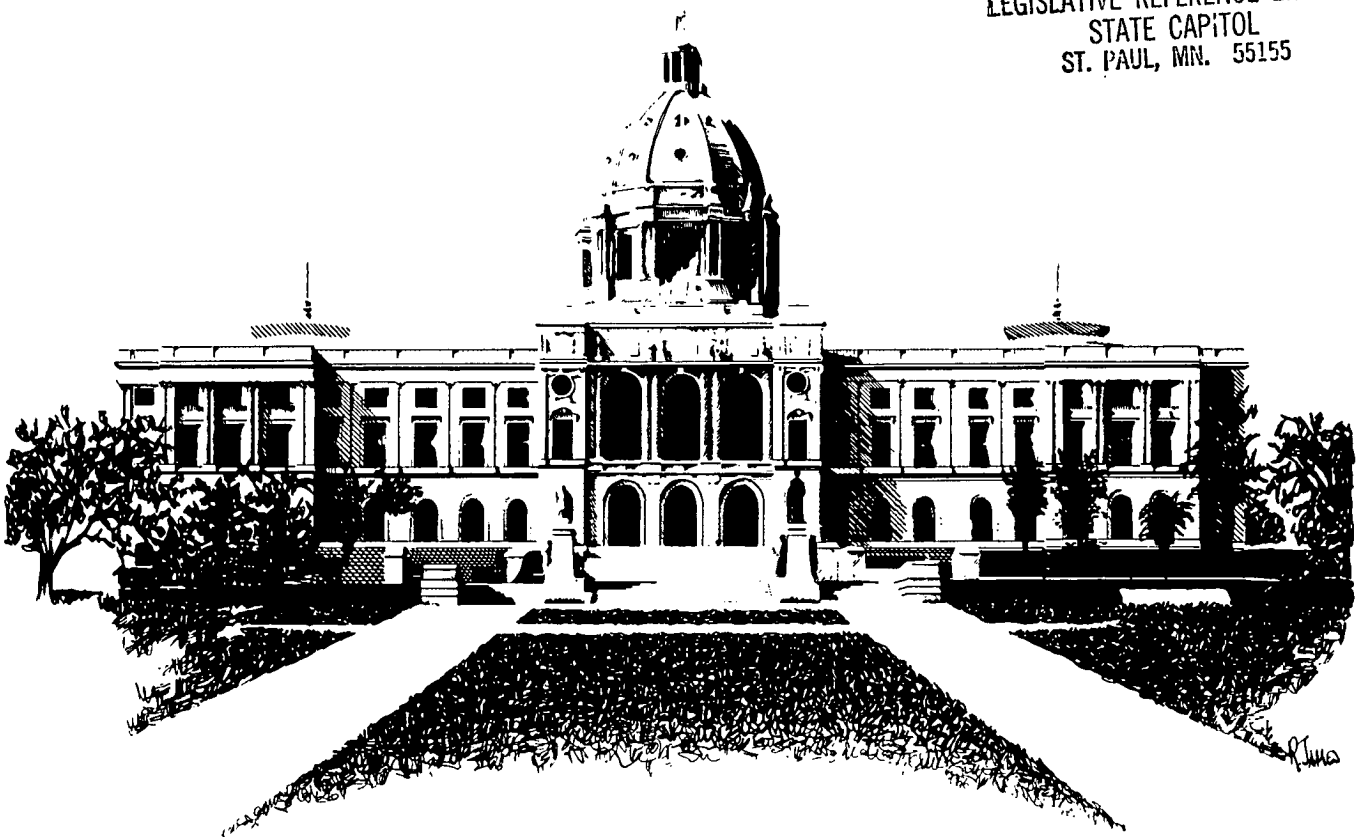


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STATE REGISTER

STATE OF MINNESOTA

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VOLUME 8, NUMBER 28

January 9, 1984

Pages 1653-1668



Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
SCHEDULE FOR VOLUME 8			
29	Friday Dec 30	Monday Jan 9	Monday Jan 16
30	Monday Jan 2	Monday Jan 16	Monday Jan 23
31	Monday Jan 16	Monday Jan 23	Monday Jan 30
32	Monday Jan 23	Monday Jan 30	Monday Feb 6

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

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

Instructions for submission of documents may be obtained from the Office of the State Register, 506 Rice Street, St. Paul, Minnesota 55103, (612) 296-0930.

