

82 June 14

# STATE REGISTER

STATE OF MINNESOTA

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Printing Schedule for Agencies

Table with 4 columns: Issue Number, Submission deadline for Executive Orders, Rules and Proposed Rules, Submission deadline for State Contract Notices and Official Notices, Issue Date. Includes SCHEDULE FOR VOLUME 6 and SCHEDULE FOR VOLUME 7.

\*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...

\*\*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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- Albert H. Quie, Governor; Carol Anderson Porter, Editor; David Zunker, Information Officer; James J. Hiniker, Jr., Commissioner; Paul Hoffman, Robin PanLener, Roy Schmidtke, Jean Walburg, Editorial Staff; Stephen A. Ordahl, Director; Debbie Kobold, Circulation Manager; Margaret Connelly, State Register Index Editor.

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How to Follow State Agency Rulemaking Action in the State Register

State agencies must publish notice of their rulemaking action in the State Register. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION. Such notices are published in the OFFICIAL NOTICES section. Proposed rules and adopted rules are published in separate sections of the magazine.

The PROPOSED RULES section contains:

- Calendar of Public Hearings on Proposed Rules.
• Proposed new rules (including Notice of Hearing and/or Notice of Intent to Adopt Rules without A Hearing).
• Proposed amendments to rules already in existence in the Minnesota Code of Agency Rules (MCAR).
• Proposed temporary rules.

The ADOPTED RULES section contains:

- Notice of adoption of new rules and rule amendments (those which were adopted without change from the proposed version previously published).
• Adopted amendments to new rules or rule amendments (changes made since the proposed version was published).
• Notice of adoption of temporary rules.
• Adopted amendments to temporary rules (changes made since the proposed version was published).

All ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES published in the State Register will be published in the Minnesota Code of Agency Rules (MCAR). Proposed and adopted TEMPORARY RULES appear in the State Register but are not published in the MCAR due to the short-term nature of their legal effectiveness.

The State Register publishes partial and cumulative listings of rule action in the MCAR AMENDMENTS AND ADDITIONS list on the following schedule:

Table with 2 columns: Issue range and Issue number. Includes: Issues 1-13, inclusive (Issue 39, cumulative for 1-39); Issues 14-25, inclusive (Issues 40-51, inclusive); Issue 26, cumulative for 1-26 (Issue 52, cumulative for 1-52); Issue 27-38, inclusive.

The listings are arranged in the same order as the table of contents of the MCAR.

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# **ADOPTED RULES**

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The adoption of a rule becomes effective after the requirements of Minn. Stat. § 15.0412, subd. 4, have been met and five working days after the rule is published in the *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 strike outs and new language will be underlined, and the rule's previous *State Register* publication will be cited.

A temporary rule becomes effective upon the approval of the Attorney General as specified in Minn. Stat. § 15.0412, subd. 5. Notice of his decision will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under subd. 4.

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## **Department of Commerce Insurance Division**

### **Notice of Extension of Adopted Temporary Rules Requiring Annual Audited Financial Reports**

The Commissioner of Insurance has extended the effective date of the adopted temporary rules requiring annual audited financial reports until September 22, 1982. These rules were originally adopted on March 26, 1982 to be effective until June 24, 1982, and were published at *State Register*, Volume 6, Number 42, pp. 1747-1748, on April 19, 1982 (6 S.R. 1747).

Michael D. Markman  
Commissioner of Insurance

## **Minnesota Housing Finance Agency**

### **Adopted Temporary Rule Governing Income Limits for the Medium Density Housing Program**

The temporary rule proposed and published at *State Register*, Volume 6, Number 39, pages 1633-1634, March 29, 1982 (6 S.R. 1633) is adopted as proposed.

## **Minnesota Housing Finance Agency**

### **Adopted Temporary Rules Governing Income Limits for Limited Unit Developments and Eligibility for the Home Ownership Assistance Fund**

The temporary rules proposed and published at *State Register*, Volume 6, Number 39, pages 1634-1637, March 29, 1982 (6 S.R. 1634) are adopted as proposed.

## **Minnesota Housing Finance Agency**

### **Notice of Extension of Temporary Rules Governing Income Limits for the Home Improvement Loan Program**

Notice is hereby given that 12 MCAR § 3.002 O. [Temporary] which governs income limits for home improvement loans, effective December 23, 1981, and published in the *State Register* as adopted at Volume 6, Number 31, page 1439 is being continued in effect for an additional 180 days. This continuation is in accordance with Chapter 562, 1982 Laws of Minnesota. The new expiration date for 12 MCAR § 3.002 O. [Temporary] will be December 18, 1982, or the date 12 MCAR § 3.002 O. [Temporary] is replaced by permanent rules, whichever date is earlier.

