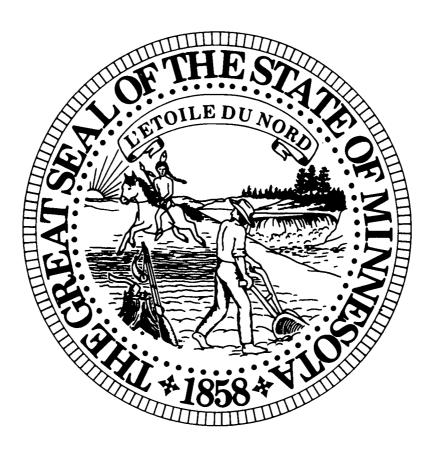
State Register

Department of Administration—Print Communications Division



Rules edition Published every Monday

6 August 1990

Volume 15, Number 6

Pages 329-356

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 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. 15 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date	
6	Monday 23 July	Monday 30 July	Monday 6 August	
7	Monday 30 July	Monday 6 August	Monday 13 August	
8	Monday 6 August	Monday 13 August	Monday 20 August	
9	Monday 13 August	Monday 20 August	Monday 27 August	

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

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 court; 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 \$140.00 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 Stephen A. Ordahl, Director Print Communications Division Robin PanLener, Editor Paul Hoffman, Assistant Editor Debbie George, Circulation Manager Bonita Karels, Staff Assistant

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

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HOUSE

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

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Contact: House Information Office

Room 175 State Office Building, St. Paul, MN 55155

(612) 296-2146

^{**}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.

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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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A Wise Investment—the rules of the game

Securities Laws, 1989. Governs the activities of broker/dealers, agents and investment advisors. *Minnesota Statutes* Chapter 80A. COde #2-12, \$7.00 plus tax.

Securities Rules, 1988. Rules implementing the legislative mandate. Subjects include equity securities and investment companies. *Minnesota Rules* Chapter 2875. Code #3-5, \$14.00 plus tax.

Minnesota Guidebook to State Agency Services, 1987-1990. Packed with information to help you, this 640-page resource guides you through license requirements, forms, fees, reports, services, grants, and more. Its listing of addresses, phones, and agency descriptions cut red tape for easy and fast service from state agencies. Code #1-4, \$15.00 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 \$2.00 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. *Prices are subject to change*. FAX: (612) 296-2265.



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

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.

Public Utilities Commission

Proposed Permanent Rules Relating to Conservation Improvement Program Appeals

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Public Utilities Commission (Commission) intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing, *Minnesota Statutes* §§ 14.22 to 14.28 (1988). The Commission's authority to adopt the rules is set forth in *Minnesota Statutes* §§ 216B.241, subd. 2 (Supp. 1989) and 216B.08 (1988).

All persons have until 4:30 p.m. on September 5, 1990, to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. PLEASE USE DOCKET NO. G,E-999/R-90-132 ON ALL CORRESPONDENCE.

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

If a public hearing is required, the Commission will proceed pursuant to Minnesota Statutes §§ 14.131 to 14.20 (1988).

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

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

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

The proposed rules, if adopted, will establish procedures and standards governing appeals to the Commission seeking the rejection or modification of a Department of Public Service decision regarding a conservation improvement program. The proposed rules are published below. One free copy of the rules is available upon request from the Commission by contacting the Commission's receptionist, Kris Kline, at the above address or by calling (612) 296-7124.

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

YOU ARE HEREBY ADVISED, pursuant to *Minnesota Statutes* § 14.115 (Supp. 1989), "small business considerations in rulemaking," that the proposed rules may affect small businesses. The small businesses potentially affected by these rules are small electric and gas utilities. These smaller utilities will be governed by the same appeal procedures as larger utilities.

The adoption of these rules by the Commission will not require the expenditure of public money by local public bodies or have a direct impact on agricultural land. Therefore, *Minnesota Statutes* § 14.11 (1988) is not applicable to this rulemaking proceeding.

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

Dated: 23 July 1990

Richard R. Lancaster Executive Secretary

Rules as Proposed (all new material)

CONSERVATION IMPROVEMENT PROGRAM APPEALS

7840.1500 RIGHT OF APPEAL.

A utility, a political subdivision, or a nonprofit or community organization that has proposed, or filed comments on, a conservation improvement program under part 7690.0500 or 7690.0900, or the attorney general acting on behalf of consumers and small business interests, may petition the Public Utilities Commission to modify or reject a Department of Public Service decision under part 7690.1300 or 7690.1400 regarding a conservation improvement program.

7840,1600 TIMELINESS OF APPEAL.

A petition challenging a department decision under part 7690.1300 or 7690.1400 must be filed with the Public Utilities Commission within 20 days after the department's decision. A petition is considered filed when received at the commission offices during normal business hours.

7840,1700 CONTENTS OF PETITION AND SUPPORTING DOCUMENTATION.

A petition filed under part 7840.1500 must comply with part 7830.2100, except that the petitioner shall provide the Public Utilities Commission with 15 copies of the petition. The petition must include as attachments a copy of the Department of Public Service's written decision being challenged and the relevant written materials not already provided to the commission. The petition may incorporate by reference the relevant documents that have already been provided to the commission.

7840,1800 SERVICE OF PETITION.

The petition and accompanying documents must be served on the Department of Public Service and the persons who were served with the department's proposed decision under part 7690.1000, subpart 2. Service may be in person or by mail and must be simultaneous with the filing of the petition.

7840.1900 COMMENTS IN RESPONSE TO PETITION.

A person may submit written comments replying to the petition filed under part 7840.1500. These comments must be filed with the Public Utilities Commission within 15 days after the deadline for filing under part 7840.1600.

7840.2000 COMMISSION DECISION.

Subpart 1. Burden of proof and decision criteria. The petitioner has the burden of proving that the decision of the Department of Public Service will result in a conservation improvement program that is ineffective, does not adequately address the needs of renters and low-income persons, or is otherwise not in the public interest. The Public Utilities Commission shall sustain the department's decision if the petitioner fails to meet this burden.

Subp. 2. **Insufficient information.** On determining that more information is needed before issuing a decision on the merits of the petition, the commission shall issue an order requiring supplemental filings. The supplemental information must be filed with the commission and served on the department, the utility, and other parties who filed comments replying to the petition. The supplemental information must be filed and served within 15 days after the commission issues its order under this subpart unless otherwise ordered by the commission. The responses, if any, to the supplemental filings must be filed with the commission and served on the department, the utility, and the persons who filed supplemental information within 15 days after the deadline for supplemental filings.

Subp. 3. Final disposition. After review of the petition and comments, the commission shall issue an order that accepts, rejects, or modifies the department's decision, or that orders a contested case under *Minnesota Statutes*, chapter 14.

