fees for late applications by manufactured home park or recreational camping area operators as follows:

Current Fee

Initial fees:

\$75 for each 50 sites
or fraction thereof
\$75 for each 50 additional
sites or fraction thereof

Renewal fees for high risk establishments:

\$75 for each 10 sites
or fraction thereof with
a maximum fee of \$300
(except for increased
fee for late filing)

Renewal fee for low risk establishments:

\$11.25

Increased Fee

\$75 for each 20 sites or
fraction thereof
\$75 for each 20 additional
sites or fraction thereof

\$50 base fee plus \$2 for
each site up to 300 sites
(except for increased fee
for late filing), provided
however any hotel, motel or
resort licensed under *Minnesota
Statutes* § 157.03 (1988) shall
not pay said \$50 base fee

\$50 base fee plus \$1 for
each site up to 300 sites
(except for increased fee
for late filing), provided
however any hotel, motel or
resort licensed under *Minnesota
Statutes* § 157.03 (1988) shall
not pay said \$50 base fee

with a maximum fee of \$225
(except for increased fee
for late filing)

Increased fees for late filing	
year-round establishments \$10	\$20
seasonal establishments \$10	\$20
(defined as those which operate for a continuous period of 183 days or less during a calendar year	

The proposed amendments add a new *Minnesota Rule* pt. 4630.2210 which requires that high-risk establishments must be inspected at least once a year and low-risk establishments at least once every two years.

The fees proposed in the proposed amendments were approved by the Commissioner of Finance as required by *Minnesota Statutes* § 16A.128 (1988) and said approval is attached to the Statement of Need and Reasonableness. Copies of the Notice of Intent to Adopt Rule Amendments and the proposed rule amendments were also sent to the chairs of the House Appropriations Committee and Senate Finance Committee.

The proposed rule amendments will be published in the *State Register* issue of October 30, 1989, and a free copy of the rule amendments may be obtained from the Department by writing or telephoning Charles B. Schneider at the address or telephone number listed above.

A statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rule amendments and identifies the data and information relied upon to support the proposed changes has been prepared and may be obtained from the Department by writing or telephoning Charles B. Schneider at the address or telephone number listed above.

The Department's evaluation of the impact of the proposed rule amendments on the expenditure of public monies by local public bodies is addressed in the statement of need and reasonableness. The proposed rule amendments will not have an impact on agricultural land; therefore, no further information need be provided under *Minnesota Statutes* § 14.11 (1988).

The Department is subject to *Minnesota Statutes* § 14.115 (1988) regarding small business considerations in rulemaking. The Department's evaluation of the applicability of the methods contained in *Minnesota Statutes* § 14.115, subd. 2 (1988), for reducing the impact of the proposed rule amendments is addressed in the statement of need and reasonableness.

Upon completion of proposed amendments without a public hearing, the rule amendments as proposed, this notice, the statement of need and reasonableness, all written comments received, the rule amendments as adopted, and a statement explaining any differences between the rule amendments as proposed and as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General or who wish to receive a copy of the amendments as adopted should submit a written request to Charles B. Schneider at the address listed above.

Notice of Intent to Adopt Rule Amendments With Public Hearing on the Proposed Amendments If 25 or More Persons Request a Hearing With Respect to Proposed Amendments

PLEASE NOTE: That If 25 or More Persons Submit Written Requests for a Public Hearing With Respect to the Proposed Amendments Within the 30-Day Comment Period Pursuant to the Notice Given in Part II Above, a Hearing Will Be Held on December 7, 1989, in Accordance With the Following Notice of Public Hearing.

NOTICE IS HEREBY GIVEN that a public hearing in the above-captioned matter will be held pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1988), in Room 105, Minnesota Department of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440, on December 7, 1989, commencing at 9:30 a.m. The hearing will continue, if necessary, at additional times and places determined during the hearing by the Administrative Law Judge.

All interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of hearing which is to be included in the hearing record may be mailed to Howard L. Kaibel, Administrative Law Judge, Office of Administrative

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

Proposed Rules

Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone (612) 341-7608. Unless a longer period not to exceed 20 calendar days is ordered by the administrative law judge at the hearing, the hearing record will remain open for the inclusion of written material for five working days after the hearing ends. Written material received during this period will be available for review at the Office of Administrative Hearings. The Department and interested persons may respond in writing within three business days after the submission period ends to any new information submitted. No additional evidence may be submitted during the three-day period. This rule hearing procedure is governed by *Minnesota Statutes* §§ 14.131 to 14.20 (1988) and by *Minnesota Rules* pts. 1400.0200 to 1400.1200 (1989). Questions about procedure may be directed to the administrative law judge.

The proposed amendments amend *Minnesota Rule* pt. 4630.1900 to classify manufactured home parks and recreational camping areas as "high risk establishments" if they meet one or more of the following conditions: (1) has a public swimming pool; (2) draws its drinking water from a surface water supply; or (3) has 50 or more sites. "Low-risk establishments" are classified as those that are not high-risk.

The proposed amendments to *Minnesota Rules* pt. 4630.2000 (1989) increase initial and renewal license application fees and increase fees for late applications by manufactured home park or recreational camping area operators as follows:

Current Fee

Initial fees:

\$75 for each 50 sites
or fraction thereof
\$75 for each 50 additional
sites or fraction thereof

Renewal fees for high risk
establishments:

\$75 for each 10 sites
or fraction thereof with
a maximum fee of \$300
except for increased
fee for late filing)

Renewal fee for low risk
establishments:

\$11.25

with a maximum fee of \$225
(except for increased fee
for late filing)

Increased fees for late filing

year-round establishments \$10
seasonal establishments \$10
(defined as those which
operate for a continuous
period of 183 days or less
during a calendar year

Increased Fee

\$75 for each 20 sites or
fraction thereof
\$75 for each 20 additional
sites or fraction thereof

\$50 base fee plus \$2 for
each site up to 300 sites
(except for increased fee
for late filing), provided
however any hotel, motel or
resort licensed under *Minnesota
Statutes* § 157.03 (1988) shall
not pay said \$50 base fee

\$50 base fee plus \$1 for
each site up to 300 sites
(except for increased fee
for late filing), provided
however any hotel, motel or
resort licensed under *Minnesota
Statutes* § 157.03 (1988) shall
not pay said \$50 base fee

\$20
\$20

The proposed amendments add a new *Minnesota Rule* pt. 4630.2210 which requires that high-risk establishments must be inspected at least once a year and low-risk establishments at least once every two years.

The proposed rule amendments will be published in the *State Register* issue of October 30, 1989, and a free copy of the rule amendments may be obtained from the Department by writing or telephoning Charles B. Schneider at the address and telephone number listed above in Part II of this notice.

The statutory authority of the Department to adopt the proposed rule amendments is as follows: *Minnesota Statutes* §§ 144.05(b) and (c), 144.12, 144.122(a), 157.045, and 327.16, subd. 3 (1988).

The fees proposed in the proposed amendments were approved by the Commissioner of Finance as required by *Minnesota Statutes* § 16A.128 (1988) and said approval is attached to the Statement of Need and Reasonableness. Copies of the Notice of Intent to Adopt Rule Amendments and the proposed rule amendments were also sent to the chairs of the House Appropriations Committee and Senate Finance Committee.

The proposed rule amendments may be modified as a result of the rule hearing process. Those who are potentially affected in any manner by the substance of the proposed rule amendments are therefore advised to participate in the process.

Minnesota Statutes ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes* § 10A.01, subd. 11 as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than \$250, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101-2520, telephone: (612) 296-5148.

NOTICE IS HEREBY GIVEN that a statement of need and reasonableness is now available for review at the Department and at the Office of Administrative Hearings. This statement of need and reasonableness includes a summary of all the evidence which the Department anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule amendments. Copies of the statement of need and reasonableness may be reviewed at the Department or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

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

The Department's evaluation of the lack of impact of the proposed rule amendments on the expenditure of public monies by local public bodies is addressed in the statement of need and reasonableness. Nor will the proposed rule amendments have any impact on agricultural land; therefore, no further information need be provided under *Minnesota Statutes* § 14.11 (1986).

The Department is subject to *Minnesota Statutes* § 14.115 (1988) regarding small business considerations in rulemaking. The Department's evaluation of the applicability of the methods contained in *Minnesota Statutes* § 14.115, subd. 2 (1988), for reducing the impact of the proposed rule amendments are addressed in the statement of need and reasonableness.