# SUPREME COURT

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## Decisions Filed Friday, June 4, 1982

### Compiled by John McCarthy, Clerk

81-726/Sp. State of Minnesota v. Jerome Scott Zuehlke, Appellant. Faribault County.

Where a person is separately charged in county court and in district court for offenses which were committed in a unitary course of criminal conduct, the defendant's conviction of one of the offenses ordinarily will operate as a bar to continuing the prosecution of the other offense.

Conviction vacated. Otis, J.

81-889 State of Minnesota v. Charles L. Nading, Appellant. Big Stone County.

Under the circumstances of this case the fact that defendant was ordered to lie on the ground did not convert what was intended to be a temporary detention into an arrest.

Affirmed. Otis, J.

81-145/Sp. Lee H. Schander v. Northern States Power Company, et al., Relators. Workers' Compensation Court of Appeals.

The coverage of the Workers' Compensation Act does not extend to an employee while returning to his home from a retraining course, and injuries sustained in an automobile accident during such travel are not compensable.

Reversed. Otis, J.

81-954 Richard Novitsky, Relator, v. Department of Natural Resources, Commissioner of Economic Security. Department of Economic Security.

Wages which are "due and payable but not paid," Minn. Stat. § 268.04, subd. 26 (1980), includes wages earned by an employee before the effective date of a claim for unemployment compensation benefits but paid thereafter.

Reversed. Otis, J.

81-888/Sp. Norbert Osendorf v. American Family Insurance Company, Appellant. Stearns County.

Evidence was sufficient to support jury findings of misrepresentation and negligence.

Illegal employment exclusion in insurance policy requires factual determination of whether certain farm employment was "dangerous" within the meaning of applicable statute.

Affirmed in part, reversed and remanded in part. Peterson, J.

81-168 State of Minnesota v. Andrew Luna, Appellant. Freeborn County.

Evidence was sufficient to support conviction of criminal sexual conduct in the first degree.

Trial court did not commit prejudicial error in admitting *Spreigl* evidence or in requiring state's rebuttal witness, who had earlier testified for the defense, to retake the oath before she testified again.

Trial court properly departed from presumptive sentence established by Minnesota Sentencing Guidelines and Commentary, 1980.

Affirmed. Yetka, J.

81-934, 81-997 Bernette Minogue, widow of Rebert J. Minogue, Relator, v. City of St. Paul (self-insured), and State Treasurer, Custodian of the Special Compensation Fund. Workers' Compensation Court of Appeals.

Under the law in effect on July 12, 1978, dependents of an employee are not entitled to recover workers' compensation disability benefits that were not paid to the employee prior to his death.

The matter of attorneys' fees is remanded because the record does not contain fully adequate information to justify the fee.

Affirmed in part, remanded in part. Scott, J.

81-1105 Victor H. Nibbe, Relator, v. City of St. Paul (Self-Insured). Workers' Compensation Court of Appeals.

The finding that employee intended to and did retire from an active labor market at the age of 65 does not have sufficient evidentiary support since consideration of the evidence as a whole and the reasonable inferences permissible therefrom clearly requires reasonable minds to adopt a contrary conclusion.

Reversed. Scott, J.

## SUPREME COURT

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50723 In the Matter of the Application for the Discipline of Robert J. Leali, an Attorney at Law of the State of Minnesota. Supreme Court.

Per Curiam.

81-1129 In the Matter of the Petition for the Disbarment of Mark G. Moberly, a Minnesota Lawyer. Supreme Court.

Per Curiam.

### Decision Filed Thursday, May 27, 1982

81-199/Sp. James I. Posz, Appellant, v. State of Minnesota. Hennepin County.

District court properly denied postconviction petition for resentencing according to the Minnesota Sentencing Guidelines where petitioner failed to meet his burden of proving that his early release from sentence would not present a danger to the public and would not be incompatible with the welfare of society.

Affirmed. Amdahl, C. J.

### Decisions Filed Friday, May 28, 1982

82-206/Sp. Dennis Marlowe Hanson, petitioner, Appellant, v. State of Minnesota. Hennepin County.

District court justifiably refused to find that petitioner's early release from sentence would not present a danger to the public and would not be incompatible with the welfare of society, and therefore the court properly denied the petition for resentencing according to the Minnesota Sentencing Guidelines.

Affirmed. Amdahl, C. J.

82-324/Sp. State of Minnesota v. Paul Walter Boman, Appellant. Pennington County.

District court properly denied petition for resentencing according to the Minnesota Sentencing Guidelines where petitioner failed to meet his burden of proving that his early release would not be incompatible with the welfare of society.

Affirmed. Amdahl, C. J.

## STATE CONTRACTS

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Pursuant to the provisions of Minn. Stat. § 16.098, subd. 3, an agency must make reasonable effort to publicize the availability of any consultant 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.