The *State Register* is published by the State of Minnesota, State Register and Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to Minn. Stat. § 14.46. Publication is weekly, on Mondays, with an index issue in September. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at \$130.00 per year, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota. Publication Number 326630. (ISSN 0146-7751) No refunds will be made in the event of subscription cancellation. Single issues may be obtained at \$3.25 per copy.

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.

The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, and official notices to the public. Judicial notice shall be taken of material published in the *State Register*.

Rudy Perpich
Governor

Marsha Storck
Editor

Sandra J. Hale
Commissioner
Department of Administration

Robin PanLener
Editorial Staff

Stephen A. Ordahl
Director
State Register and
Public Documents Division

Margaret Connelly
State Register Index Editor

Debbie Kobold
Circulation Manager

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NOTICE

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* and filed with the Secretary of State before September 15, 1982, are published in the *Minnesota Code of Agency Rules 1982 Reprint*. **ADOPTED RULES** and **ADOPTED AMENDMENTS TO EXISTING RULES** filed after September 15, 1982, will be included in a new publication, *Minnesota Rules*, scheduled for publication in spring of 1984. In the **MCAR AMENDMENT AND ADDITIONS** listing below, the rules published in the *MCAR 1982 Reprint* are identified with an asterisk. Proposed and adopted **TEMPORARY RULES** appear in the *State Register* but are not published in the *1982 Reprint* 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:

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 1982 Reprint*.

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PROPOSED RULES

Pursuant to Minn. Stat. of 1980, §§ 14.21, 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 seven 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 modifications are supported by the data and views submitted.

If, during the 30-day comment period, seven 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 §§ 14.13-14.20 which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

Pursuant to Minn. Stat. § 14.29, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Labor and Industry Division of Prevailing Wage

Proposed Amendments to the Rules Relating to the Establishment of Prevailing Wages

Notice of Hearing

Notice is hereby given that a second public hearing in the above-entitled matter will be held, for the purpose of receiving additional evidence concerning the proposed rule amendments and the provisions of Chapter 188, Small Business Consideration in Rulemaking, Minn. Stat. 14.115. The second public hearing will be held in conference rooms A and B on the 6th Floor of the Space Center Building, 444 Lafayette Road, St. Paul, Minnesota on Tuesday, February 14, 1984 commencing at 8:30 a.m. and continuing until all persons or representatives of associations or other interested groups have had an opportunity to be heard concerning adoption of the proposed amendments captioned above by submitting either oral or written data, statements or arguments. The entire record of the first public hearing conducted on December 2, 1983 will be incorporated into the record of the second public hearing. Consequently, there is no need to duplicate evidence submitted at the first public hearing. Statements or briefs may be submitted without appearing at the hearing. The hearing attendance is estimated at 50 and is expected to last one-half day.

The Commissioner of Labor and Industry has been provided the statutory authority to promulgate rules governing the establishment of prevailing wages of laborers, workers and mechanics engaged in state projects. The intent of the proposed amendments to the rules are:

- to allow the Department to collect data from a time frame more reasonable to the time of the survey;
- to expand the sources of information from whom data may be collected;
- to provide options to the formula for determining the prevailing rates for classes of labor including the right, in some cases, to certify a collectively bargained rate as the prevailing rate.

As compared with the existing rules, the impact of the proposed rules on small businesses has not changed significantly in either quantity or quality. The existing rules as well as the proposed rules require small businesses (as defined in Minn. Stat. 14.115, subd. 1) to submit information on forms provided or approved by the Department concerning wage rates paid on construction projects in Minnesota.

The promulgation of these rules is authorized by Minnesota Statutes § 175.171, subdivision 2 and requisites of Minnesota Statute § 14.06.

One (1) free copy of the Proposed Amendments may be obtained by contacting:

Don Jackman, Director
Division of Prevailing Wage
Department of Labor and Industry
444 Lafayette Road
St. Paul, Minnesota 55101

Additional copies will be available at the door on the date of the hearing.

PROPOSED RULES

Notice is also hereby given that twenty-five (25) days prior to the hearing an amended statement of need and reasonableness will be available for review at the address given above of the Department of Labor and Industry and at the Office of Administrative Hearings. The statement of need and reasonableness will include a summary of all of the evidence and argument which the department anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed amendments. Copies of the statement of need and reasonableness may be obtained from the Office of Administrative Hearings at a minimal charge.