Notice of Intent to Cancel Hearing With Respect to a Rule If Fewer than 25 Persons Request a Hearing With Respect to the Proposed Amendments

PLEASE NOTE: That the Hearing, Notice of Which Is Given in Part III Above, Will Be Cancelled With Respect to the Proposed Amendments If Fewer than 25 Persons Request a Hearing With Respect to the Proposed Amendments in Response to the Notice Given in Part II Above.

To be informed whether a hearing noticed in Part III above will be held, please call or write Charles B. Schneider at the address or telephone number listed above before December 4, 1989, and leave your name, address, and telephone number. You will be notified after December 4, 1989, if the hearing has been cancelled. You may also call Mr. Schneider at (612) 623-5337 after December 4, 1989, for oral confirmation regarding the scheduled hearing.

Dated: 18 October 1989

Sister Mary Madonna Ashton
Commissioner of Health

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Proposed Rules

Rules as Proposed

4630.1900 LICENSING; DEFINITIONS.

Subpart 1. **Scope.** The following definitions shall apply to parts 4630.1900 to ~~4630.2200~~ 4630.2210.

Subp. 1a. High-risk establishment. “High-risk establishment” means any manufactured home park or recreational camping area that meets one or more of the following conditions:

- A. has a public swimming pool;
- B. draws its drinking water from a surface water supply; or
- C. has 50 or more sites.

Subp. 1b. Low-risk establishment. “Low-risk establishment” means any manufactured home park or recreational camping area that is not a high-risk establishment.

[For text of subs 2 and 3, see M.R. 1989]

4630.2000 FEE SCHEDULE FOR LICENSES.

The application for a primary license, or a renewal thereof, to operate a ~~mobile~~ manufactured home park or recreational camping area, as defined in *Minnesota Statutes*, section 327.14, shall be accompanied by the following fees:

A. Primary (initial) license fee: \$75 for each ~~50~~ 20 sites or fraction thereof. The fee for additional sites proposed after a primary license has been issued shall be \$75 for each ~~50~~ 20 sites or fraction thereof.

B. Renewal fee for ~~year-round~~ high-risk establishments: ~~\$45~~ \$50 base fee plus \$2 for each ~~ten sites or fraction thereof with a maximum fee of \$300 site up to 300 sites~~ except as provided for in item D. Any person, firm, or corporation who is licensed under Minnesota Statutes, section 157.03, as a hotel, motel, or resort shall pay only the \$2 per site fee.

C. Renewal fee for ~~seasonal~~ low-risk establishments: the renewal fee for any ~~mobile~~ manufactured home park or recreational camping area which ~~operates for a continuous period of six months (183 days) or less during a calendar year is categorized as a low-risk establishment~~ shall ~~pay 75 percent of the fee as computed pursuant to item B with a maximum fee of \$225~~ be a \$50 base fee plus \$1 per site up to 300 sites except as provided for in item D. Any person, firm, or corporation who is licensed under Minnesota Statutes, section 157.03, as a hotel, motel, or resort shall pay only the \$1 per site fee.

D. Increased fee for late renewal: for year-round operations, the fee will be increased by ~~\$40~~ \$20 if the renewal application and fee are not submitted by January 15 of the year for which application for license is made. For seasonal operations, those which operate for a continuous period of six months (183 days) or less during a calendar year, the fee will be increased ~~\$40~~ by \$20 if the renewal application and fee are not submitted within 15 calendar days after the establishment opens.

4630.2210 INSPECTION FREQUENCY.

High-risk establishments must be inspected at least once a year. Low-risk establishments must be inspected at least once every two years.

Minnesota Veterans Homes Board

Notice of Hearing and Notice of Intent to Cancel Hearing If Fewer Than Twenty-Five Persons Request a Hearing in Response to Notice of Intent to Adopt Rules Without a Public Hearing In the Matter of the Proposed Adoption of Rules of the Minnesota Veterans Homes Board Regarding Admissions, Discharge, Transfer, Utilization and Compliance Review, Cost of Care Calculations and Maintenance Charges, *Minnesota Rules*, Parts 9050.0010 to 9050.0900, which was published in the October 9, 1989 *Minnesota State Register* on pages 948 through 976

NOTICE IS HEREBY GIVEN that a public hearing on the above entitled matter will be held in the Fifth Floor Conference Room, Veterans Services Building, St. Paul, Mn., 55155 on December 5, 1989 commencing at 9:30 a.m. and continuing until all interested or affected persons have an opportunity to participate. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

PLEASE NOTE, HOWEVER, THAT THE HEARING WILL BE CANCELLED IF FEWER THAN TWENTY-FIVE PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE OF INTENT TO ADOPT THESE SAME RULES WITHOUT A

PUBLIC HEARING PUBLISHED IN THIS *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE MINNESOTA VETERANS HOMES BOARD. To verify whether a hearing will be held, please call the Minnesota Veterans Homes Board between November 10 and December 4, 1989 at 612-721-0602.

Following the board's presentation at the hearing, all interested or affected persons will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of the hearing which is to be included in the hearing record, may be mailed to Phyllis Reha, Administrative Law Judge, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Mn., 55415; telephone 612-341-7611, either before the hearing or within five working days after the public hearing ends. The Administrative Law Judge may at the hearing, order the record be kept open for a longer period not to exceed 20 calendar days. The comments received during the comment period shall be available for review at the Office of Administrative Hearings. Following the close of the comment period the agency and all interested persons have three business days to respond in writing to any new information submitted during the comment period. During the three day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. No additional evidence may be submitted during the three-day period. The written responses shall be added to the rulemaking record. Upon the close of the record the Administrative Law Judge will write a report as provided for in *Minnesota Statutes*, sections 14.15 and 14.50. The rule hearing is governed by *Minnesota Statutes*, sections 14.14 to 14.20 and by *Minnesota Rules*, Parts 1400.0200 to 1400.1200. Questions about procedure may be directed to the Administrative Law Judge.

Minnesota Rules, Parts 9050.0010 to 9050.0900 govern the operation of the Minnesota veterans homes and establish the standards used to determine:

- A. an applicant's eligibility and suitability for admission to a board-operated facility;
- B. a resident's eligibility for participation in programs at a board-operated facility;
- C. appropriateness of a resident's continued care in a board-operated facility;
- D. services to be provided in connection with residence in a board-operated facility;
- E. procedures to be used in effecting admissions and discharges;
- F. standards of resident care and conduct; and
- G. charges to be paid by or on behalf of a resident for care in the home.

The Minnesota Veterans Homes Board's authority to adopt the proposed rules is contained in *Minnesota Statutes* § 198.003, as amended by *Laws of Minnesota 1989*, Chapter 84. Adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes* § 14.11.

Copies of the proposed rules are now available and at least one free copy may be obtained by writing to:

Robert Klukas
Minnesota Veterans Homes Board
5101 Minnehaha Ave. So.
Minneapolis, Mn., 55417

Additional copies will be available at the hearing. If you have questions on the content of the rule contact Robert Klukas 612-721-0602.

NOTICE

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

Minnesota Statutes, chapter 10a, requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes*, section 10a.01, subdivision 11, as any individual:

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Proposed Rules

(a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communication or urging others to communicate with public officials; or

(b) who spends more than \$250, not including traveling expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Mn., 55101, telephone 612-296-5148.

Dated: 6 October 1989

James G. Sieben
Chairman
Minnesota Veterans Homes Board

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 Trade and Economic Development

Adopted Permanent Rules Relating to Community Block Grants

The rules proposed and published at *State Register*, Volume 13, Number 33, pages 1990-1993, February 13, 1989 (13 S.R. 1990) are adopted as proposed.

Executive Orders

Executive Order 89-14 Providing for Gubernatorial Appointments to Multi-Member State Agencies

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

WHEREAS, the Governor is authorized by statute to appoint individuals to state boards, commissions, committees, councils, authorities, public corporations, and task forces; and

WHEREAS, our government is enhanced by involving the largest possible number of our citizens in public policy- and decision-making; and

WHEREAS, Minnesota state government is strengthened by appointing the widest possible diversity of our citizens to state agencies;

NOW, THEREFORE, I hereby order that a person shall not serve concurrently as a gubernatorial appointee on more than one multi-member state agency.