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### Department of Administration State Building Construction Division

#### Notice of Availability of Contracts for Registered Professional Testing Services

The Department of Administration (DOA) intends to retain the services of qualified professionally registered individuals to conduct site surveys, materials testing and soil borings and tests during the year commencing July 1, 1982. These projects will be varied in nature and scope. The fees associated with these projects will generally be less than \$2,000.00 although the fees for some projects may exceed this amount.

As projects arise, it is the intention of DOA to contact firms who have expressed an interest in providing such services to the state. The final selection will be made on the basis of the background and experience of the firm, the geographic proximity of the firm to the project site, and an estimate of the fees to be charged for the specific project. Such estimates will be requested when a specific project exists.



Firms wishing to be considered for these projects are asked to submit a short brochure or resume consisting of no more than 10 pages outlining their background, qualifications, and fields of expertise to the Division of State Building Construction, Room G-10, State Administration Building, St. Paul, Minnesota 55155, *Attention: George Iwan*. Since the selection of designers may begin in advance of July 1, 1982, firms are encouraged to submit their brochures or resumes as soon as possible. Qualified applicants will be contacted as the need arises and may be requested to appear in St. Paul for an interview.

Firms which have previously responded to this request need only provide a letter expressing continued interest.

Names of qualified firms will be retained on file with DOA until June 30, 1983. Names of firms will be provided to other State Agencies having a need for the services described herein.

## **Department of Administration State Building Construction Division**

### **Notice of Availability of Contracts for Architects, Engineers and Landscape Architects**

The Department of Administration (DOA) intends to retain the services of qualified professionally registered architects, engineers and landscape architects, to design, prepare construction drawings and monitor construction of a number of projects during the year commencing July 1, 1982. These projects will be varied in nature and scope and will involve new construction, remodeling projects and facility studies. The cost of construction or remodeling projects will be less than \$400,000.00 and the fees associated with facility studies will be less than \$35,000.00. Particular emphasis will be placed on the background and experience of the firm on similar projects as well as the firm's geographic proximity to the project.

Firms wishing to be considered for these projects are asked to submit a short brochure or resume consisting of no more than 10 pages giving qualifications and experience of the firm to the Division of State Building Construction, Rm. G-10, State Administration Building, St. Paul, Minnesota 55155, *Attention: George Iwan*. Qualified applicants will be contacted as the need arises and may be requested to appear in St. Paul for an interview. Firms which responded during the past year need only respond with a letter indicating continued interest.

In submitting their brochures or resumes, firms shall indicate the area or areas of the list shown below in which they feel qualified.

- |                              |                                    |
|------------------------------|------------------------------------|
| 1) Research and Programming  | 9) Arts, including Performing Arts |
| 2) Educational               | 10) Exhibition and Display         |
| 3) Health and Medical        | 11) Landscape and Site Planning    |
| 4) Correctional              | 12) Interiors                      |
| 5) Restoration               | 13) Water and Waste Facilities     |
| 6) Office and Administration | 14) Energy Supply and Distribution |
| 7) Recreational              | 15) Pollution Control              |
| 8) Service and Industrial    | 16) Acoustics                      |

The name of firms responding will be provided to other state agencies having a need for the services described herein.

Names of qualified firms will be retained on file with DOA until June 30, 1983.

Designers for projects with estimated costs or fees in excess of those shown above will be selected by the State Designer Selection Board. Projects referred to the board will be advertised through the board.

## **Department of Administration State Employee Assistance Program**

### **Notice of Request for Proposals to Provide Diagnostic and Referral Services for State Employee Assistance Program**

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

The estimated amount of the contract in each of these areas will not exceed \$4,000. Responses must be received by July 5, 1982.

## STATE CONTRACTS

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Direct inquiries to:

Warren C. Gahlon  
Director  
State Employee Assistance Program  
Suite 200—Summit Bank Building  
205 Aurora Avenue  
St. Paul, Minnesota 55103  
(612) 296-0765

### **Department of Administration State Register and Public Documents Division**

#### **Notice of Request for Proposals for Publishing and Direct Mail Marketing Services**

The Minnesota Department of Administration, State Register and Public Documents Division, is seeking proposals from qualified firms to implement a project which will result in increased public awareness of the Document Center Sales Program. This will be achieved through identification of product class; identification and targeting of markets; development of an overall design concept and communication message; investigation of resale potential; development of contacts in media and corporate and private industry; use of available technology for direct mail marketing, including compilation and maintenance of computerized mailing lists; and market research and analysis.

It is estimated that the cost of the project will not exceed \$8,000.

Persons wishing to obtain the Request for Proposal may contact:

Stephen A. Ordahl, Director  
State Register & Public Documents Division  
117 University Avenue  
St. Paul, MN 55155  
(612) 297-2553

All responses must be submitted by 4:00 p.m., July 2, 1982.