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

Proposed Rules ==

Minnesota Office of Waste Management

Proposed Rules Governing Recyclable Material Market Development Grant and Loan Program, Minnesota Rules Parts 9210.0600 to 9210.0645

Notice of Extension of Public Comment Period

NOTICE IS HEREBY GIVEN that the Minnesota Office of Waste Management (Office) is extending the public comment period for the proposed rules to govern the Recyclable Material Market Development Grant and Loan Program. A Notice of Intent to Adopt Rules Without a Public Hearing and the proposed rules were published in the *State Register* on July 23, 1990 (15 S.R. 184). All persons were informed that the Office will accept written comments on the proposed rules until 5:00 p.m., August 23, 1990. The Office is now extending the public comment period until 5:00 p.m., August 30, 1990. Comments or questions relating to the proposed rules should be directed to:

Thomas Osdoba Minnesota Office of Waste Management 1350 Energy Lane St. Paul, MN 55108 612-649-5773 or 1-800-652-9747 (Minnesota Toll-Free)

Michael Robinson Director

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.

Board of Medical Examiners

Adopted Permanent Rules Relating to Examinations

The rules proposed and published at *State Register*, Volume 14, Number 42, pages 2452-2453, April 16, 1990 (14 S.R. 2452) are adopted as proposed.

Public Utilities Commission

Adopted Rules Relating to the Resource Planning Process

The rules proposed and published at *State Register*, Volume 14, Number 33, pages 1994-2000, February 12, 1990 (14 S.R. 1994) are adopted with the following modifications:

Rules as Adopted

7843.0100 DEFINITIONS.

- Subp. 4. Contested case proceeding. "Contested case proceeding" means a resource plan proceeding that has been referred to the Office of Administrative Hearings to resolve factual disputes for proceedings under Minnesota Statutes, sections 14.57 to 14.62.
- Subp. 9. Resource plan. "Resource plan" means a ranking set of resource options that a utility could use to meet the service needs of its customers over the forecast period, including an explanation of the supply and demand circumstances under which, and the extent to which, each resource option would be used to meet those service needs. These resource options include using, modifying,

and constructing utility plant and equipment; buying power generated by other entities; controlling customer loads; and implementing customer energy conservation. The ranking of resource options is accomplished by stating the circumstances under which a particular resource option would be used to meet the service needs of the utility's customers.

7843.0300 FILING REQUIREMENTS AND PROCEDURES.

Subp. 9. **Uncontested proceeding.** The commission shall conduct the resource planning process as an uncontested proceeding, unless it determines that important issues cannot be resolved without a contested case proceeding is required by statute or constitutional right.

"Uncontested proceeding" means a proceeding before the commission that has not been referred to the Office of Administrative Hearings for proceedings under *Minnesota Statutes*, sections 14.57 to 14.62.

7843.0400 CONTENTS OF RESOURCE PLAN FILINGS.

Subp. 2. **Resource plan.** A utility shall file a proposed plan for meeting the service needs of its customers over the forecast period. The plan must show the resource options the utility believes it might use to meet those needs. The plan must rank also specify how the implementation and use of those resource options in recognition of demand and supply uncertainties would vary with changes in supply and demand circumstances. The utility is only required to identify a resource option generically, unless a commitment to a specific resource exists at the time of the filing. The utility shall also discuss plans to reduce existing resources through sales, leases, deratings, or retirements.

"Derating" means a temporary or permanent reduction in the expected power output of a generating facility.

Subp. 3. **Supporting information.** A utility shall include in its resource plan filing information supporting selection of the proposed resource plan.

A. When a utility's existing resources are inadequate to meet the projected level of service needs, the supporting information must contain a complete list of resource options considered for addition to the existing resources. At a minimum, the list must include new generating facilities of various types and sizes and with various fuel types, cogeneration, new transmission facilities of various types and sizes, upgrading of existing generation and transmission equipment, life extensions of existing generation and transmission equipment, load-control equipment, utility-sponsored conservation programs, purchases from nonutilities, and purchases from other utilities. The utility may seek additional input from the commission regarding the resource options to be included in the list. For a resource option that could meet a significant part of the need identified by the forecast, the supporting information must include a general evaluation of the option, including the extent of its availability, reliability, cost, and natural and socioeconomic effects, and environmental effects.

Subp. 4. Nontechnical summary. A utility shall include in its resource plan filing a nontechnical summary, not exceeding 25 pages in length and describing the utility's resource needs, the resource plan created by the utility to meet those needs, the process and analytical techniques used to create the plan, activities required over the next two five years to implement the plan, and the likely effect of plan implementation on electric rates and bills.

7843.0500 COMMISSION REVIEW OF RESOURCE PLANS.

- Subp. 2. **Preferred plan.** If the commission concludes that a ranked set of resource options would be optimal, considering the desirable attributes listed in subpart 3, it may identify that set of resource options as a preferred resource plan. A preferred resource plan need not have been specifically proposed or advocated by the utility, an intervening party, or other interested person.
- Subp. 3. Factors to consider. In issuing its findings of fact and conclusions, the commission shall consider the characteristics of the available resource options and of the proposed plan as a whole. Resource options and resource plans must be evaluated on their ability to:
 - C. minimize adverse socioeconomic effects and adverse effects upon the natural environment;

7843.0600 RELATIONSHIP TO OTHER COMMISSION PROCESSES.

Subpart 1. Other proceedings begun before plan proceeding completed. At the time of a utility's resource planning decision, the commission may consider the status of other pending proceedings involving construction, acquisition, or disposition of resource options by the utility. The commission may terminate a pending proceeding if it determines that termination would be in the public interest. However, The commission shall not use the resource planning process as a reason to delay unduly the completion of a proceeding begun under other law.

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

Adopted Rules =

- Subp. 4. Exemption from resource plan filing requirements when certificate of need proceedings are initiated. The commission shall grant an exemption from the filing requirements of parts 7843.0100 to 7843.0600 if the conditions in items A to E are met:
 - A. The utility plans to submit a certificate of need application under Minnesota Statutes, section 216B.243.
- B. The utility submits a written request for an exemption that indicates the utility's intent to apply for a certificate of need, the size and type of facility for which certification will be sought, the projected application date, and the utility's willingness to submit all the information required by part 7843.0400, subparts 1 to 4, with the certificate of need application. The request must be filed by April 1 of the filing year and at least 90 days before the projected filing date for the certificate of need application.
- C. The utility agrees that, if the exemption is granted and it fails to submit the certificate of need application by the projected application date, it will submit either the certificate of need application or a resource plan filing within 60 days of the projected application date or by July 1, whichever is later.
- D. The commission determines that the utility's filings in the anticipated certificate of need proceeding will provide the information needed to issue a decision and select a preferred resource plan under part 7843.0500. In deciding whether the certificate of need filings will provide the necessary information, the commission shall consider factors such as the size and type of facility for which the certificate of need is sought.
 - E. The commission determines that the exemption will foster administrative efficiency, considering:
 - (1) the extent and consequences of any delay in the receipt of information that will result from the exemption; and
 - (2) the likelihood and extent of administrative cost savings that may result from the exemption.

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.

Minnesota Comprehensive Health Association

Notice of Meeting of the Center for Policy Studies Ad-Hoc Committee

NOTICE IS HEREBY GIVEN that a meeting of the Center for Policy Studies Ad-Hoc Committee of the Minnesota Comprehensive Health Association will be held at 3:00 p.m. on Thursday, August 9, 1990, at Blue Cross and Blue Shield of Minnesota, 3535 Blue Cross Road, Eagan, Minnesota, 4th Floor Board Room.

For additional information, please call (612) 456-8466.