This order applies to gubernatorial appointments made after December 31, 1989 (1) to all multi-member state agencies including boards, commissions, committees, councils, authorities, public corporations, and task forces created by state statute and subject to *Minnesota Statutes 1988*, Section 15.0597, the state's open appointment law, and (2) to agencies created by *Minnesota Statutes 1988*, Section 15.0593. This order does not apply to individuals who serve as ex-officio, non-voting members of multi-member state agencies.

Pursuant to *Minnesota Statutes 1988*, Section 4.035, this Order shall be effective fifteen days after publication in the *State Register* and filing with the Secretary of State and shall remain in effect until rescinded by proper authority or it expires in accordance with *Minnesota Statutes 1988*, Section 4.035, subdivision 3.

IN TESTIMONY WHEREOF, I have set my hand this 17th day of October, 1989.



Rudy Perpich
Governor

Commissioners' Orders

Department of Natural Resources

Notice of Order Designating State Lands in the Red Lake Game Preserve as State Forests

NOTICE IS HEREBY GIVEN that the Commissioner of Natural Resources has issued an order pursuant to *Minnesota Statutes* section 89.01, subd. 6 (1988) designating approximately 130,000 acres of state land located within the Red Lake Game Preserve in Lake of the Woods County as state forest. Designation of these lands as state forest is subject to approval of the legislature at its next regular session. The effect of the order is to indicate that these lands should be retained in public ownership rather than sold and that they are most suitably managed by being placed in state forest status. This order is issued as a result of an agreement with Lake of the Woods County based upon recommendations of a land classification committee regarding overall retention and management of Red Lake Game Preserve lands. A free copy of the order containing the specific lands designated may be obtained from:

Department of Natural Resources
Division of Forestry
500 Lafayette Road
St. Paul, Minnesota 55155-4044
or by calling (612) 296-4491

Dated: 5 October 1989

Joseph N. Alexander
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.

Gaming Department

Lottery Division

Meeting Notice

The Minnesota State Lottery Board will hold a meeting on November 3, 1989, at 1:00 p.m. at room 500N, State Office Building, Saint Paul, Minnesota.

Department of Human Services

Notice of Surgical Procedures Performed on Inpatients Which Require a Second Opinion

Pursuant to *Minnesota Rules*, part 9505.5035, Subpart 1, this is the list of surgical procedures performed on inpatients for which a second opinion is a condition of Medical Assistance or General Assistance Medical Care reimbursement.

SERVICE NAME	CPT-(1989 VERSION) CODES
1. Tonsillectomy and/or Adenoidectomy	42820, 42821, 42825, 42826, 42830, 42831, 42835, 42836, 42860, 42870
2. Hysterectomy	58150, 58152, 58180, 58260, 58265, 58267, 58270, 58275, 58280, 58285
3. Cholecystectomy	47600, 47605, 47610, 47610 with 47550, 47612, 47620

The requirements of the Medical Assistance and General Assistance Medical Care second surgical opinion program are outlined in *Minnesota Rules*, parts 9505.5000 to 9505.5105.

Department of Labor and Industry

Labor Standards Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Prevailing Wages

NOTICE IS HEREBY GIVEN that the Minnesota Department of Labor and Industry, Labor Standards Division, is seeking information or opinions from sources outside the agency in preparing to propose the amendment of rules governing prevailing wages on state highway projects. The rules are intended to clarify how the prevailing wage law applies to truck drivers hauling from commercial establishments and to those depositing mineral aggregate substantially in place on the project site, the effect of fees paid to brokers on the prevailing wage paid to independent truck owner-operators, and may include other definitions under the prevailing wage law. The amendments may also modify the procedures for responding to requests for commercial project rates. The adoption of these rules is authorized by *Minnesota Statutes*, Sections 177.44 and 175.171 which require the Department to set prevailing wage rates.

The Minnesota Department of Labor and Industry, Labor Standards Division, requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: Don Jackman, Director of Labor Standards, Minnesota Department of Labor and Industry, 443 Lafayette Road, St. Paul, Minnesota 55155. Oral statements will be received during regular business hours over the telephone at (612) 296-6452 and in person at the above address.

All statements of information and opinion shall be accepted until November 20, 1989. All written material received by the Minnesota Department of Labor and Industry, Labor Standards Division, shall become part of the record to be submitted to the attorney general or administrative law judge in the event that the rules are adopted.

Dated: 23 October 1989

Ken Peterson, Commissioner

Office of the Secretary of State

Notice of Vacancies in Multi-Member Agencies

NOTICE IS HEREBY GIVEN to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* 15.0597, subdivision 4. Application forms may be obtained from the Office of the Secretary of State, Open Appointments, 180 State Office Building, St. Paul, MN 55155-1299; (612) 297-5845, or in person at Room 174 of the State Office Building. More specific information about these vacancies may be obtained from the agencies listed below. The application deadline is November 21, 1989.

AGRICULTURAL CHEMICAL RESPONSE COMPENSATION BOARD

130 State Capitol, St. Paul 55155. 612-296-0059

Minnesota Statutes 18E.05

APPOINTING AUTHORITY: Governor. **COMPENSATION:** \$48 per diem plus expenses.

VACANCY: Three private industry members; see the description of this new agency.

The Board accepts applications for reimbursement from the Agricultural Chemical Response Compensation account, determines eligibility and amount of reimbursement due and notifies the commissioner of eligible claims. Five members including the commissioner of agriculture, the commissioner of commerce and three private industry members consisting of one representative of agricultural chemical manufacturers and wholesalers, one representative of farmers, and one representative of dealers who sell the agricultural chemicals at retail. Meeting schedule undetermined at this time.

INFORMATION POLICY ADVISORY TASK FORCE

204 Administration Bldg., 50 Sherburne Ave., St. Paul 55155. 612-296-5320

Minnesota Statutes 16B.42

APPOINTING AUTHORITY: Commissioner of Administration. **COMPENSATION:** Reimbursed for expenses.

VACANCY: Two members, representation is sought from users of government information and from members of the Higher Education Advisory Council.

The task force advises the commissioner on the progress, needs, and recommended direction of information management for the state. Seventeen members of which two are members of the house from different political parties, appointed by the speaker of the house, and two are members of the senate, from different political parties, appointed by the senate committee on committees. The remaining thirteen members are to be representatives of the supreme court, the executive branch, the higher education system, librarians, and private industry. Quarterly meetings.

MN COUNCIL FOR THE BLIND

Dept. of Jobs and Training, 1745 University Ave., St. Paul 55104. 612-642-0508

Minnesota Statutes 248.10

APPOINTING AUTHORITY: Commissioner of Jobs and Training. **COMPENSATION:** \$48 per diem plus expenses.

VACANCY: Two members—knowledgeable of issues concerning services for the blind and visually handicapped Minnesotans.

The council advises the commissioner on the development of policies, programs and services affecting the blind and visually handicapped; to provide the commissioner with a review of ongoing services. The council includes nine members of whom five must be blind or visually handicapped. Terms are staggered. Bi-monthly meetings 5-9 PM at 1745 University Ave. with public hearings held out-state twice a year.

MN COUNCIL FOR THE HEARING IMPAIRED

Deaf Services, Dept. of Human Services, 444 Lafayette Rd., St. Paul 55155-3814. 612-297-1872

Minnesota Statutes 256C.28

APPOINTING AUTHORITY: Commissioner of Human Services. **COMPENSATION:** \$35 per diem.

VACANCY: One at-large position to be filled by a hearing impaired person.

Official Notices

The council advises the commissioner and governor regarding policies, programs, services affecting hearing impaired citizens; creates public awareness of needs and potential of hearing impaired people. The council includes fifteen members, seven of whom are appointed at-large, plus one member from each advisory committee under section 256C.24, subd. 3. At least fifty percent of the members must be hearing impaired. Terms are for two years. Members who are full time state employees or full time employees of political subdivisions of the state will not receive the per diem.

MN BOARD OF CHIROPRACTIC EXAMINERS PEER REVIEW COMMITTEE

2700 University Ave. W., Suite 20, St. Paul 55114-1089. 612-642-0591

Minnesota Statutes 148.01-148.106

APPOINTING AUTHORITY: Executive Director, State Board of Chiropractic Examiners. COMPENSATION: \$50 per day.