### **Department of Corrections Minnesota Correctional Facility—Stillwater**

#### **Notice of Request for Proposals for Professional/Technical/Purchase Services Contracts**

Notice is hereby given that the Minnesota Correctional Facility—Stillwater and Oak Park Heights are seeking the following services for the period July 1, 1982, through June 30, 1983.

1. Services of a Dental Laboratory in the construction and repair of full and partial dentures as prescribed for inmates by Dentists who provide on-site service at Minnesota Correctional Facilities—Stillwater and Oak Park Heights. The estimated amount of the contract will not exceed \$12,500.00.

2. Services of a Medical Laboratory to make daily visits or visits as needed for resident inmates at MCF-OPH and STW to pick up all laboratory specimens for processing and deliver results by mail or call immediately on emergency cases. All containers for specimens must be furnished by the Laboratory. The estimated amount of the contract will not exceed \$5,000.00.

3. Services of an ambulance on an "on call basis" for inmate residents at Minnesota Correctional Facilities—Stillwater and Oak Park Heights. The estimated amount of the contract shall not exceed \$5,000.00.

Direct inquiries for the above-listed contracts to Clyde Eells, Health Services, Minnesota Correctional Facility, Stillwater, Minnesota 55082 or call 439-1910 Ext. 451.

Proposals for the above listed contracts must be submitted no later than June 28, 1982.

## **Department of Economic Security Vocational Rehabilitation Division**

### **Notice of Proposed Contracts—Federal Fiscal Year 1983**

The Minnesota Department of Economic Security, Division of Vocational Rehabilitation is publishing notice that the contracts listed below are available and will be awarded for federal fiscal year 1983 (October 1, 1982 to September 30, 1983):

#### **A. Medical, Psychiatric, and Psychological Services**

1. The Division of Vocational Rehabilitation is seeking an individual to function as the Chief Medical Consultant to provide services under contract as follows:

- a. Provide technical supervision and assistance, and review the work of field office medical consultants;
- b. Analyze the medical service program of the division and make recommendations for program modifications;
- c. Participate in the planning, development, and conduct of in-service training, for both medical consultants and DVR counseling supervisory staff, in the medical aspects of Vocational Rehabilitation;
- d. Assist the agency in the development of forms, procedures and other operational materials that relate to the medical program;
- e. Review individual case material in order to provide advice on diagnosis, prognosis, medical implications and functional limitations resulting from disability;
- f. Represent the agency at meetings of state and local medical societies;
- g. To review and comment on individual medical plans that exceed certain specific cost limitations;
- h. Assist in the recruitment and selection of field office medical consultants.

The medical consultant will be responsible to the Assistant Commissioner for Vocational Rehabilitation with primary administrative direction coming from the Director of Client Services. The individual will be paid at a rate of \$55 per hour. The contract will require an average of 10 to 12 hours per week. Inquiries should be directed to:

William Niederloh  
Director of Client Services  
Division of Vocational Rehabilitation  
3rd Floor—Space Center Bldg.  
444 Lafayette Road  
St. Paul, Minnesota 55101

2. The Client Services Section is seeking to employ individuals under contract who will meet with local staff of the section in order to provide them with advice, consultation, and training on medical and psychiatric or psychological aspects affecting the rehabilitation process for specific clients and for the agency, in general. This section will be seeking at least one medical and one psychiatric or psychological contractor in each of the following locations: Bemidji, Brainerd, Duluth, Fergus Falls, Mankato, Minneapolis, Rochester, St. Cloud, St. Paul, Virginia, Willmar and Worthington. All individuals will be paid at a rate of \$35 to \$50 per hour. Most contract work will require an average of 2 to 4 hours per week. Inquiries should be directed to:

William Niederloh  
Director of Client Services  
Division of Vocational Rehabilitation  
3rd Floor—Space Center Bldg.  
444 Lafayette Road  
St. Paul, Minnesota 55101

3. The Social Security Disability Determination Services Section is seeking to employ individuals under contract who will advise and consult with disability examiner staff and others about medical and psychological aspects of disability determination for specific claimants including the nature and severity of disease processes, appropriate medical development and case documentation, and assessment of the claimant's residual level of functioning. The contractor will also be required to certify the determination of disability as required by the Social Security Administration. The section will be seeking one licensed consulting psychologist and twenty to twenty-four medical doctors. All services will be utilized in St. Paul. All individuals will be paid at a rate of \$35 to \$50 per hour. Contracts will vary from 8 to 20 hours per week. Inquiries should be directed to:

## STATE CONTRACTS

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Irene Suddard  
Assistant Director for Medical Services  
Disability Determination Services Section  
Division of Vocational Rehabilitation  
Suite #460—Metro Square Bldg.  
Seventh and Robert Streets  
St. Paul, Minnesota 55101