Minnesota Comprehensive Health Association

Notice of Meeting of the Public Policy and Legislative Committee

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association Public Policy and Legislative Committee will be held on August 17, 1990 at 8:00 a.m., at Blue Cross and Blue Shield of Minnesota, 3535 Blue Cross Road, Eagan, in the 6th floor Conference Room.

For additional information, please call Lois Wattman at (612) 456-8070.

Ethical Practices Board

Notice of Issuance of Advisory Opinions on Matching Requirement, Lobbyist Compensation, and Campaign Finance

Advisory Opinion #105 re: Matching Requirement

Issued 7-26-90 to Representative Linda Scheid—SUMMARY—105. The term "otherwise eligible" in *Minnesota Statutes* § 10A.25, subd. 10, does not include the filing of a matching funds affidavit, under *Minnesota Statutes* § 10A.323, by an opponent who does not agree to be bound by spending limits.

Advisory Opinion #106 re: Lobbyist Compensation

Issued 7-26-90 to James L. Volling, Esq.—SUMMARY—106. A company's payment of a bonus to an employee who is a lobbyist is not a "compensation which is dependent upon the result or outcome of any legislative... action" within the meaning of *Minnesota Statutes* § 10A.06, provided the payment was not contemplated or discussed with the lobbyist prior to the lobbyist's efforts to influence legislative action.

Advisory Opinion #107 re: Campaign Finance

Issued 7-26-90 to Senator John Marty—SUMMARY—107. A portion of the campaign committee's payment for campaign materials that are defective, and therefore, never disseminated or used may be deemed a "noncampaign disbursement" under certain circumstances.

The full texts of the opinions are available upon request from the Ethical Practices Board, 625 North Robert Street, St. Paul, MN 55101-2520; (612) 296-5148.

Department of Finance

Notice of Maximum Interest Rate for Municipal Obligations in August

PURSUANT TO *Minnesota Statutes*, Section 475.55, Subdivision 4, Commissioner of Finance, Peter Hutchinson, announced today that the maximum interest rate for municipal obligations in the month of August, 1990 would be nine (9) percent per annum. Obligations which are payable wholly or in part from the proceeds of special assessments or which are not secured by General Obligations of the municipality may bear an interest rate of up to ten (10) percent per annum.

Peter Sausen Assistant Commissioner Cash & Debt Management (612) 296-8372

Department of Health

Maternal and Child Health Division

Notice of Solicitation of Outside Information and Opinions Regarding the Fiscal Year 1991 Minnesota State Plans for the Special Supplemental Food Program for Women, Infants and Children (WIC Program) and for the Commodity Supplemental Food Program (CSFP) carried out by the United States Department of Agriculture

NOTICE IS HEREBY GIVEN that the Minnesota Department of Health is seeking information and opinions from sources outside the department in the preparation of the Fiscal Year 1991 State Plans for the Special Supplemental Food Program for Women, Infants and Children (WIC Program) and for the Commodity Supplemental Food Program (CSFP). Copies of the draft Plans are available for public inspection by telephoning (612) 623-5266.

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

Official Notices =

Interested persons or groups may submit data or views on the subject matter of the Plans in writing or orally. Written statements should be addressed to Mary Donohue, Minnesota Department of Health, 717 S.E. Delaware Street, P.O. Box 9441, Minneapolis, MN 55440. Oral statements will be received during regular business hours over the telephone at the above telephone number and in person at the above address.

All statements of information and opinions shall be accepted until 4:30 p.m., August 13, 1990. Any written material received by the Minnesota Department of Health shall become part of the Plan record subject to inspection by the United States Department of Agriculture.

Department of Human Services

Medical Assistance Payment Rate for Special Transportation

The Department of Human Services Medical Assistance Program will continue to use the current base rate for transportation of ambulatory recipients using special transportation.

The current base rate of \$16.00 will continue to be used for special transportation provided to both wheel chair bound and ambulatory recipients. Special transportation is provided to recipients who cannot use a taxi, bus or private automobile because of a mental or physical impairment. Additional information can be obtained from:

Department of Human Services Health Care Management Division Health Care Policy Section 444 Lafayette Road St. Paul, Minnesota 55155-3853 (612) 296-3200

Department of Human Services

Children's Services Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing the Administration of Local Agency Responsibilities for Children under State Guardianship Who are in Need of Protection or Services

NOTICE IS HEREBY GIVEN that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing to propose the amendment of the rule governing the administration of local agency responsibilities for children under state guardianship who are in need of protection or services, *Minnesota Rules*, parts 9560.0410 to 9560.0485. The amendment of the rule is authorized by *Minnesota Statutes*, section 260.242, which requires appointment of the commissioner or a licensed child-placing agency as guardian where parental rights have been terminated and *Minnesota Statutes*, section 393.07, which assigns the commissioner supervisory authority over the child public welfare program, including the responsibility to assure protection and care for dependent and neglected children. Counties are also required by this section to supervise wards of the commissioner and act as the commissioner's agents in the adoptive placement and foster care placement of wards.

Amendments will clarify the county of financial responsibility requirement to provide financial assistance and to pay for services provided to a ward; require the local agency in the child's county of residence to notify the commissioner when a child is placed under state guardianship and, if appropriate, the child's tribe; expand the requirements of the social service plan to be developed for each ward; require the local agency in the child's current county of residence to notify the new county's local agency and, if appropriate, the child's tribe; allow the local agency in the child's county of residence to ensure appointment of legal counsel in lieu of or in addition to a guardian ad litem; allow authorization by the commissioner of an advocate; clarify the scope of consents delegated to counties by the commissioner and those not delegated; update language to follow state law pertaining to the state's Social Welfare Fund; ensure that local agencies provide social and financial services to wards; ensure that local agencies carry out statutory mandates to conduct administrative reviews of social service plans and request dispositional hearings; require local agencies to maintain permanent records on wards; and require postguardianship services.

The State Department of Human Services requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: Stephanie L. Schwartz, Rules and Bulletins Division, Minnesota Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3816. Oral statements will be received during regular business hours over the telephone at 297-4302 and in person at the above address.

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

Dated: 27 July 1990

Stephanie L. Schwartz Rules and Bulletin Division

Department of Human Services

Chemical Dependency Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing Chemical Dependency Care for Public Assistance Recipients

NOTICE IS HEREBY GIVEN that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing to propose the amendment of the rule governing the appropriate level of chemical dependency care for public assistance clients, *Minnesota Rules*, parts 9530.6600 to 9530.6650. The amendment of the rule is authorized by *Minnesota Statutes*, section 254A.03, subdivision 3, which requires the commissioner to "establish by rule criteria to be used in determining the appropriate level of chemical dependency care, whether outpatient, inpatient or short-term treatment programs, for each recipient of public assistance seeking treatment for alcohol or other drug dependency and abuse problems" and *Minnesota Statutes*, section 254B.03, subdivision 5, which requires the commissioner to "adopt rules as necessary" to implement *Laws of Minnesota 1986*, chapter 394, sections 8 to 20.

The State Department of Human Services requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: Stephanie L. Schwartz, Rules and Bulletins Division, Minnesota Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3816. Oral statements will be received during regular business hours over the telephone at 297-4302 and in person at the above address.