The proposed amendments are subject to change as a result of the rule hearing process. The Department of Labor and Industry strongly urges those who are potentially affected by these proposed amendments to participate in the rule hearing process.

All interested or affected persons will have an opportunity to participate concerning the adoption of the proposed amendments. Statements may be made orally and written material may be submitted at the hearing. The Department of Labor and Industry hereby requests those submitting written statements to provide a copy of said materials to the department address given previously, if possible. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted by mail to Peter Erickson, Hearing Examiner, Office of Administrative Hearings, 400 Summit Bank Building, 310 South Fourth Avenue, Minneapolis, Minnesota 55415, telephone (612) 341-7606, either before the hearing or within five (5) working days after the close of the hearing. If so ordered by the hearing examiner, the hearing record may remain open and such materials may be submitted for a period longer than five (5) working days but not exceeding twenty (20) calendar days after the close of the hearing. All such statements and materials will be entered into and become part of the record for this proceeding. The rule hearing procedure is governed by Minnesota Statutes §§ 14.13 to 14.20 as well as by 9 MCAR §§ 2.101 to 2.112 (Minnesota Code of Agency Rules). If you have any questions about this procedure, call or write the hearing examiner.

Any person may request notification of the date on which the hearing examiner's report will be available, after which date the Department of Labor and Industry may not take any final action on the rules for a period of five (5) working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the Department of Labor and Industry. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the hearing examiner (in the case of the hearing examiner's report) or department (in the case of the department's submission or resubmission to the Attorney General). It is not anticipated that adoption of the proposed amendments will result in the expenditure of public monies by local bodies of government to implement the rules for the two years immediately following its adoption within the meaning of Minnesota Statute § 14.11.

Please be advised that Minnesota Statutes, Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. A lobbyist is defined in Minnesota Statutes Section 10A.01, subdivision 11 as any individual:

1. Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250.00, but not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or
2. Who spends more than \$250.00, not including his own traveling expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with the public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, Saint Paul, Minnesota 55155, telephone (612) 296-5615.

The rules as proposed were previously published in the *State Register*, October 24, 1983, Vol. 8, No. 17, at 725-30.
December 23, 1983

Steve Keefe
Commissioner

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.13-14.28 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. § 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 temporary rule will be published in the manner provided for adopted rules under § 14.18.

Department of Agriculture Plant Industry Division

Adopted Amendments to Rules Governing Seed Potato Certification (3 MCAR §§ 1.0127-1.0135)

The rules proposed and published at *State Register*, Volume 8, Number 16, pages 670-673, October 17, 1983 (8 S.R. 670) are adopted as proposed.

Board of Animal Health

Adopted Amendments to Rules Governing Eradication of Bovine and Bison Brucellosis (3 MCAR § 2.011)

The rule proposed and published at *State Register*, Volume 8, Number 11, pages 426-428, September 12, 1983 (8 S.R. 426) is adopted as proposed.

Board of Animal Health

Adopted Rules Governing Importation of Cattle or Bison; The Establishment of State-Federal Approved Markets for Cattle and Sale of Cattle at Such Markets; and The Establishment and Operation of Public Stockyards

The rules proposed and published at *State Register*, Volume 8, Number 3, pages 77-82, July 18, 1983 (8 S.R. 77) are adopted as proposed.

Housing Finance Agency

Extension of Temporary Rules Governing Local Participation Home Improvement Loans

Notice is hereby given that 12 MCAR §§ 3.002, 3.055, 3.056 and 3.057 (temporary) which governs Local Participation Home Improvement Loans, effective August 4, 1983 and published in the *State Register* as Adopted at Volume 8, Number 9, page 334 are 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, 3.055, 3.056 and 3.057 (temporary) will be July 30, 1984 or the date 12 MCAR §§ 3.002, 3.055, 3.056 and 3.057 (temporary) are replaced by permanent rules; whichever date is earlier.

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

OFFICIAL NOTICES

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.