VACANCY: Two licensed chiropractors.

The committee makes determinations of whether or not certain chiropractors properly utilized services rendered or ordered appropriate treatment or service, and if the cost of treatment was unconscionable. Seven members consist of five chiropractors and two consumer members. Terms are varied.

CONSUMER ADVISORY COUNCIL ON VOCATIONAL REHABILITATION

390 N. Robert, 5th Floor, St. Paul 55101. 612-296-1822

Minnesota Statutes 129A.02

APPOINTING AUTHORITY: Commissioner of Jobs and Training. COMPENSATION: \$35 per diem.

VACANCY: One member.

The council advises the assistant commissioner of vocational rehabilitation on policy matters relating to vocational rehabilitation services. Maximum of twelve members, majority shall be persons with a disability, current or former recipients of vocational rehabilitation services or who represent consumer/advocacy groups serving vocational rehabilitation clients. If qualified persons are available, one member appointed from each of the following: business, labor, education, medicine, and private not for profit rehabilitation industry. Monthly meetings.

MN ACADEMIC EXCELLENCE FOUNDATION

751 Capitol Square Bldg., St. Paul 55101. 612-297-1875

Minnesota Statutes 121.612

APPOINTING AUTHORITY: Governor. COMPENSATION: None.

VACANCY: One member, representative of private sector, knowledge of fund raising helpful; minorities encouraged to apply.

The foundation promotes academic excellence in Minnesota schools through public-private partnerships. The board of directors consists of a member of the State Board of Education who shall serve as chair, the commissioner of the Dept. of Education, and fifteen members including six who represent various education groups and nine who represent various business groups.

PUBLIC UTILITIES COMMISSION

780 American Center Bldg., 150 E. Kellogg Blvd., St. Paul 55101. 612-296-7124

Minnesota Statutes 216A, 216B, 237

APPOINTING AUTHORITY: Governor. Senate confirmation. COMPENSATION: \$47,000 per year.

VACANCY: One member.

The commission regulates the rates and operations of electric, natural gas, and telephone companies. It acts through public hearings, contested case hearings, rulemaking hearings as well as informal complaint resolutions. The commission is a five-member body and no more than three members may be from the same political party. At least one member must have domiciled at time of appointment outside the seven county metropolitan area. Consideration given to persons learned in the law or persons who have engaged in engineering, public accounting or property and utility evaluation, finance, physical or natural sciences, production agriculture, or natural resources, as well as being representative of the general public. Full-time positions. Members must file with the Ethical Practices Board.

State Planning Agency

Minnesota Environmental Quality Board

Power Plant Siting Program

Notice of Annual Hearing 9:00 a.m., Saturday, November 18, 1989

State Contracts and Advertised Bids

Conference Room 302
Centennial Office Building
658 Cedar Street
St. Paul, MN 55155

The Minnesota Environmental Quality Board will hold the annual public hearing on the Power Plant Siting and Transmission Line Routing Program, as required by the Power Plant Siting Act, *Minnesota Statutes* 116C.58 and *Minnesota Rules*, part 4400.4300, at 9:00 a.m., Saturday, November 18, 1989, in Conference Room 302 of the Centennial Office Building, in St. Paul, Minnesota. Parking is available in the ramp east of the building and the building may only be entered on the east side.

The annual hearing is intended to afford interested persons an opportunity to be heard regarding any aspects of the Board's activities, duties, or policies pursuant to the Power Plant Siting Act. Additionally, this year's hearing will provide an opportunity for public comment on proposed amendments to the Power Plant Siting Rules, parts 4400.0200 to 4400.4900. A copy of the draft amendments may be obtained by calling or writing the EQB office.

All persons will be afforded the opportunity to be heard through the presentation of oral or written statements. Written statements marked for the annual hearing record may also be submitted for inclusion in the annual hearing by delivery to the Board's office by the close of business December 1, 1989. The formal comment period on the draft rule amendments will be provided at a later date as a part of the regular rulemaking process.

Direct all inquiries to:

Bob Cupit
Power Plant Siting Program
Minnesota Environmental Quality Board
300 Centennial Office Building
658 Cedar Street
St. Paul, MN 55155 (612) 296-2096

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.

Awards of contracts and advertised bids for commodities and printing, as well as awards of professional, technical and consulting contracts, appear in the midweek STATE REGISTER Contracts Supplement, published every Thursday. Call (612) 296-0931 for subscription information. Thank you.

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: Compaq or Zenith 386's
Contact: Bernadette Vogel 296-3778
Bid due date at 2pm: October 31
Agency: Minnesota Lottery
Deliver to: St. Paul
Requisition #: 09400 00014

Commodity: Foot mops—Rebid
Contact: Dale Meyer 296-3773
Bid due date at 2pm: November 3
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: Bext computer system
Contact: Bernadette Vogel 296-3778
Bid due date at 2pm: November 3
Agency: State University
Deliver to: Bemidji
Requisition #: 26070 13907

State Contracts and Advertised Bids

Commodity: Rubbish disposal-St. Cloud

Contact: Joyce Dehn 297-3830
Bid due date at 2pm: November 6
Agency: Correctional Facility
Deliver to: St. Cloud
Requisition #: Price Contract

Commodity: Governor's letter head stationery

Contact: Norma Cameron 296-2546
Bid due date at 2pm: November 6
Agency: Governor's Office and various
Deliver to: Various
Requisition #: Price Contract

Commodity: A complete line of valves for plumbing

Contact: Dale Meyer 296-3773
Bid due date at 2pm: November 8
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: Liebert air conditioning unit

Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: November 7
Agency: State University, Southwest
Deliver to: Marshall
Requisition #: 26175 00271

Commodity: All terrain vehicles
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: November 7
Agency: Natural Resources
Deliver to: Grand Rapids
Requisition #: 29002 19025

Commodity: Tire dump abatement (processing and transportation)

Contact: Jim Johnson 296-3779
Bid due date at 2pm: November 16
Agency: Pollution Control Agency
Deliver to: Vos Tire Dump, Sauk Rapids
Requisition #: Price Contract

Department of Administration: Print Communications Division

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

Printing vendors NOTE: Other printing contracts can be found in the Materials Management Division listing above, and in the Professional, Technical & Consulting Contracts section immediately following this section.

Commodity: Graduate program in education, 5M books 16 pages + cover, 8½"x11" saddle stitch, camera ready, 2-sided, 1 4-color separation, 11 black & white photos

Contact: Printing Buyer's Office
Bids are due: November 2
Agency: State University
Deliver to: Manakto
Requisition #: 2681

Commodity: 4-window envelopes, 10M 11½"x5" plus flap, camera ready, 1-sided gummed flap, diagonal seam

Contact: Printing Buyer's Office
Bids are due: October 31
Agency: Jobs & Training Department
Deliver to: St. Paul
Requisition #: 2661

Commodity: Commerce License, 125M 9½"x11" fan fold 3-up, negs furnished, 1-sided

Contact: Printing Buyer's Office
Bids are due: November 3
Agency: Commerce Department
Deliver to: St. Paul
Requisition #: 2722

Commodity: Clearing Account Deposit Slips, 2M 5-part sets, 6"x14¾" overall, camera ready + negs, 1-sided

Contact: Printing Buyer's Office
Bids are due: November 3
Agency: Jobs & Training Department
Deliver to: St. Paul
Requisition #: 2719

Commodity: Employee Bi-weekly Time Report, 400 books, 28 3-part sets per book, 9½"x5" overall, camera ready, 1-sided

Contact: Printing Buyer's Office
Bids are due: November 3
Agency: Education Department
Deliver to: St. Paul
Requisition #: 2332

River Stories That Warm Your Heart

A Stretch on the River. 1950 novel about the son of a wealthy family who goes to work on a Mississippi River towboat to avoid being drafted. With power, gusto and humor, author Richard Bissel creates an energetic, rowdy, and delightful account of a typical trip up the river, accurately re-creating a colorful era of towboating on America's major waterway. Stock #17-6. \$8.95 plus tax.

High Water. During the worst flood on the Mississippi River anyone can remember, the mate of a towboat has his hands full on a perilous trip, working with an unhappy crew, an angry captain, and too many barges to push against too much river. A 1954 Richard Bissel novel reveals the drama, humor and charm of working on the river. Stock #17-8. \$8.95 plus tax.