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

Dated: 27 July 1990

Stephanie L. Schwartz Rules and Bulletins Division

Departments of Human Services, Health and Public Safety

Notice of Intent to Solicit Outside Information or Opinions Regarding Proposed Merit System Rules Governing Compensation Plans

NOTICE IS HEREBY GIVEN that the State Departments of Human Services, Health and Public Safety are seeking information or opinions from sources outside the agencies in preparing to propose amendments to the rules governing the Minnesota Merit System's compensation plans. The amendments to the rules are authorized by *Minnesota Statutes*, sections 256.012, 144.071 and 12.22, subd. 3, which permits the Merit System to establish compensation plans for non-union employees in some local and county welfare, human services, health and emergency management agencies. The amendments would provide for salary adjustments for incumbents and adjustments to the various salary ranges for purposes of continued implementation of comparable worth.

The State Departments of Human Services, Health and Public Safety request information and opinions concerning the subject matter of the rules. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements of information and comment should be addressed to:

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

Official Notices

Oral statements will be received during regular business hours over the telephone by Ralph Corey at (612) 296-3996 and in person at the above address.

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

Dated: 24 July 1990

Ralph W. Corey Merit System Supervisor

Office of the Secretary of State

Notice of Vacancies in Multi-Member Agencies

The Notice of Vacancies published in the *State Register* dated July 30, 1990, was in error as to the deadline for application. *The deadline for application for the following vacancies is August 21, 1990*, not July 30th. 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.

Environmental Education Advisory Board

VACANCY: Eight citizen members, one from each congressional district; two must be licensed teachers currently teaching in the K-12 system.

Advisory Council on Uniform Financial Accounting and Reporting Standards

VACANCY: One member to be a public school employee whose position involves activities related to school financing and accounting; appointed by the State Board of Education.

Committee on Science & Technology Research & Development

VACANCY: Two members, one to be a resident of the Southwest McKnight region. Members must be qualified in at least one of these areas: economic development, academic and applied research, the administration of research, the review of research processes, the management and development of technology intensive companies.

Board of Architecture, Engineering, Land Surveying & Landscape Architecture

VACANCY: One member, to be a licensed architect; must have been in responsible charge for a minimum of five years.

Ombudsman Committee for Mental Health and Mental Retardation

VACANCY: One member, to be a medical doctor with experience in health care delivery and have knowledge and interest in the health and human services. (NOTE: there is one vacancy at the current time, not fifteen. The committee consists of a total of fifteen members.)

American Indian Advisory Council on Chemical Dependency

VACANCY: One member, to represent the interests of the Grand Portage Reservation to the American Indian Advisory Council and the Chemical Dependency Program Division—D.H.S.

Drug Abuse Prevention Resource Council

VACANCY: One member, with demonstrated knowledge in the area of drug abuse prevention.

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.

Commodities contracts with an estimated value of \$15,000 or more are listed under the Materials Management 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 <u>STATE REGISTER Contracts Supplement</u>, published every Thursday. Call (612) 296-0931 for subscription information.

Materials Management Division—Department of Administration:

Contracts and Requisitions Open for Bid

Call 296-2600 for information on a specific bid, or to request a specific bid.

Commodity: Panels

Contact: John Bauer 296-2621 Bid due date at 2pm: August 8

Agency: Vocational Technical Education

Board

Deliver to: St. Paul

Requisition #: 36000-01411

Commodity: Direct mail service—rebid Contact: Linda Parkos 296-3725 Bid due date at 2pm: August 10 Agency: Vermilion Community College

Deliver to: Ely

Requisition #: 27147-47270

Commodity: Handrail

Contact: Pamela Anderson 296-1053 Bid due date at 4:30pm: August 10 Agency: Human Services Nursing Home

Deliver to: Ah-Gwah-Ching **Requisition #:** 02310-17974

Commodity: Rotenone (fish toxicant) Contact: Patricia Anderson 296-3770 Bid due date at 2pm: August 17 Agency: Natural Resource Department

Deliver to: Various

Requisition #: Price contract

Commodity: Mailing service
Contact: Pamela Anderson 296-1053
Bid due date at 2pm: August 9
Agency: Trade & Economic
Development Department
Deliver to: St. Paul

Requisition #: 22400-04267

Commodity: Inspection services—

elevator equipment

Contact: Pamela Anderson 296-1053 Bid due date at 4:30pm: August 9

Agency: State University **Deliver to:** Winona

Requisition #: 26074-13554

Commodity: Lease/purchase double

wide modular unit

Contact: Pamela Anderson 296-1053 Bid due date at 2pm: August 13

Agency: Higher Education Coordinating

Board

Deliver to: Cloquet

Requisition #: 27163-63098

Commodity: Hazardous waste storage

building

Contact: Pamela Anderson 296-1053 Bid due date at 4:30pm: August 13

Agency: State University **Deliver to:** Bemidji

Requisition #: 26070-14194

Commodity: Furnish & install refrigerant compressor

Contact: Mary Jo Bruski 296-3772 Bid due date at 2pm: August 14 Agency: DHS-Regional Treatment

Center

Deliver to: Willmar

Requisition #: 55106-07176

Commodity: Waste tire dump abatement-Sherburne County Contact: Norma Cameron 296-2546 Bid due date at 2pm: August 14 Agency: Pollution Control Agency Deliver to: Sherburne County Requisition #: Price contract

Commodity: Underbody snow plow Contact: Mary Jo Bruski 296-3772 Bid due date at 2pm: August 14 Agency: Transportation Department

Deliver to: St. Paul

Requisition #: 79382-02102

Commodity: Genuine repair parts for

Int'l trucks

Contact: Dale Meyer 296-3773 Bid due date at 2pm: August 14

Agency: Various **Deliver to:** Various

Requisition #: Price Contract

Commodity: Art supplies and

equipment

Contact: Linda Parkos 296-3725 Bid due date at 4:30pm: August 10 Agency: Center for Arts Education

Deliver to: Golden Valley **Requisition #:** 25000-10138

Commodity: Vertical blinds and install Contact: Linda Parkos 296-3725
Bid due date at 4:30pm: August 15
Agency: Transportation Department

Deliver to: Oakdale

Requisition #: 79900-81500-01

Department of Administration: Print Communications Division

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

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: Agency business cards, average quantity 4-6 sets of 500, 3½"x2", type to set, 1-sided Contact: Printing Buyer's Office

Bids are due: August 10

Agency: Labor & Industry Department

Deliver to: St. Paul **Requisition #:** 10400

Commodity: Office receipt book, 50 books of 100 3-part sets, 9"x8" includes stub, preprinted numbering, type to set, 1-sided, carbonless, side stitch

Contact: Printing Buyer's Office **Bids are due:** August 10

Agency: State Board of Electricity

Deliver to: St. Paul **Requisition #:** 10512

Commodity: Constitutional Amendment Purpose and Effect Statement, 8.3M posters, 8½"x14"), camera ready, 1-color, camera ready, 1-sided Contact: Printing Buyer's Office

Bids are due: August 10 Agency: Secretary of State Deliver to: 87 Minnesota County

Auditors

Requisition #: 10428

Commodity: Foil seals, embossed with state seal, 20M, 2-3/15" diameter, self seal adhesive in roll form, seal must be

well-defined

Contact: Printing Buyer's Office Bids are due: August 10 Agency: Governor's Office Deliver to: St. Paul Requisition #: 10457 Commodity: Pink ballot, 750M (15M pads in 1,500 packages), 51/4"x4", camera ready, 1-color 2-sided Contact: Printing Buyer's Office

Bids are due: August 10 Agency: Secretary of State Deliver to: 87 Minnesota County

Auditors

Requisition #: 10427

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 remem-

ber, 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 plux 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 \$2.00 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. *Prices are subject to change.* FAX: (612) 296-2265.