Department of Agriculture Agronomy Services Division

Outside Opinion Sought Regarding Proposed Amendments to Rules Governing the Labeling and Sale of Seeds for Planting

Notice is hereby given that the Minnesota Department of Agriculture has begun to consider amendments to rules governing the labeling and sale of agricultural, vegetable, flower, tree, and shrub seeds for planting. Rules AGR 150-172 presently govern this matter. The proposed amendments, if adopted, would include the following changes:

- Repeal of AGR 150 and 161 in order to combine and amend the title and text of these rules into a new rule under AGR 150. This new rule would combine the requirements of the two existing rules and amend the language to facilitate interstate shipment of hybrid seed corn without separate labeling for Minnesota.
- Repeal AGR 156 and replace it with a list of the kinds of seed which must be labeled by variety name. This new rule should also include specific exemptions to required variety labeling for proprietary blends and for proprietary varieties which are not protected under the U.S. Plant Variety Protection Act. The rule will provide more truthful and uniform labeling of seed for consumers as well as making less difficult the protection of patent rights for the owners of protected varieties.
- Repeal AGR 161 in order to combine the text with AGR 150. A new rule would be adopted under AGR 161 to specify the kinds of lawn and turf grass seed which would be exempt from the (10) ten percent inert matter limitation established by statute. This is necessary to provide consumers with reasonably priced and adequate supplies of certain kinds of grass seed which would be illegal to sell according to the statutory limitation.
- Repeal AGR 162 and replace it with the specifications which must be met for hermetically sealed seed. Guidance will be given to packagers of hermetically sealed seeds for uniform packaging procedures.
- Repeal AGR 163 and replace it with lists of the minimum standards for germination of vegetable and flower seeds. Also, this new rule would provide a list of the tree and shrub species which have standardized germination procedures developed for them. The new rule would specify that a minimum standard for germination be met on seed sold to consumers. An overall increase in seed quality should result from having a standard established.
- Repeal AGR 164 and replace it with the specific requirements for labeling the kind and variety or type and performance characteristics of flower seeds. It will provide more uniform labeling of flower seeds purchased by consumers.
- Repeal AGR 165 and replace it with a list of the items which would constitute a complete record as required by statute. This new rule would provide guidance to seed labelers in their responsibilities for record keeping on the seed they sell.
- Repeal AGR 166 and replace it with a list of the prohibited noxious weed seed species. This list would be the same as the one previously provided by statute except for any new weed species the seed industry and consumers would wish to add to the list. The list is necessary to limit the spread of difficult to control weed species through the distribution and sale of seeds for planting.
- Develop new rules establishing permanent fees to be charged under the Minnesota Seed Law in order to replace temporary rule AGR 172 after it expires.

The proposed changes in rules will impact small seed businesses because more of them are now required by statute to have a seed permit and pay fees on the amount of seed they sell. Small seed businesses will be directly notified and consulted in the establishment, by rule, of the level of fees to be charged.

In order to adequately determine the nature and utility of such rules, the Department of Agriculture hereby requests information and comments from all interested individuals or groups concerning the subject matter of the proposed amendments to the rules.

All interested or affected persons or groups are requested to participate. Statements of information and comment may be made orally or in writing.

Written statements of information and comment may be addressed to:

Gerald Heil, Director
Planning Division
Minnesota Department of Agriculture
90 West Plato Boulevard
Saint Paul, Minnesota 55107

Oral statements of information and comment will be received during regular business hours over the phone at (612) 296-1486, and in person at the above address.

All statements of information and comment must be received by January 31, 1984. Any written material received by the Department shall become part of the records submitted to the Attorney General.

December 22, 1983

Rollin M. Dennistoun, Deputy Commissioner
for
Jim Nichols
Commissioner of Agriculture

Health Department

Outside Opinion Sought Regarding Proposed Rules Governing the Registration of Physicians' Assistants

NOTICE IS HEREBY GIVEN that the Commissioner of Health (hereinafter "Commissioner") is seeking information or opinions from sources outside of the Department in preparing to propose the adoption of rules governing the registration of physicians' assistants. This notice is given pursuant to Minn. Stat. § 14.10 (1982). Notice of Intent to Solicit Outside Opinion on this matter was previously published in the *State Register* on December 11, 1978. Any interested persons wishing to submit updated or new information on this subject may do so in writing or orally to:

Mark Skubic
Minnesota Department of Health
717 Delaware Street Southeast
Minneapolis, Minnesota 55440
Telephone: (612) 623-5463

Written material received by the Department will become part of the hearing record.