Old Times on the Mississippi River. George Merrick's lively, loving, and humorous reminiscences of his steamboat life from the bottom up, as a pantry boy, apprentice engineer, second clerk, and "cub" pilot. First published in 1909, he describes steamboat operations—from machinery and personnel to the economics of the business—with vivid examples and rich detail. 323 pp. includes appendices and index. Stock #17-45. \$8.95 plus tax.

Canoeing with the Cree. Minnesota's distinguished newsman, Eric Sevareid, wrote his first book in 1935 about a canoe journey he and a classmate made to Hudson Bay. The classic recounts their trip on the Mississippi, Minnesota and Red River of the North Rivers into Lake Winnipeg, and then God's River to Hudson Bay. 209 pp. includes index, maps and photos. Stock #17-14. \$6.95 plus tax.

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. *Prices are subject to change.*



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

Professional, Technical & Consulting Contracts

Capitol Area Architectural and Planning Board

Request for Qualifications for Design Competition Advisor

The Capitol Area Architectural and Planning Board (CAAPB) in conjunction with the Minnesota Vietnam Veterans Memorial Board (MVVM) is seeking an experienced, professional competition advisor to plan, organize and manage a design competition. MVVM and CAAPB are co-sponsors of a competition to select a design for a Minnesota Vietnam veterans memorial to be sited on the Capitol Mall.

Interested parties are invited to submit their qualifications to:

Capitol Area Architectural & Planning Board
Attention: RFQ
B-46 State Capitol Building
St. Paul, Minnesota 55155

Qualifications must be received by 4:30 p.m. Friday November 3, 1989.

Minnesota Community College System

Request for Proposals to Produce Two Versions of a Videotape

Request for proposals to produce a videotape in two versions, one to be used for communicating with potential students and another to be used as an orientation for new employees.

Deadline for proposals is 5 p.m. Dec. 1, 1989. Copies of the request for proposals may be obtained from:

Gerry Nelson
Communications Director
Minnesota Community College System
550 Cedar Street - Suite 203
St. Paul, MN 55101
Phone: 612/296-9135

State Designer Selection Board

Request for Proposal for Three Projects

To Registered Professional in Minnesota:

The State Designer Selection Board has been requested to select designer for three projects. Design firms who wish to be considered for these projects should deliver proposals on or before 4:00 p.m., November 21, 1989, to George Iwan, Executive Secretary, State Designer Selection Board, Room G-10, Administration Building, St. Paul, Minnesota 55155-1495.

The proposal must conform to the following:

- 1) Six copies of the proposal will be required.
- 2) All data must be on 8½" x 11" sheets, soft bound.
- 3) The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 7 below, together with the designer's firm name, address, telephone number and the name of the contact person.

4) Mandatory Proposal contents in sequence:

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

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

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

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

e) A section containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualification for the work. The graphic material must be identified. It must be work in which the personnel listed in "c" have had significant participation and their roles must be clearly described. It must be noted if the personnel named were, at the time of the work, employed by other than their present firms.

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

5) Statutory Proposal Requirements:

In accordance with the provisions of *Minnesota Statutes, 1981 Supplement*, Section 363.073; for all contracts estimated to be in excess of \$50,000.00, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted.

The proposal will not be accepted unless it includes one of the following:

- a) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
 - b) A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights;
- or
- c) A statement certifying that the firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months; or
 - d) A statement certifying that the firm has an application pending for a certificate of compliance.
- 6) Design firms wishing to have their proposals returned after the State's review must follow one of the following procedures:
- a) Enclose a self-addressed stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded; or
 - b) Enclose a self-addressed stamped mailing envelope with the proposals. When the State has completed its review, proposals will be returned using this envelope.

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

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

7a) PROJECT—49-89

Roof Replacement and Parking Lot Repair
Hennepin Technical College—Plymouth

The roof areas at the Brooklyn Park campus are approximately eighteen years old. Numerous water leaks have caused considerable interruptions to instruction, damage to the interior and equipment in recent years.

An extensive roof analysis was done by a consultant. This analysis indicated a need for a major and complete reroofing of the campus. The total allocation for this portion of the project is \$763,000.00.

There are approximately 680,300 sq. ft. of parking areas on the Eden Prairie campus. These areas were constructed eighteen years ago and have had only casual maintenance during this period of time. Many cracks have appeared which allow the access of water into the black top and the underlying base material. In our Minnesota climate, these lots are breaking up very fast. The longer the delay, the more extensive and costly the repairs. This allocation should resurface and seal almost all the parking areas of the Eden Prairie campus. The total allocation for this portion of the project is \$500,000.00.

Questions concerning this project may be referred to Gene Jereczek at 559-3535.

7b) PROJECT—50-89

Roof Replacement
Dakota County Technical College

Remove and replace approximately 189,000 square feet of roof membrane and related components. Work consists of 183,000 square feet at the Rosemount campus and 6,000 square feet at the South St. Paul facility. Scope of work includes, but may not be limited to, new membrane and fabric flashing over entire surface area, additional insulation to meet thermal criteria over 55,000 square feet of area, and all related sheet metal work. The total allocation for this project is \$500,000.00.

Questions concerning this project may be referred to Ray Jesh at 423-2281.

7c) PROJECT—51-89

International Wolf Center
Ely, Minnesota

PROJECT: Design the headquarters for the International Wolf Center. (IWC)

LOCATION: The proposed building will be located on the same site as the Voyageur Visitor Center (VVC) in Ely, Minnesota.

PURPOSE OF THE IWC: The International Wolf Center's primary purpose is public education about the wolf rather than wolf research. The Center provides educational resources—written, visual, audio—as well as actual encounters through a “live wolf” exhibit and field trips. The Center's goal is to provide an unbiased presentation of the wolf and its role in the ecological system.

SCOPE OF WORK: The work required can be divided into two parts.

Part 1: Prefunding The architectural firm selected will need to work with the committee to confirm the program, develop an architectural solution, establish a formal construction budget and assist with presentations to the legislature and major private contributors.

Part 2: Postfunding Finalize design; develop complete construction documents; finalize the construction budget; over-see the construction of the building.

- The building should incorporate some or all of the existing VVC.
- The IWC will house the “Wolves and Humans” exhibit from the Science Museum, as well as many other exhibit venues. The “Wolves and Humans” exhibit will require approximately 8,000 of the 10,000 square feet programmed.
- The building should capture the spirit of the wolf and its environment.
- A live wolf exhibit adjacent to the building will be a major part of the Center.
- Although the IWC is open year round, the greatest demand occurs during the summer and fall.

PRELIMINARY BUDGET: The preliminary program anticipates the following budget:

• SIZE:	23,400 Square Feet
• BUDGET:	\$2,700,000.00
• CONSTRUCTION/RENOVATION:	\$1,750,000.00

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- SITE WORK: \$ 44,000.00
- FURNISHING/EXHIBITS: \$ 590,000.00
- RENOVATION LEARNING CENTER: \$ 100,000.00
- FEES/CONTINGENCY: \$ 216,000.00

CONTACT: Questions should be directed to either of the following people:

Mike Link, Executive Director (218) 372-3505
Charles Bellows (612) 667-7243

Mark Anderson, Chairman
State Designer Selection Board

Department of Education

Request for Proposals to Develop an Evaluation and Reporting System for the Learning By TV Program

The Minnesota Department of Education, Community and Adult Education Section is sponsoring the television broadcast of two adult learning programs.

The Department is interested in developing an evaluation and reporting system that would provide answers to questions such as:

1. How many adults are viewing the televised learning program, "Learn to Read."
2. How many adults are viewing the televised learning program "G.E.D. Preparation."
3. How did viewers learn about the televised learning programs?
4. What do adults that are viewing the televised learning programs like most about learning by watching T.V.?

Proposals to develop an evaluation and reporting system for the learning by T.V. programs will be accepted up to November 30, 1989. Additional information and details about the application process may be obtained by contacting Mary Elmore at 612-296-4057.

Up to \$6,000 may be available for this evaluation.

Higher Education Coordinating Board

Notice of Request for Proposals for Graphic Arts and Design Services

The Higher Education Coordinating Board is requesting proposals from qualified communications firms for consulting services to plan and develop a project to inform parents about academic and financial planning for their children's education beyond high school. The estimated amount of the contract will be up to \$35,000 for Fiscal Year 1990. Proposals must be submitted no later than November 22, 1989.