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

Murder: Minnesota style

Murder in Minnesota: A treasury of vintage crimes in which famous and obscure characters come to life in all their cleverness or murderous madness. Minnesota cases from 1858-1917. 253 pp. photos, index. Code 17-35, \$5.95.

Robber and Hero: On September 7, 1876 six members of the James-Younger gang blasted their way out of Northfield, Minnesota. George Huntington's classic account of the Northfield Bank raid is as fascinating today as it was when first published 19 years after the attempted robbery. 125 pp., charts, maps, photos, with index. Code 17-40, \$5.95.

Secrets of the Congdon Mansion: The prosecutor called it a crime of greed. A complex, intriguing murder case, set in one of Minnesota's most spectacular mansions, and now a top Minnesota tourist attraction on Duluth's famous Lake Superior North Shore Drive. By Joe Kimball, 64 pp., drawings. Code 19-56, \$5.95.

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 \$2.00 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. *Prices are subject to change*. FAX: (612) 296-2265.

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

Professional, Technical & Consulting Contracts =

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.

Departments of Finance and Revenue

Notice of Request for Proposals for the Lockbox Processing of the State's Withholding Tax

The Minnesota Departments of Finance and Revenue are seeking proposals from qualified bidders for the lockbox processing of the State's Withholding Tax. The lockbox processing involves the remittance processing of employer's withholding tax for the State of Minnesota. It is anticipated that approximately 750,000 to 850,000 transactions per year with a dollar value of \$1.8 to \$2.2 billion dollars will be processed through the lockbox system.

Bid proposal packages and service requirements may be obtained from the Minnesota Department of Finance, 400 Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155. The bid opening will be 9:00 a.m., Thursday, September 13, 1990. An advisory panel of the Departments will review the bid proposals. The contract will remain in full force for the period January 1, 1991 through December 31, 1992.

Agency contact:

٥r

Susan Gurrola, Department of Finance (612) 296-8373

John Evans, Department of Revenue (612) 297-2144

Department of Health

Health Resources Division

Notice of Request for Proposal for Medical Director Consultant in Long Term Care Facilities

The Minnesota Department of Health (MDH) is requesting proposals from qualified physicians as Medical Director consultant to the Quality Assurance and Review Section of the Health Resources Division in matters related to the required Inspection of Care provided to residents/clients in Long Term Care Facilities throughout the State of Minnesota. The contract commences October 01, 1990 and concludes October 01, 1992.

Professional, Technical & Consulting Contracts

Interested physicians will submit formal proposals according to the procedures required by the Minnesota Department of Administration. Maximum contract amounts and hourly rates will be discussed in the "Request for Proposal" (RFP) issued by the MDH. The deadline for submission of proposals is 2:30 p.m., September 05, 1990. To obtain a copy of the RFP for Professional Services Contracts, contact Marian E. Lewis at the following address:

Marian E. Lewis

Quality Assurance and Review Section

Minnesota Department of Health 393 North Dunlap Street

P.O. Box 64938

St. Paul, Minnesota 55164-0938

(612) 643-2502

Department of Human Services

Chemical Dependency Program Division

Notice of Request for Proposals for Chemical Dependency Services to Address Special Needs of Communities of Color

The Chemical Dependency Program Division (CDPD) of the Department of Human Services is soliciting proposals for projects focusing on ways to improve chemical health services to targeted groups of the communities of color (African, Hispanic, American Indian, and Asian Pacific-Islanders) that are at high risk of chemical use, abuse, and dependency programs. A total of \$40,000 is available for funding one or more grantees. The funded service(s) would begin the latter part of October, 1990 and continue for a minimum of 12 months.

These projects will deal with training needs and development of a service plan designed for three (3) specific target groups within the communities of color: 1) people of color in the workplace, 2) men of color, and 3) youth of color. Monies will be available in the following areas: a) \$10,000—people of color in the workplace, b) \$15,000—men of color CD initiative, and c) \$15,000—youth of color CD initiative. The funding of up to three proposals is contemplated. All requests for further information regarding this RFP should be directed to Ruthie Dallas at 612/296-3504, or Phil Brekken at 612/296-4611.

Proposals in response to this RFP must be submitted on the CDPD grant application form. Copies of the complete Request for Proposals (RFP) and application forms can be obtained by contacting Dorrie Hennagir at 612/296-4617. Eight copies of the proposal must be in the CDPD office, Human Services Building, 444 Lafayette Road, St. Paul, MN 55155-3823, no later than 4:20 p.m. on August 31, 1990.

The Chemical Dependency Program Division and the State of Minnesota reserve the right to reject any and all proposals submitted and to reallocate funds contemplated for the purpose of this RFP to another purpose.

Department of Human Services

Request for Proposals for Medical Assistance Program Support Manual

The Minnesota Department of Human Services seeks the services of a qualified consultant with recent experience in policy analysis, research, development or administration of the Medical Assistance Program (Medicaid), Supplemental Security Income Program (SSI) or other closely related public assistance program to prepare written materials to support the administration and delivery of the Minnesota Medical Assistance and General Assistance Medical Care Programs.

Background

The Minnesota Department of Human Services (MDHS) Certification Manual was issued on July 1, 1990 for use by county social services employees to administer the cash, food stamp and medical assistance programs. The MDHS Certification Manual provides basic policy statements to prompt the user's decisions in a determination of eligibility for a recipient of or applicant to these programs. This manual is also used by attorneys, advocacy groups and other interested parties to provide assistance and advice to applicants and recipients of public assistance. To provide further support to users, the Medical Assistance and General Assistance Medical Care Programs will require a separate manual to be used in conjunction with the Certification Manual. The support manual will incorporate policy not covered in the Certification Manual that relates specifically to the health care programs, elaborate on the more complicated policies, provide examples of policy application and provide one page desk guides. Publications and resources available to assist in the project are the recently obsoleted Minnesota Medical Assistance Program Manual, the Social Security Administration's Program Operations Manual System, and previously issued policy interpretations and training materials prepared for county social service agencies.

Professional, Technical & Consulting Contracts

Department Contact

Responders who would like additional information on resources available for completion of the project or have questions regarding this request may call or contact:

Kathleen Lindblad Minnesota Department of Human Services Health Care Management Division 444 Lafayette Road St. Paul, MN 55155-3848 (612) 296-8818

All proposals must be submitted no later than 4 p.m. on September 28, 1990.

Project Completion Date:

The project will be completed within three to six months from the date the project is authorized.

Contract Costs

The Department of Human Services estimated that the cost of the contract should not exceed \$25,000.