### B. Psychometric Testing Services

1. The Client Services Section is seeking a contractor who would provide psychometric testing to about 4,500 disabled clients. The testing would be provided by the contractor in eighty-five testing locations located throughout the state of Minnesota. The contractor would be required to administer any of seven psychometric tests and provide test scores, together with an interpretation of the test results, within two weeks of the testing date. Inquiries should be directed to:

William Niederloh  
Director of Client Services  
Division of Vocational Rehabilitation  
3rd Floor—Space Center Bldg.  
444 Lafayette Road  
St. Paul, Minnesota 55101

### C. Mobile Medical Examination Services

1. The Social Security Disability Determination Services Section is seeking the services of contractors to provide qualified physicians in certain specialties (e.g. psychiatry, neurology and orthopedics) to travel to various Minnesota cities (e.g. Brainerd, Bemidji, Crookston and St. Cloud) to perform consultative examinations and provide written results of these examinations. The division's fee schedule will be used as a guide to determine compensation. Total contracts are not expected to exceed \$85,000. Reimbursement for mileage according to state regulations is provided. Inquiries and formal expressions of interest should be directed to:

Irene Suddard  
Assistant Director for Medical Services  
Disability Determination Services Section  
Division of Vocational Rehabilitation  
Suite #460—Metro Square Bldg.  
Seventh and Robert Streets  
St. Paul, Minnesota 55101

### D. Medical Teledictation Service

1. The Social Security Disability Determination Services Section is seeking the services of a contractor to receive by telephone, transcribe and deliver medical reports dictated by consulting and treating physicians. Telephone lines are to be used exclusively by this section. Dictation recording equipment is to be provided by the contractor. Compensation is based on a 12-14 (elite type) word line. The contract is not expected to exceed 850,000 lines.

Inquiries and formal expression of interest should be directed to:

Irene Suddard  
Assistant Director for Medical Services  
Disability Determination Services Section  
Division of Vocational Rehabilitation  
Suite #460—Metro Square Bldg.  
Seventh and Robert Streets  
St. Paul, Minnesota 55101

All expressions of interest must be submitted to the persons named above by July 16, 1982. Contractors will be selected from individuals expressing interest based on qualifications and appropriate experience. Documentation concerning these will be requested, if needed.

## **Minnesota Housing Finance Agency Home Improvement Division**

### **Notice of Request for Proposals for Housing Inspections**

The Minnesota Housing Finance Agency intends to engage the services of a housing inspector to make inspections of single family houses improved through its home improvement loan program.

The contractor will be expected to contact individuals identified by the agency to schedule inspections. The contractor will inspect properties to determine compliance with program standards and complete a written inspection report in evidence of each inspection. The contractor is expected to provide the automobile to be used for inspections and must be available to travel to all parts of the state. Travel reimbursement is allowed in accordance with state guidelines.

The agency intends to conduct 100 inspections. It is probable that at least 50% of the inspections will be for properties located outside the seven-county metropolitan area. The inspections must be completed by November 1, 1982.

Proposals must be in writing and must be received by the agency no later than 4:30 p.m. on July 1, 1982.

General inquiries and proposals should be directed to:

Mr. James Cegla  
Coordinator, Home Improvement Loan Program  
Minnesota Housing Finance Agency  
333 Sibley Street, Suite 200  
St. Paul, MN 55101  
(612) 297-3121

## **Waste Management Board**

### **Notice of Request for Proposals for Contractual Services to Develop Information on Additional Areas to be Considered as Preferred Areas for Hazardous Waste Processing Facilities**

Notice is hereby given that the Waste Management Board is requesting proposals for the purpose of gathering land use and related information about additional areas that may be considered for inclusion on the board's inventory of preferred areas for hazardous waste processing facilities. This search will involve re-examination of industrial lands within the Twin Cities Metropolitan area.

Estimated cost: Not to exceed \$30,000

Contact person: Sharon Decker  
Project Manager—Hazardous Waste Processing  
Waste Management Board  
7323 58th Avenue North  
Crystal, MN 55428  
(612) 536-0816

Submission deadline: June 28, 1982

Interested persons may obtain a request for proposal from Ms. Decker.

Respondents must have experience in land use planning, transportation planning, and soils and geologic data interpretation.

# OFFICIAL NOTICES

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Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

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## Department of Health Disease Prevention and Control Division

### Notice of Intent to Solicit Outside Information and Opinions Concerning Revisions of Minnesota Rules: Chapter 1 (MHD 1 and 2)—“Duties of Local Health Officers and County Boards of Health” and Chapter 20 (MHD 316-340)—“Communicable Disease”

Notice is hereby given that the Minnesota Department of Health is considering revising Minnesota Regulations Chapter 1 (MHD 1 and 2)—“Duties of Local Health Officers and County Boards of Health” and Chapter 20 (MHD 316-340)—“Communicable Disease.”