Proposals and inquiries should be directed to:

Higher Education Coordinating Board
Director of Communications
400 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
612-296-9684

Housing Finance Agency

Notice of Request for Proposals for Telecommunications Consulting Services

The Minnesota Housing Finance Agency intends to engage the services of a telecommunications consultant to perform an analysis to develop the specifications and request for bids for telephone equipment for the Agency.

It is anticipated that the work performed under this contract will be completed by December 31, 1989. Proposals must be received in writing by the Agency no later than November 13, 1989.

For detailed information, please contact Mr. David A. Ruch, Director of Information Services, Minnesota Housing Finance Agency, Suite 300, 400 Sibley Street, St. Paul, MN 55101 (612) 296-9816.

Department of Human Services

Request for Proposals for a Study of Hospital Payment Systems

The Minnesota Department of Human Services is requesting proposals for the study of inpatient and outpatient hospital payment systems under the Medical Assistance (MA) and General Assistance Medical Care (GAMC) Programs. This is a reissue of an earlier request.

The responsibilities of the contractor are contained in Minnesota Statutes and will also be supplemented by requirements imposed under the contract. A respondent may propose to only fulfill individual components of the legislative requirements.

1989 Session Laws, Chapter 282, Article 3, Section 30 added M.S. 256.9695, Subd. 4 to provide for the following areas of activity:

"The commissioner shall contract for an evaluation of the inpatient and outpatient hospital payment systems. The study shall include recommendations concerning:

- (1) more effective methods of assigning operating and property payment rates to specific services or diagnoses;
- (2) effective methods of cost control and containment;
- (3) fiscal impacts of alternative payment systems;
- (4) the relationships of the use of and payment for inpatient and outpatient hospital services;
- (5) methods to relate reimbursement levels to the efficient provision of services; and
- (6) methods to adjust reimbursement levels to reflect cost differences between geographic areas.

The commissioner shall report the findings to the legislature by January 15, 1991, along with recommendations for implementation.

NOTE: Requirement number four is the only requirement applicable to outpatient services. Thus, the outpatient payment system is not to be studied in detail. It is only to be evaluated in terms of interrelationships with the inpatient system.

The cost of the entire study may not exceed \$150,000. This request, however, does not oblige the State to complete the project or to provide one contractor with all components of the project. The State may also reject any or all proposals.

The deadline for receipt of proposals is December 1, 1989 at 4:00 p.m. Selection and notification of the contract award will occur by December 22, 1989. A detailed description of the contract requirements and specifications for submission of the proposal may be obtained from:

Paul Olson
Hospital Section
Audit Division
Department of Human Services
444 Lafayette Road
St. Paul, Minnesota 55155-3836

Department of Transportation (Mn/DOT)

Office of Aeronautics

Notice of Request for Qualifications from Consulting Firms in Airspace Planning

The Mn/DOT Office of Aeronautics is seeking statements of qualifications from consulting firms with expertise in airspace planning for the development of a State Airspace System plan. Firms submitting qualifications may be invited to submit formal proposals for the project described below.

Project Description:

The purpose of this project is to provide resources to planners for evaluating the airspace component of the aviation system and integrating airspace information into all aspects of the aviation planning process. The consultant will participate in designing the study and assist in the preparation of the application for federal financial assistance for the project. The study should include, but not be limited to: an inventory of Minnesota airspace (including Federal Aviation Regulations Part 77 imaginary surfaces) and the preparation of Obstruction Charts (OC) for certain airports (to be specified) with published instrument approaches. Consideration should also be given to identifying overlapping airspace, the impact of tall structures on the airspace system, and airport obstructions.

SPECIAL CONDITIONS

- 1) Planning will be in full accordance with the specifications and requirements of the State of Minnesota and the FAA.

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2) Disadvantaged Business Enterprises (DBE) involvement goals are anticipated for this project. Both Federal and State regulations on discrimination will apply.

3) The Mn/DOT Office of Aeronautics will be a participant throughout the process in order for State personnel to become familiar with all aspects of the plan.

Upon evaluation of the experience and qualifications of firms expressing interest, some or all will be invited to submit a proposal. The project will begin as soon as the consultant selection process is completed.

The Mn/DOT and the FAA assume no obligation for expenses incurred by a respondent to this solicitation.

Questions regarding this request may be directed to Richard L. Theisen, at (612) 296-2552. Mr. Theisen is the only person handling questions on this project.

Qualifications should be submitted by close of business 24 NOV. 1989, to the Minnesota Department of Transportation, Office of Aeronautics, Room 417, Transportation Bldg., St. Paul, MN 55155. ATTENTION: Richard L. Theisen.

State Grants

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

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

Department of Trade and Economic Development

Acceptance of Applications for Tourism Loan Program

The Minnesota Department of Trade and Economic Development will begin accepting Community Development Applications for tourism-related projects that meet the eligibility requirements of the new Tourism Loan Program on Monday, November 6, 1989.

The Tourism Loan Program will provide low-interest loans to eligible tourism-related businesses for renovation and expansion. The program matches loans by financial institutions to share credit risks and provide for lower interest rates than would otherwise be available. Direct loans are also available for projects of under \$10,000.

Eligible businesses include tourism-related businesses engaged in providing overnight lodging and/or camping facilities, including resorts, hotels, motels, bed and breakfast inns, ski lodges, cabins and cottages, campgrounds, and recreational vehicle parks.

Applicants must utilize the Community Development Application. For more information about this new program or for a copy of the Community Development Application, please write to Tourism Loan Program, Community Development Division, Minnesota Department of Trade and Economic Development, 900 American Center Building, 150 East Kellogg Boulevard, St. Paul, MN 55101-1421 or call Wayne Sames, Tourism Loan Program Director, 612/296-1567.

Supreme Court Calendar

Listed below are the cases scheduled to be heard by the Minnesota Supreme Court in the next few weeks. This listing has been compiled by the Minnesota State Law Library for informational purposes only. Cases may be rescheduled by the Court subsequent to publication in the *State Register*. Questions concerning dates, locations, cases, etc., should be directed to: Clerk of the Appellate Courts, Room 230 State Capitol, St. Paul, MN 55155 612-296-2581.

Supreme Court Calendar for November, 1989

Compiled by Dale A. Hansen, (612) 297-4050.

Listed below are the cases scheduled to be heard by the Minnesota Supreme Court in the next few weeks. This listing has been compiled by the Minnesota State Law Library for informational purposes only. Cases may be rescheduled by the Court subsequent to publication in the *State Register*. Questions concerning the time and location of hearings should be directed to: Clerk of the Appellate Courts, Room 230 State Capitol, St. Paul, MN 55155, (612) 296-2581.

Monday, October 30, 1989 9:00AM

C8-88-1284 DONALD P. SHEREK, petitioner, Appellant (Attorney: Garber & Kaspari) vs. **INDEPENDENT SCHOOL DISTRICT NO. 699, GILBERT, MINNESOTA, Respondent** (Attorney: Neff & Lager), and **THOMAS BESTE, Rule 19 defendant, Respondent** (Attorney: Halvorson, Watters, Bye, Downs & Maki), **LAURANCE KLEVEN, Rule 19 defendant, Respondent** (Attorney: Brad P. Engdahl of Robins, Kaplan, Miller & Ciresi), **DAVID KRISKA, Rule 19 defendant.** Opinion Court of Appeals.

In the context of the implementation of an interdistrict cooperation act, must a school district reinstate a teacher from an unrequested leave of absence before assigning positions within that teacher's licensure to less senior teachers employed by a cooperating school district?

C0-89-821 In Re: MARK EUGENE HAGGERTY and LINDA JEAN HAGGERTY, Debtors (Counsel for State of Minnesota: Scott R. Strand, Assistant State Attorney General) (Counsel for Debtors: William J. Coughlin). Certified Question. United States Bankruptcy Court—District of Minnesota

Is the Minnesota homestead exemption, *Minnesota Statutes* §§ 510.01-.02 (1988), "reasonable" within the meaning of Article 1, section 12 of the Minnesota Constitution?