Limitations

This request for proposal does not commit the Minnesota Department of Human Services to award a contract, to pay any costs incurred in preparing a proposal for this request, or to procure a contract for services or supplies. MDHS reserves the right to accept or reject any or all proposals received as a result of this request, to negotiate with any qualified source, or to cancel in part or in entirety this request for proposal. The project coordinator may require the proposers to participate in negotiations and to submit price or content revisions which may result from negotiations. All finished products and rights to finished products will belong to the Minnesota Department of Human Services.

Department of Jobs and Training

State Job Training Office

Notice of Request for Proposals for Follow-Up Services on People Terminated by JTPA and State Funded Dislocated Worker Program

The State Job Training Office, Minnesota Department of Jobs and Training, is seeking a contractor to perform follow-up services on individuals who have been terminated from the Job Training Partnership Act and the state funded dislocated worker program.

The specific Request for Proposals can be obtained from:

Larry Eisenstadt
State Job Training Office
Minnesota Department of Jobs and Training
690 American Center Building
150 East Kellogg Blvd.
St. Paul, Minnesota 55101
(612) 296-6073

A bidder's conference will be held at 9:00 a.m. on Friday, August 17th, at the above location, to answer questions about the proposal.

The deadline for receipt of proposals is 4:30 p.m., on Friday, August 31, 1990.

Board of Water and Soil Resources

Revision to Request for Proposals to Facilitate the Development of Rules for Metropolitan Surface Water Planning

On Monday, July 23, 1990, the Minnesota Board of Water and Soil Resources (BWSR) published a request for proposal in the *State Register* from qualified firms or individuals to facilitate the development of rules related to the Metropolitan Water Management Act (Act), *Minnesota Statutes* Sections 473.875 to 473.883.

Professional, Technical & Consulting Contracts

The purpose of this notice is to advise interested parties that the BWSR has found it necessary to revise the proposal. The revision limits the scope of the work originally planned and, consequently, the maximum amount allotted for this project has been reduced from \$45,000 to \$30,000. All interested parties should seek a copy of the detailed changes by calling or writing Bruce Sandstrom at:

Minnesota Board of Water and Soil Resources 155 South Wabasha St., Suite 104 St. Paul, MN 55155 (612) 297-4958

The 4:30 p.m., Wednesday, August 15, 1990 deadline for submitting proposals remains in effect.

Non-State Public Contracts =

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

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

Metropolitan Waste Control Commission

Public Notice for Prequalifications for Geotechnical Consulting Services

NOTICE IS HEREBY GIVEN that the Metropolitan Waste Control Commission is soliciting prequalifications for Geotechnical Consulting Services on underground storage tank removal projects.

The prequalification package includes the firm's general qualifications, the demonstrable experience of the firm in underground storage tank removal work, insurance information, qualifications of key personnel and the Commission's form of agreement for these types of professional services. The prequalifications will be used by the Commission as a mechanism for selecting firms to provide Geotechnical Consulting Services.

Firms should submit a letter to Mr. Joseph H. Edwards, PE, CCS, Contracts Manager, 230 E. 5th Street, Mears Park Centre, St. Paul, MN 55101, by no later than August 17, 1990, stating their interest in providing geotechnical consulting services associated with underground storage tank removal and requesting the prequalification package.

By Order of the Metropolitan Waste Control Commission Mr. Gordon O. Voss Chief Administrator

Metropolitan Waste Control Commission

Request for Proposals for Professional Administration Services for the Development, Delivery and Implementation of a Flexible Benefit Spending Plan Account for MWCC Employees

The Metropolitan Waste Control Commission (MWCC) is requesting Proposals for professional administration services for the development, delivery and implementation of a flexible benefit spending account for MWCC employees. This request outlines the goal of the project, describes our expectations of the project, provides background information on the MWCC and describes items which should be specifically addressed in proposals responding to this RFP.

Copies of this request can be obtained by contacting Donald L. Bellfield, Employee Relations Special Projects Coordinator at (612) 229-2006. RFP's are available Monday, August 6, 1990.

Proposals for professional administration services for the development, delivery and implementation of a flexible benefit spending account for MWCC employees will be accepted by the Metropolitan Waste Control Commission until 4:30 p.m., Thursday, September 6, 1990. All proposals should be addressed to:

Metropolitan Waste Control Commission Mears Park Centre 230 E. Fifth Street St. Paul, Minnesota 55101 Attention: Donald L. Bellfield

The MWCC reserves the right to reject any or all Proposals, and to waive any minor irregularities and deviations from the requirementes outlined in the RFP.

It is hereby agreed between the parties that *Minnesota Statutes*, sections 473.144 and 363.073, and *Minnesota Rules*, parts 5000.3400 to 5000.3600 are to be incorporated into any contract between these parties. A copy of *Minnesota Statutes*, sections 473.144 and 363.073, and *Minnesota Rules*, parts 5000.3400 to 5000.3600, are available upon request from the MWCC.

By order of the Metropolitan Waste Control Commission Gordon O. Voss, Chief Administrator

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.

Minnesota Department of Health

AIDS/STD Prevention Services Section

Notice of Request for Proposals for Licensed Consulting Psychologists

Purpose:

The Minnesota Department of Health has funds available for the provision of on-going consultation and in-service education for Disease Intervention staff and other section staff in the AIDS/STD Prevention Services Section.

Amount

Competitive reimbursement rate as determined by contract established.

Duration

Ongoing consultation provided.

Eligibility Criteria

A Licensed Consulting Psychologist who is a graduate of an A.P.A. approved clinical psychology program and who can demonstrate the capacity to provide these services. Documented expertise and experience in the psychological aspects of HIV infection and the fields of chemical dependency, health care psychology, and sexual health are also required.

Proposals

Copies of the Request for Proposal for Contract Services are available from:

Laurel Hoff, Program Manager Disease Intervention Unit AIDS/STD Prevention Services Section Minnesota Department of Health (612) 623-5698

Please submit 7 copies of the completed proposal by:

4:30 p.m. on August 27, 1990 to:

Minnesota Department of Health

State Grants

717 Delaware Street Southeast

P.O. Box 9441

Minneapolis, Minnesota 55440

Attention: AIDS/STD Prevention Services Section, Room 235

Disclaimer

The Minnesota Department of Health and the Proposal Review Committee reserve the right to withhold the distribution of funds in cases where proposals submitted do not meet the necessary criteria.

Housing Finance Agency

Notice of Request for Proposals for the Housing Trust Fund Housing Program

The Minnesota Housing Finance Agency (MHFA) and the Housing Trust Fund Advisory Committee (HTFAC) announce the availability of \$600,000 in loan funds to eligible sponsors to assist them in the development, construction, acquisition, preservation and rehabilitation of affordable rental housing, limited equity cooperative housing, and homes for ownership by low income persons. These funds were generated by interest earnings on real estate broker's trust accounts.

Form of Awards

Funds are awarded to projects in the form of a zero interest deferred loan. To encourage the long term affordability of the housing provided under this program, a thirty year repayment schedule is used. The loan must be repaid in full if the project fails to operate as affordable housing for low income persons during the first ten years of the loan. During the next twenty years, five percent of the loan is forgiven each year provided that the housing remains affordable for low income persons and families.