The rules are promulgated pursuant to Minn. Stat. § 144.05 and § 144.12 (1981 Supplement), which allows the Commissioner of Health to conduct studies and investigations, to plan for and organize services for the prevention and control of illness and to enforce health standards for the protection and promotion of the public's health including reporting disease. The types of revisions being considered include, but are not limited to, additions and deletions to the list of reportable diseases, the types of quarantine measures provided, and updating the provisions of the rules to make them consistent with recent legislation and current medical practice.

All interested or affected persons or groups may submit information on the subject. Written or oral information and comment should be addressed to:

Mr. John Washburn  
Disease Prevention and Control Division  
Room 330, Minnesota Department of Health  
717 Delaware Street S.E.  
Minneapolis, Minnesota 55440

## State Board of Investment

### Notice of Regular Meeting

The State Board of Investment will meet Tuesday, June 22, 1982, at 9:45 a.m. in Room 130, State Capitol, Saint Paul.

## Investment Advisory Council

### Notice of Regular Meeting

The Investment Advisory Council will meet Tuesday, June 22, 1982 at 7:30 a.m. in the MEA Conference Room, 41 Sherburne Avenue, Saint Paul.

## Minnesota Bureau of Mediation Services

### Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing the Procedure for Determining Appropriate Units, Representation, Fair Share Fees, Mediation and Impasse Procedures

Notice is hereby given that the Minnesota Bureau of Mediation Services is seeking information or opinions from sources outside the agency in preparing to promulgate rules governing the procedure for determining appropriate units, representation, fair share fees, mediation and impasse procedures. Rules covering the subjects are currently codified at 8 MCAR § 2 (BMS 100-154). The promulgation of these new rules is authorized by Minn. Stat. § 179.71, subd. 5 (1980) which requires the Director of the Bureau of Mediation Services to adopt reasonable and proper rules relative to and regulating the forms of petitions, notices, orders and the conduct of hearings and elections.

The Minnesota Bureau of Mediation Services requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Lyle C. Horton  
Bureau of Mediation Services  
205 Aurora Avenue  
St. Paul, Minnesota 55103

Oral statements will be received during regular business hours over the telephone at 296-2525 and in person at the above address.

All statements of information and comments shall be accepted until August 1, 1982. Any written material received by the Minnesota Bureau of Mediation Services shall become part of the record in the event that these rules are promulgated.

Peter E. Obermeyer, Director  
Bureau of Mediation Services

## Department of Natural Resources

### Petition(s) Concerning the Designation of Certain Public Waters and Wetlands in Wright County

#### Notice of and Order for Hearing

It is hereby ordered and notice is hereby given that a public hearing in the above-entitled matter pursuant to Minn. Stat. § 105.391, subd. 1 (1980) will be held in the Community Room, Courthouse Annex, Buffalo, MN 55313, on June 30, 1982 commencing at 9:30 a.m. and continuing until all persons have had an opportunity to be heard. The hearing will be conducted by a three-person hearings unit consisting of County Representative Paul McAlpine, Maple Lake, MN 55358, Department of Natural Resources representative Maynard Nelson, Box 756, Hwy. 15 South, New Ulm, MN 56073, and County Soil and Water Conservation District representative Oliver Johnson, Route 2, Box 35, Cokato, MN 55321.

Each of the waters listed in this notice is the subject of a petition for a hearing. The issue to be determined at the hearing is whether the following waters shall be designated public waters or wetlands pursuant to Minn. Stat. § 105.391 (1980) and the criteria contained in Minn. Stat. § 105.37, subs. 14 and 15 (1980). Please take notice that waters listed in A.2. may sometimes also be considered for designation, in the alternative, as wetlands.

#### A. PUBLIC WATERS

##### 1. Watercourses.

<u>Name</u>	<u>Section</u>	<u>Township</u>	<u>Range-to-Section</u>	<u>Township</u>	<u>Range</u>
None					

##### 2. Preliminarily designated under section 105.37, subs. 14(a)-14(h).

<u>Number and Name</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>
None			

#### B. WETLANDS

<u>Number and Name</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>
86-324: Unnamed	10	120 (Chatham)	26
86-390: Unnamed	16	119 (Middleville)	27
* 86-504: Unnamed	SW NW 1	122 (Silver Creek)	26
* 86-505: Unnamed	NW SW 1	122 (Silver Creek)	26

\* petitioned to be added.

Within 60 days following completion of the hearing, the hearings unit shall issue its findings of fact, conclusions and an order, which shall be considered the decision of an agency in a contested case for purposes of judicial review pursuant to Minn. Stat. §§ 15.0424 and 15.0425 (1980).

Any activity that would change the course, current or cross section of public waters or wetlands requires a permit from the Commissioner of Natural Resources. Minn. Stat. § 105.42, subd. 1 (1980). Designation as public waters or wetlands does not

## OFFICIAL NOTICES

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transfer ownership of the bed or shore, does not grant the public any greater right of access to those waters than was available prior to designation and does not prevent a landowner from utilizing the bed of those waters for pasture or cropland during periods of drought. Minn. Stat. § 105.391, subs. 10 and 12 (1980).