Tuesday, October 31, 1989 9:00AM

C5-88-2392 THE ST. PAUL COMPANIES, INC., petitioner, Appellant (Attorneys: James B. Loken, Jeannine L. Lee, and Lori A. Wagner of Faegre & Benson) vs. **MICHAEL A. HATCH, COMMISSIONER OF THE MINNESOTA DEPARTMENT OF COMMERCE, et al., Respondents** (Attorneys: Alan I. Gilbert, Assistant State Attorney General and Peggy J. Birk, Special Assistant State Attorney General), **ALLEGHANY CORPORATION, Respondent** (Attorneys: Creighton R. Magid, Thomas Tinkham, Leslie J. Anderson, and David R. Abrams of Dorsey & Whitney). Opinion Court of Appeals.

May the Minnesota Legislature constitutionally provide for judicial review "by trial de novo" of an agency order approving acquisition of control of a Minnesota insurance company under the standards specified in *Minnesota Statutes* chapter 60D?

Assuming legitimate separation of powers concerns, should the judicial review statute be construed so as to obviate those concerns?

Assuming the "trial de novo" provision is unconstitutional, should it be severed from the remainder of the statute so as to avoid invalidating the entire statute?

C9-89-42 STATE OF MINNESOTA, Respondent (Attorney: Mark V. Griffin, Assistant County Attorney, Hennepin County) vs. **JAMES T. SLOWINSKI, Appellant** (Attorney: Cathryn Middlebrook, Assistant State Public Defender). Judgment Hennepin County.

Was Appellant's confession erroneously admitted at trial to impeach his testimony?

Did the prejudicial effect of three *Spreigl* incidents admitted into evidence outweigh any probative value?

Did the trial court commit reversible error by admitting taped telephone conversations between Appellant and his wife?

Wednesday, November 1, 1989 9:00AM

C3-88-2343 In Re the Marriage of: STEVEN MAXFIELD, petitioner, Appellant (Attorney: Jeffrey D. Pederson) vs. **DIANE MAXFIELD, Respondent** (Attorney: Cheryl Schrenk of Northwest Minnesota Legal Services). Opinion Court of Appeals.

Does the court of appeals decision require that a child explicitly state a preference for one parent over another in order for a court to conclude that a custodial preference has been made?

Does an older sibling's expression of a valid preference for placement of custody with a parent other than the primary caretaker affect the application of the *Pikula* presumption to younger siblings?

Is the 1989 amendment to *Minnesota Statutes* § 518.17, subd. 1, eliminating the *Pikula* presumption, the law to be applied by the court in deciding this case?

CX-88-2341 LAW ENFORCEMENT LABOR SERVICES, INC., Respondent (Attorney: Marylee Abrams) vs. **COUNTY OF HENNEPIN and DONALD OMODT, AS HENNEPIN COUNTY SHERIFF, petitioners, Appellants** (Attorney: Karla F. Hancock, Assistant County Attorney, Hennepin County). Opinion Court of Appeals.

As a matter of law, is the Hennepin County Sheriff's grooming policy a term and condition of employment which must, therefore, be negotiated?

Thursday, November 2, 1989 9:00AM

C8-88-2659 STATE OF MINNESOTA, Respondent (Attorney: Thomas N. Price, Assistant County Attorney, Sherburne County) vs. **TIMOTHY MICHAEL ERICKSON, Appellant** (Attorney: Steven P. Russett, Assistant State Public Defender). Judgment Sherburne County.

Supreme Court Calendar

Was the evidence sufficient to show that despite Appellant's consumption of alcohol and drugs he was capable of formulating intent and premeditating his actions?

Did the Appellant prove that due to mental illness he was incapable of knowing the nature of the act or that it was wrong?

Was Appellant sufficiently advised of his Miranda rights and did he waive those rights before making inculpatory statements which were admitted into evidence?

C5-88-2070 CRAIG A. KNUDSEN, Respondent (Attorney: Thorfinnson, Scoggin, Lucas & Kallas, P.A.) vs. **NORTHWEST AIRLINES, INC., petitioner, Appellant** (Attorneys: Peter Bologna of Northwest Airlines, Inc. and Eric J. Magnuson of Rider, Bennett, Egan & Arundel). Opinion Court of Appeals.

Was summary judgment proper where a stock-option clause of an employment contract states that the employee is not entitled to exercise stock rights if terminated "for any reason" but there is a question as to whether applying that clause to this case would violate a contract law principle that says that a party to a contract may not prevent the other party from performing and benefit by doing so?

2:00PM Supreme Court Chambers

C1-84-2137 Hearing to Consider Proposed Amendments to the Minnesota Rules of Criminal Procedure.

Monday, November 6, 1989 9:00AM

C2-88-1345 DONALD J. DIESEN, Respondent (Attorney: Patrick T. Tierney of Collins, Buckley, Sauntry & Haugh) vs. **JOHN HESSBURG, et al., petitioners, Appellants** (Attorneys: Joseph T. Roby, Jr. and Sally L. Sjogren of Johnson, Killen, Thibodeau & Seiler, P.A.). Opinion Court of Appeals.

If all statements in a publication are true, can a public official suing media defendants recover under a theory of libel by implication?

Was the possible implication in this case an implication of fact or an implication of opinion?

C8-88-2208 RANDY W. RESS, Respondent (Attorney: Phillip I. Finkelstein, Minnesota Nurses Association) vs. **ABBOTT NORTHWESTERN HOSPITAL, INC., petitioner, Appellant** (Attorney: Felhaber, Larson, Fenlon and Vogt), **COMMISSIONER OF JOBS AND TRAINING, Respondent** (Attorney: Donald E. Notvik, Assistant State Attorney General). Opinion Court of Appeals.

Did Respondent's conduct in initiating an unauthorized and inappropriate mode of treatment for a patient and delaying the following of a resident physician's order constitute disqualifying misconduct for unemployment compensation purposes?

Tuesday, November 7, 1989 9:00AM

C9-88-2119 HALLA NURSERY, INC., Respondent (Attorneys: Keith A. Hanson and Susan M. Weis of Fetterly & Gordon, P.A.) vs. **BAUMANN-FURRIE & CO., et al., petitioners, Appellants** (Attorneys: L. H. May, Jr. and Charles E. Lundberg of Bassford, Heckt, Lockhart, Truesdell & Briggs, P.A.). Opinion Court of Appeals.

Do traditional Minnesota comparative fault principles apply in accounting malpractice cases?

Did the trial court abuse its discretion by granting a new trial based on the court's failure to inform the jury of the effect of its answers to the percentage of negligence question?

C5-88-1789 THERESE M. SMITH, et al., petitioners, Appellants (Attorneys: Stephen J. Smith and Tracy M. Smith of Smith & Tollefson) vs. **THE CITY OF OWATONNA, Respondent** (Attorney: Corey J. Ayling of O'Connor & Hannan). Opinion Court of Appeals.

Did a public utility's termination of natural gas to existing functional services deprive their owners of property interests which cannot be taken without compensation?

Does the due process clause require a city to grant a hearing to property owners before requesting them to replace what the city believes to be dangerous, obsolete gas service lines?

Can a municipal public utility, consistent with the requirements of equal protection, impose upon some customers an obligation to replace services while the utility pays for the replacement of other similarly situated customers?

Wednesday, November 8, 1989 9:00AM

C7-88-2006 DONALD AUFDERHAR, JR., petitioner, Appellant (Attorney: Johnson, Wood, Phleger & Bigelow) vs. **DATA DISPATCH, INC., et al., Respondents** (Attorneys: Wayne J. Studer and Brian E. Larson of Larry J. Peterson & Associates) vs. **WESTFIELD INSURANCE COMPANIES, Intervenor** (Attorney: Brian J. Love of Arthur, Chapman & McDonough). Opinion Court of Appeals.

Does the doctrine of collateral estoppel apply to damages determined in a previous uninsured motorist arbitration hearing, thus preventing the relitigation of that issue in a subsequent district court action?

C2-89-853 & C4-89-854 JACOB S. BROWN, petitioner, Appellant (Attorney: Susan K. Maki, Assistant State Public Defender) vs. **STATE OF MINNESOTA, Respondent** (Attorney: Michael Richardson, Assistant County Attorney, Hennepin County). Order Hennepin County.

Did the trial court err when it refused to allow Appellant to withdraw his plea of guilty?

Did the trial court err when it denied Appellant's motion to withdraw his pleas of guilty without affording him the right to an evidentiary hearing?