Set Aside

Up to twenty percent (approximately \$120,000) of the total funds available may be used for projects that are not compatible with the 30 year repayment schedule. Within the twenty percent set aside, up to \$60,000 will be available for home ownership projects. The MHFA's and the HTFAC's intent is to use this set aside of funds to encourage innovative proposals which would otherwise not be possible to fund given the 30 year use commitment. All other requirements of the Housing Trust Fund program will apply to these projects. Applications submitted under the set aside will be evaluated with all applications received in response to the Request for Proposals.

Eligible Applicants

Eligible applicants are individuals, for-profit entities, nonprofit entities, Minnesota Cities, joint power boards established by two or more cities, and Minnesota Housing and Redevelopment Authorities.

Eligible Projects

The legislation requires that the funds from the trust fund account be used "to provide loans or grants for projects for the development, construction, acquisition, preservation, and rehabilitation of low income rental and limited equity cooperative housing units and homes for ownership. At least 75 percent of the rental and cooperative units, and 100 percent of the homes for ownership, must be rented to or cooperatively owned, or owned by persons and families whose income does not exceed 30 percent of the median family income for the metropolitan area." (*Minnesota Statutes* Section 462A.201 Subd. 2.) As of February 1990, 30 percent of the Minneapolis/St. Paul area median income was \$13,500.

It is the desire of the MHFA and the HTFAC to use the Housing Trust Fund Housing Program to encourage and support innovative approaches to housing problems which provide affordable housing with strong local support. It is expected that these funds will be used to leverage other funds or to provide the final piece of a financing package. They can be used in conjunction with other MHFA, State, or Federal programs as appropriate.

Application Process

Applicants should request application packets from MHFA staff.

Minnesota Housing Finance Agency 400 Sibley Street, Suite 300 St. Paul, MN 55101 (612) 296-9844

If after reviewing the application materials there are any questions concerning the Housing Trust Fund Housing Program or the application process they should be directed to Steve Peacock (612) 296-9822, Murray Casserly (296-9846) or Carla McTigue (296-

9844) at MHFA. Samples of successful applications are available for review at the MHFA offices. Applicants are encouraged to discuss the feasibility of their project proposal with MHFA staff prior to submitting an application for funds.

Applications are due by 4:30 p.m. on Friday, September 7, 1990. The Housing Trust Fund Advisory Committee will review the applications and should make funding recommendations to the MHFA Board by October 25, 1990.

This Request for Proposals (RFP) is subject to all applicable federal, state, and municipal laws, rules, and regulations. MHFA reserves the right to modify or withdraw this RFP at any time and is not able to reimburse any applicant for costs incurred in the preparation or submittal of applications.

Supreme Court Decisions, Opinions & Rules ====

Decisions Filed 3 August 1990

C6-88-1297 State of Minnesota, petitioner, Appellant v. Jerome John Krejci. Court of Appeals.

- 1. Minnesota Statutes § 627.15 (1988) comports with article 1, section 6, of the Minnesota Constitution. Venue in this case was proper.
- 2. Defendant validly waived his right to counsel and his right to a trial by jury.

Reversed in part; affirmed in part; conviction reinstated. Wahl. J.

Dissenting, Kelley, J.

C6-89-225 State of Minnesota, Appellant v. Philip Francis Carpenter. Court of Appeals.

- 1. Under the facts and circumstances of this case, the trial court properly excluded evidence of alleged prior digital penetration of the victim offered to impeach the victim's claim of virginity.
- 2. The trial court properly excluded letters allegedly describing the victim's past sexual conduct.
- 3. The trial court did not err in departing both durationally and dispositionally from the presumptive sentence and sentencing defendant to 30 months imprisonment.

Reversed; judgment of conviction reinstated. Wahl, J.

C4-88-410 Conrad Hapka, individually, Brian Hapka, individually, and Conrad and Brian Hapka, petitioners, Appellants v. Paquin Farms, et al., Gust Hangsleben, State of Minnesota Department of Agriculture. Court of Appeals.

The Uniform Commercial Code controls exclusively with respect to damages in a commercial transaction which involves property damage only. To the extent Superwood Corp. v. Siempelkamp Corp., 311 N.W. 2d 159 (Minn. 1981), and its progency are inconsistent with the decision herein, they are hereby expressly overruled.

Affirmed. Coyne, J.

Dissenting, Yetka, J.

Orders

C1-86-2045 In Re Petition for Disciplinary Action against James H. Schaefer, an Attorney at Law of the State of Minnesota. Supreme Court.

Indefinite probation. Kelley, J.

C5-90-1128 In Re the Petition for Disciplinary Action Against Richard T. Ince, an Attorney at Law of the State of Minnesota. Supreme Court.

Resignation granted. Kelley, J.

Announcements =

Films and Video Tapes for Use by Organizations: Four new video tapes are among natural resources films and tapes available free from the Minnesota Department of Natural Resources (DNR) for use by

organizations and schools. The DNR's Film Library serves as a source of films and videos for teachers, nature interpreters, librarians,

Announcements

conservationists, environmentalists and others. New video tapes available include: • "Save the Earth," which offers practical suggestions for protecting and preserving the environment to audiences from junior high school age through adult (23 minutes—order number V-279); • "It's Up To All of Us," which deals with recycling as a means of preserving Minnesota's natural resources (29 minutes—order V-281); • "Wetlands in Crisis," which is a U.S. Fish and Wildlife Service video about the environmental effects of wetland losses (20 minutes—order V-280); • "Legend of a Bullheaded Boater," which is an animated video demonstrating the correct practices and precautions for safe boating through the exploits of a "bullheaded frog." The video is appropriate for swim classes and people in the "Y" Skippers program (10 minues—order V-275). The DNR Film Library has films and video tapes covering a wide variety of topics such as hunting, fishing, boat and water safety, soil and water conservation, firearms safety, outdoor recreation, plant and wildlife species, and much more. Film requests should be made in writing at least three weeks in advance of the scheduled showing. All films and videos are offered free of charge, but users must pay return postage and insurance. The films and videos must be ordered by catalogue number. For a free catalogue, send a written request to the DNR Film Library, 500 Lafayette Road, St. Paul, MN 55155-4046. For information, contact: Jeanne Bertram, Film Library (612) 296-0899.

New Judicial Selection Commission Members: Governor Rudy Perpich announced the appointment of the 20 judicial district members who will serve on the new Commission on Judicial Selection. These members will review judicial applicants when a state District Court vacancy occurs in their specific judicial district. Last month, Governor Perpich appointed seven at-large members, and last week the Supreme Court appointed its two at-large members and 20 judicial district representatives. The commission's four representatives of a specific judicial district (two appointed by the Governor and two by the Supreme Court) will join the nine at-large members to consider open seats from that district. The 49-member commission was created during the 1990 legislative session. Governor Perpich's appointments are: First District—Philip Villaume, Mendota Heights, and Dick Mulcrone, Shakopee; Second District—Mike Tomalte, St. Paul, and Richard Oberstar, New Brighton; Third District—Loretta Frederick, Winona, and Sue Jorganson, Albert Lea; Fourth District—Wes Iijima, Minneapolis, and Elaine Salinas, Minneapolis; Fifth District—Jim Malters, Worthington, and Henry Martin, Worthington; Sixth District—Tom Huntley, Duluth, and Russ Passcuzzi, Cook; Seventh District—Paul V. McCarten, Alexandria, and Shirley Schultz, Osakis; Eighth District—Brian Wojtalewicz, Appleton, and Rolf Hage, New London; Ninth District—Dennis Sobolik, Hallock, and Lorraine Cecil, Bemidji; and Tenth District—Steve Lastovich, St. Cloud, and Dr. Norman Kittel, St. Cloud.