All petitioners may be represented by counsel or anyone else of their choosing and shall be given an opportunity to be heard orally, to present and cross-examine witnesses and to submit written data, statements or arguments. Petitioners should bring all evidence bearing on these matters including maps, records or other documents.

Failure to attend may result in the challenged waters being designated public waters or wetlands and may prejudice your rights in this and subsequent proceedings.

Questions concerning this Notice and Order may be directed to any member of the hearings unit or to

David B. Milles  
DNR—Division of Waters  
Third Floor, Space Center Building  
444 Lafayette Road  
St. Paul, MN 55101  
Telephone: 612/296-0516.

June 1, 1982

Joseph N. Alexander, Commissioner  
Department of Natural Resources

## Department of Natural Resources Waters Division

### Notice of Intent to Solicit Outside Opinion Regarding Amendment of the Rules Providing Standards and Criteria for Permits to Make Changes in the Course, Current, or Cross Section of Public Waters

The Department of Natural Resources is seeking information and opinion from sources outside the agency in preparing changes to the rules. The department is considering changes to parts of the rules addressed to matters such as beach sand blankets riprap, full, navigational access, excavation, soil disposal, lake restoration, offshore and inland harbors, watercourse channelizing, docks, floating structures, boathouses, breakwaters, marinas, boat launch ramps, water level control facilities, dams, partial drainage, temporary drawdown, and changes to public waters related to mining peat and metallic and non-metallic minerals including sand and gravel, stone, clay, mart and coal.

The rules being amended are authorized by Minn. Stat. § 105.415. They address the permits required by Minn. Stat. §§ 105.42 and 105.64.

You may submit information or comments, orally or in writing, concerning the subject matter of the proposed amendments, to:

David Milles  
Division of Waters  
Department of Natural Resources  
Box 32  
Centennial Building  
St. Paul, Minnesota 55155  
(612) 296-0516 or 297-2835

The department will accept information and comment through July 30, 1982. Written material will become part of the record of the amendment proceedings.

Steven G. Thorne  
Deputy Commissioner  
Department of Natural Resources



## **Minnesota State Retirement System**

### **Regular Meeting, Board of Directors**

A meeting of the Board of Directors, Minnesota State Retirement System, will be held on Friday, June 18, 1982 at 8:30 A.M. in the office of the System, 529 Jackson Street, St. Paul, Minnesota.

## **Office of the Secretary of State**

### **Notice of Vacancies in Multi-member State Agencies**

Notice is hereby given to the public that vacancies have occurred in multi-member state agencies, pursuant to Minn. Stat. § 15.0597, sub. 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul 55155-1299; (612) 296-2805. **Application deadline is July 6, 1982.**

**BOARD OF ASSESSORS** has 1 vacancy open immediately for a public member. The board licenses assessors and provides continuing education for assessors. Members are appointed by the Governor and must file with EPB. Monthly meetings are held. For specific information, contact the Board of Assessors, 2nd Floor, Centennial Bldg., St. Paul 55155; (612) 296-5040.

**SOLID WASTE MANAGEMENT ADVISORY COUNCIL** has 12 positions open immediately for 4 public members, 4 representatives of local government units, and 4 representatives of private solid waste management firms. Experience is desirable but not required in the following areas: state and municipal finance, solid waste collection, processing and disposal, and solid waste reduction and resource recovery. The council makes recommendations to the Waste Management Board on its solid waste management activities. Members are appointed for 2-year renewable terms by the chairperson of the Waste Management Board. The appointments will be for terms expiring 6/30/84. Meetings are held twice monthly in the metropolitan area; members are compensated for expenses. For specific information, contact Robert Dunn, Chairman, Waste Management Board, 7323-58th Avenue No., Crystal, MN 55428; (612) 536-0816.

**STATE EMPLOYEES SUGGESTION BOARD** has 1 vacancy open immediately for a member. The board manages a state employee suggestion system for approximately 30,000 classified and unclassified state employees in order to provide tangible and intangible savings to the state, increase employee morale, and increase the safety of the employees and public. Members appointed by the Governor. Must be a state officer or employee. Members receive no compensation. Monthly meetings are held at the Administration Bldg. For specific information, contact the State Employees Suggestion Board, 203 Administration Bldg., St. Paul 55155; (612) 296-6798.

**BOARD ON AGING** has 1 vacancy open immediately for a member. The board develops, coordinates, evaluates, and administers federal and state funds for programs for the aging of approximately 15 million; makes grants to 12 area agencies on aging and non-profit agencies; and serves as an advocate for older persons, programs and legislation for older persons in Minnesota. Members are appointed by the Governor, including at least 1 member from each congressional district. Monthly meetings are held at Metro Square Bldg., St. Paul; members receive \$35 per diem plus expenses. For specific information, contact the Board on Aging, Suite 204, Metro Square Bldg., St. Paul 55101; (612) 296-2770.