Supreme Court Decisions

Decisions Filed October 27, 1989

C7-88-1177 Garnet Erickson, et al. v. Curtis Investment Company, et al., defendants and third-party plaintiffs, petitioners, Appellants, Leadens Investigation and Security, Inc., petitioner, Appellant, Thomas Sabo v. Nu-Way House, Inc. Court of Appeals.

1. A parking ramp owes a duty to use reasonable care to deter criminal activity on its premises which may cause personal harm to its customers.

2. In this case, the security firm hired to patrol the ramp by the ramp's owner owed a duty of care to ramp patrons who were customers of the ramp's lessee, and a question of fact exists on the discharge of that duty and on causation.

Affirmed. Simonett, J.

Order

C8-84-1034 In Re Reinstatement of Brian C. Southwell, an Attorney at Law of the State of Minnesota. Supreme Court.

Reinstated. Kelley, J.

Announcements

Mn/DOT to Train Traffic Controllers: Minnesota will become the first state in the nation to train air traffic controllers outside the Federal Aviation Administration (FAA) Academy in Oklahoma City. A U.S. House-Senate Conference agreement appropriated \$3.4 million in FAA's fiscal year 1990 budget to open an air traffic controller school next spring at Flying Cloud Airport in Eden Prairie. The funding authorizes the FAA to contract with the Minnesota Dept. of Transportation (Mn/DOT) to train air traffic control candidates through the state's post secondary educational system. The FAA has a need for 2,000 air traffic controller specialists each year for the next 10 years. Call (612) 296-6823.

September's Unemployment Insurance Claims/Unemployment Rate: Initial claims filed for unemployment insurance in September totaled 10,937, a decline of 15.9 percent from

August. The September figure is 10.2 percent below the 12,183 initial claims filed during September 1988. Total unemployment insurance claimants under Minnesota's regular program numbered 26,145 for the last week of September, down from 29,370 at the end of August. The number of claimants under the regular state program compares with 25,286 claimants on file at the end of September 1988. Benefits paid under the state program amounted to \$15,266,623 in September. As of Sept. 30, the unemployment fund balance to pay benefits was \$330.3 million. Minnesota's unemployment rate rose slightly to 4.1 percent in September, up 0.2 of a percentage point from August. Historically, there has been little or no change in the jobless rate between August and September and this small increase is not considered significant. However, the 1989 unemployment rates have been running above levels of a year ago and the September reading is no exception. The rate in September 1988 was 3.6 percent. The national unemployment rate in September was 5.1 percent.

Zoo Seeks Volunteer Ski Patrol: The Minnesota Zoo is currently seeking weekend volunteers for the Ski Patrol to provide assistance and information to Zoo skiers. The Minnesota Zoo provides cross-country skiing along ten kilometers of trails that take visitors past caribou and musk oxen, and a variety of native Minnesota animals that live on the 480-acre Zoo site. 5,200 skiers enjoyed the Zoo trails last year. Requirements for becoming a Ski Patrol volunteer are: • must be at least 16 years of age • provide your own equipment • ski at least at an intermediate level • must volunteer for a minimum of five weekend days during the ski season. The cross-country ski trails will open as soon after November 15 as weather conditions permit. A training session for volunteers will be held on Sunday, November 19, from 12:00-4:00 p.m. All new volunteers are required to attend this session. To register for the training session or for more information call 431-9241.

Announcements

Opinion Limits Giving Vehicles to Government Employees: In an opinion issued Oct. 24 Attorney General Hubert Humphrey III says local governments cannot provide employees with vehicles for personal use unless it is specifically authorized by statute or charter. This opinion was requested by the State Auditor and is a clarification of a January 1989 opinion. The January opinion concerned school districts and concluded that superintendents could only be reimbursed or given periodic cash allowances for the business use of personal cars. That opinion centered around the use of a school district car by the superintendent of St. Paul public schools. In this latest opinion and clarification, Attorney General Humphrey points out that home rule charter cities may change their charters to provide vehicle benefits for employees. Home rule charter cities are limited only by the prohibitions in the constitution or statutes. Humphrey suggests that the authority to provide vehicles for employees be made explicit in the charter.

State Park Cabins Available All Year: Scenic State Park near Bigfork and Maplewood State Park near Pelican Rapids both have a modern year-round cabin for rent. The cabins are located in the parks and have access to hiking, skiing and snowmobile trails right outside the doors. Both housekeeping cabins are fully furnished and have a kitchen with a range, refrigerator, pots, pans. • The cabin at **Scenic State Park** is located on Sandwick Lake. The modern cabin has four bedrooms, 1 ¼ baths, and will sleep up to 10 people. The cabin comes with a double attached garage and a boat. Guests bring their own motor and are able to enjoy fishing or boating in Coon and Sandwick lakes. Rates for the cabin at Scenic are \$100 for the first night and \$75 for each additional night (four people or less). For each additional adult, there is a \$10 fee per night. For each additional child under 12 years of age, there is a \$5 per night fee. The cabin may be rented for a day or up to a month. Weekly rates are available. For reservation information, contact Scenic State Park at Star Route 2, Bigfork, MN 56628, or call (218) 743-3362, Mondays through Fridays, 8 a.m. to 4:30 p.m. • **Maplewood State Park's** hilltop cabin overlooks Wilson Pond. This spacious A-frame cabin has two bathrooms, a bedroom and sleeping loft (beds for 14), a lounge room, kitchen and dining room. A wood stove keeps guests cozy and the cabin also has electric heat. A one-car garage is available. This popular cabin is booked most weekends, but there are many weekdays available. Rates for the cabin at Maplewood are \$55 per night for weekends and \$43 per night Sundays through Thursdays (four people or less). For each additional adult, there is a \$6 fee per night. For each additional child under 12 years of age, there is a \$3 per night fee. The cabin may be rented for one day or up to one week. For reservation information, contact Maplewood State Park, Route 3, Box 707, Pelican Rapids, MN 56572, or call (218) 863-8383 Mondays through Fridays, 8 a.m. to 4:30 p.m. Due to the large demand for the Maplewood cabin, a drawing is held each year. Dates left open after the drawing are filled on a first-come, first-served basis. • **Itasca State Park** cabins closed Oct. 1 and will reopen again in late May. Reservations for these cabins and **Douglas Lodge** at Itasca are accepted after April 1. For more information, contact: Carmelita McGurk, Parks & Rec. (612) 297-1157.

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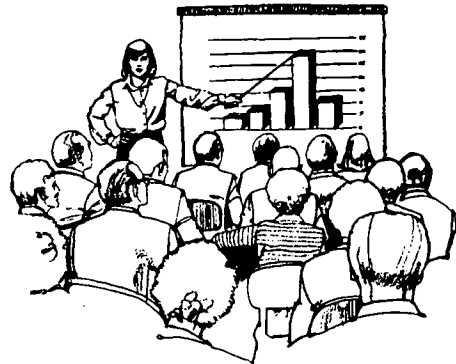
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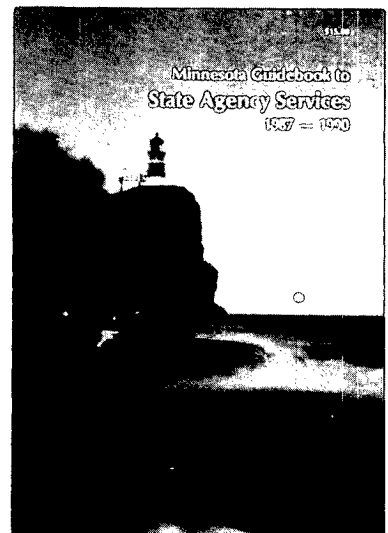
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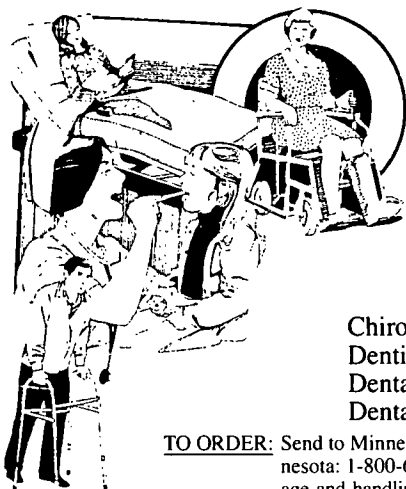
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