Mondale to Chair United Nations Day: Governor Rudy Perpich has appointed former Vice President Walter Mondale to serve as state chair for United Nations Day on October 24. This year on the United Nation's 45th anniversary, communities across the United States and the world will hold festivals, seminars and public events to highlight this year's themes—international literacy and our global environment.

Ethical Practices Board's New Officers Hold Regional Meetings: At its regular meeting held on July 26, 1990 in Saint Paul, the Ethical Practices Board elected the following new officers: Board Chair-Douglas R. Ewald, Minnetonka, Vice-Chair-William M. Heaney, Minneapolis, Secretary-Bruce D. Willis, Minneapolis.

• The Ethical Practices Board is holding Campaign Finance Disclosure Regional Meetings which include laws and rules governing campaign contributions to state candidates, campaign expenditures, public financing, recordkeeping, and preparation of Reports of Receipts and Expenditures. Below is the schedule for the Ethical Practices Board meetings: ST. PAUL-August 6, 1990-1:00 to 4:00 p.m., August 13, 1990-5:00 to 7:00 p.m., August 21, 1990-3:00 to 6:00 p.m., August 23, 1990-4:00 to 7:00 p.m., August 25, 1990-1:00 to 1:00 p.m., 107 Capitol Bldg., St. Paul, Minnesota; DULUTH-August 7, 1990-1:00 to 4:00 p.m., Small Claims (Conciliation) Courtroom, 1st Flr., Duluth, Minnesota, and 6:00 to 9:00 p.m., County Board Room, 2nd Flr., Duluth, Minnesota; GRAND RAPIDS-August 8, 1990-1:00 to 4:00 p.m., County Board Room, Grand Rapids, Minnesota, and 6:00 to 9:00 p.m., Itasca County Courthouse, Grand Rapids; ST. CLOUD-August 9, 1990-1:00 to 4:00 p.m., Board Room, 102 Stearns County Courthouse, St. Cloud, Minnesota; MARSHALL-August 15, 1990-4:00 to 7:00 p.m., Law Enforcement Bldg., Basement Level, Street Side, 611 West Main, Marshall,

Excellence in Financial Reporting: The State of Minnesota has been awarded the Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association of the United States and Canada (GFOA). The state's Finance Department was cited for its comprehensive annual financial report for the fiscal year ending June 30, 1989. "The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment," GFOA officials said. The state's annual financial report has been judged to meet the high standards of the program including demonstrating a constructive "spirit of full disclosure" effort to clearly communicate its financial story and motivate potential persons and groups to read the report. In addition to the Certificate of Achievement, an Award of Financial Reporting Achievement was presented to Rosalie Greeman, director of financial reporting in the state Department of Finance. The GFOA is a nonprofit professional association serving 12,000 government finance professionals.

Minnesota; ROCHESTER-August 16, 1990-5:00 to 9:00 p.m., Board Room, Olmsted County Courthouse, Rochester, Minnesota.

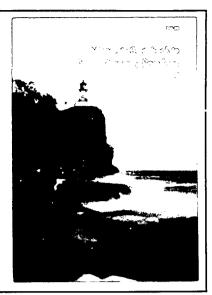
A Beacon to Guide You-Minnesota's Owners Manual

You'll enjoy smooth sailing through your business with state government with the Minnesota Guidebook to State Agency Services 1987-1990.

Considered one of the finest resources to Minnesota's state agencies, this valuable and useful book is a treasure awaiting your discovery.

Packed with information to help you, its 640 pages guide you through license requirements, forms, fees, reports, services, grants, hotlines, maps, history, travel highlights and more. Its listing of addresses, phones, and agency descriptions cuts red tape so you get easy and fast service.

Copies cost \$15.00 (+90¢ tax, MN residents only). Make checks out to the "State of Minnesota" and send to the Print Communications Division, 117 University Avenue, St. Paul, MN 55155. MasterCard and VISA orders can be taken over the phone by calling (612) 297-3000 or toll-free in Minnesota 1-800-652-9747. FAX: (612) 296-2265.



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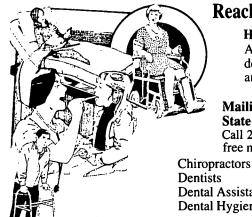
Our Minnesota. More than 100 full-color photos by Les and Craig Blacklock portray Minnesota in her seasonal beauty, with text from the personal journal of Fran Blacklock's thirty years of traveling the state. Stock #9-23. \$13.95 plus tax.

Minnesota Geographic Names. Place names by the thousand, with even more intriguing historical tidbits, in this over 800-page book. A must for the Minnesotalover! Stock #17-13, \$12.95 + tax.

Historic Sites and Place Names of Minnesota's North Shore. John Fritzen, long time employee of the Minnesota DNR draws upon his almost 40 years as a forester, mostly spent on Minnesota's colorful and legendary North Shore, to regale readers with tales of timbermen, pioneer settlers, miners, commercial fishermen and others. Black and white photos. Stock No. 1-89. \$17.00.

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 \$2.00 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. Prices are subject to change. FAX: (612) 296-2265.

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Minnesota's North Shore

Historic Sites and Place Names of Minnesota North Shore. Stories recounted by a retired DNR Forester about the North Shore's timbermen, pioneer settlers, commercial fishermen, and others who knew the area first hand. Stock #9-11. 35pp. \$3.50 + tax.

Up North. A memorable collection of essays and stories that capture the mystic moods, seasonal subtleties and colorful characters that fill the landscape up north. Stock #19-16. \$14.95

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Boundary Waters. Almost 100 pages of beautiful color photographs of Minnesota's canoe country, by Jerry Stebbins with rich text by Greg Breining. Stock #19-69. \$24.99 + tax.

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Chemical Dependency Programs Directory 1989. Features comprehensive listings for programs ranging from Prevention/Intervention Services to a wide range of Treatment Services. Each type of program includes an alphabetical listing of facilities and brief narrative description of programming provided. Stock No. 1-12, \$15.00 plus tax.

Process Parenting—Breaking the Addictive Cycle. A training manual that provides parent education and treatment techniques for professionals who work with recovering chemically dependent parents or dysfunctional families. Stock No. 5-4, \$15.00 plus tax.

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Historic Sites and Place Names of Minnesota's North Shore. John Fritzen, long time employee of the Minnesota DNR draws upon his almost 40 years as a forester, mostly spent on Minnesota's colorful and legendary North Shore, to regale readers with tales of timbermen, pioneer settlers, miners, commercial fishermen and others. Black and white photos. Stock #9-11. \$3.50 plus tax.

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