**ADVISORY COUNCIL ON PLUMBING CODE AND EXAMINATIONS** has 1 vacancy open immediately for a master plumber. The council examines and licenses plumbers, and recommends revisions and amendments to the plumbing code and licensing rules. Members are appointed by the Commissioner of Health and receive \$35 per diem plus expenses. Quarterly meetings are held at the Department of Health. For specific information, contact the Advisory Council on Plumbing Code and Examinations, 717 Delaware S.E., Mpls., 55440; (612) 296-5328.

## **Department of Transportation**

### **Petition of the County of Itasca for a Variance from State Aid Standards for Design Speed**

Notice is hereby given that the County Board of Itasca County has made a written request to the Commissioner of Transportation for a variance from minimum design speed standards for a construction project along CSAH 35 between the Village of Inger and a point 6.1 miles N.E. of Inger.

The request is for a variance from 14 MCAR § 1.5032 H.1.a., Rules for State Aid Operations under Minnesota Statutes, Chapters 161 and 162 (1978) as amended, so as to permit a design speed of 30 miles per hour instead of a required design speed of 40 miles per hour.

## OFFICIAL NOTICES

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Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated this 4th day of June, 1982.

Richard P. Braun  
Commissioner of Transportation

### **Petition of the County of Goodhue for a Variance from State Aid Standards for Design Speed**

Notice is hereby given that the County Board of Goodhue County has made a written request to the Commissioner of Transportation for a variance from minimum design speed standards for a Stanton Township Road 0.2 miles north of Junction CSAH 24.

The request is for a variance from 14 MCAR § 1.5032 H.1.a., Rules for State Aid Operations under Minnesota Statutes, Chapters 161 and 162 (1978) as amended, so as to permit a minimum design speed of 20 miles per hour instead of a minimum design speed of 30 miles per hour.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated this 4th day of June, 1982.

Richard P. Braun  
Commissioner of Transportation

### **Petition of the County of St. Louis for a Variance from State Aid Standards for Design Speed**

Notice is hereby given that the County Board of St. Louis County has made a written request to the Commissioner of Transportation for a variance from minimum design speed standards for CSAH 128 from Trunk Highway No. 1 to a point 1.9 miles South.

The request is for a variance from 14 MCAR § 1.5032 H.1.a. Rules for State Aid Operations under Minnesota Statutes, Chapters 161 and 162 (1978) as amended, so as to permit a minimum design speed of 30 miles per hour instead of a minimum design speed of 40 miles per hour.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated this 4th day of June, 1982.

Richard P. Braun  
Commissioner of Transportation

### **Petition of the City of South St. Paul for a Variance from State Aid Standards for Street Width**

Notice is hereby given that the City Council of the City of South St. Paul has made a written request to the Commissioner of Transportation for a variance from minimum design standards for street width along 5th Avenue between Marie Avenue and 3rd Street North.

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**OFFICIAL NOTICES**

The request is for a variance from 14 MCAR § 1.5032 H.1.c., Rules for State Aid Operations under Minnesota Statutes, Chapters 162 and 163 (1978) as amended, so as to permit a minimum roadway width of 44 feet with parking permitted instead of a roadway width of 46 feet with parking permitted.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated this 4th day of June, 1982.

Richard P. Braun  
Commissioner of Transportation

## **Water Planning Board**

### **Notice of Meeting**

Notice is hereby given that the Water Planning Board will hold a meeting on Thursday, June 17, 1982 in the Department of Natural Resources third floor conference room in the Centennial Office Building, 658 Cedar Street, St. Paul at 1:30 p.m. An agenda for the meeting may be obtained one week prior to the meeting by contracting the undersigned at 600 American Center Building, 150 E. Kellogg Boulevard, St. Paul, Minnesota 55101.

Thomas Kalitowski, Chairman  
Minnesota Water Planning Board

STATE OF MINNESOTA

State Register and Public Documents Division  
117 University Avenue  
St. Paul, Minnesota 55155

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Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_

**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:

**Briefly/Preview**—Senate news and committee calendar; published weekly during legislative sessions. Contact Senate Public Information Office, Room B29 State Capitol, St. Paul MN 55155, (612) 296-0504.

**Perspectives**—Publication about the Senate. Contact Senate Information Office.

**Weekly Wrap-Up**—House committees, committee assignments of individual representatives, news on committee meetings and action, House action and bill introductions. Contact House Information Office, Room 8 State Capitol, St. Paul, MN, (612) 296-2146.

**This Week**—weekly interim bulletin of the House. Contact House Information Office.

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Legislative Reference Library  
Room 111 Capitol  
Interoffice