In addition, please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the Ethical Practices Board within five days after he commences lobbying. Lobbying includes attempting to influence rulemaking by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than \$250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association who spends more than \$250 per year or five hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

December 28, 1983

Sister Mary Madonna Ashton
Commissioner of Health

Minnesota Teachers Retirement Association Board of Trustees

Meeting Notice

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Friday, January 27, 1984, at 9 a.m. in Room 302 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota to consider matters which may properly come before the Board.

STATE CONTRACTS

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.

Higher Education Coordinating Board

Request for Proposals for Servicer of Loans Originated by the Minnesota State Student Loan Program

Notice is hereby given that the Minnesota Higher Education Coordinating Board intends to engage the services of a student loan servicer to provide for servicing of Guaranteed Student Loans originated by the Minnesota State Student Loan Program.

This contract will be for the time period July 1, 1984 through June 30, 1986 and will contain an option for extension through June 30, 1989.

Those interested in receiving requests for proposals should contact:

Arlon J. Hauptert
Director of Administrative Services
400 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101
(612) 296-9685

Proposals will be accepted until 4:00 p.m. January 31, 1984.

Minnesota History Center

Competition Announcement for Design of Minnesota State History Center

THE DESIGN CHALLENGE

The State of Minnesota, the Capitol Area Architectural and Planning Board, and the Minnesota Historical Society announce a national competition for the design of the new Minnesota State History Center. To be located in the Minnesota State Capitol Area, this project presents a major design challenge. The winning design must incorporate the existing 1917 Historical Society Building with new facilities on the adjacent site immediately to the east. The project includes renovation of 100,000 GSF and 300,000 GSF of new construction. The new History Center must enhance the architectural character and quality of the Capitol Area.

THE COMPETITION

The requirements for the submission of credentials will be sent to all registrants. Upon evaluation of all credentials submitted, the Competition Designer Selection Panel will select six firms or teams as finalists, who will be invited to prepare design submissions. The competition jury will select the winning design from the submissions of the finalists.

COMPENSATION AND AWARDS

Each finalist will be provided \$12,500 to prepare its submission: \$5,000 at inception and \$7,500 upon acceptance of the submission. The winner of the competition will be awarded a prize of \$50,000. Upon the funding of the project by the Minnesota State Legislature, the winner would be designated the Architect for the project and the prize money would be considered an advance payment on the commission to be awarded.

THE DESIGNER SELECTION PANEL

The Competition Designer Selection Panel will be chaired by the Professional Advisor to the Competition and will consist of the following members: Valerius Michelson, F.A.I.A., and William Sanders, A.S.L.A., Advisors to the Capitol Area Architectural and Planning Board; and the following state officers or their designees: the Chair of the State Designers Selection Board, the Chair of the Capitol Area Architectural and Planning Board, the President and the Director of the Minnesota Historical Society, and the Commissioner of Administration.

THE JURY

Members of the Competition Jury will be:

Robert Geddes, F.A.I.A., Architect, Geddes Brecher Qualls Cunningham, Architects, Kenan Professor, School of Architecture, Princeton, New Jersey

Donlyn Lyndon, F.A.I.A., Architect, Lyndon/Buchanan Associates, Professor, School of Architecture, University of California at Berkeley

Elizabeth Close, F.A.I.A., Architect, Close Associates, Minneapolis, Minnesota

Hideo Sasaki, A.S.L.A., Landscape Architect, Berkeley, California

James Marston Fitch, Ph.D., Professor Emeritus, Columbia University, New York, New York

President, Minnesota Historical Society

Chair, Capitol Area Architectural and Planning Board

Member of the Senate, Minnesota State Legislature

Member of the House, Minnesota State Legislature

PROFESSIONAL ADVISOR

John Rauma, F.A.I.A., Architect, Griswold and Rauma Architects, Minneapolis, Minnesota

COMPETITION SCHEDULE

February 17, 1984	—Registration Due
March 16, 1984	—Credentials Submission Due
April 2, 1984	—Finalist Selection
April 9, 1984	—Finalist Site Visit and Orientation Session
	—Design Framework date and architectural program issued
May 16, 1984	—Question Period Closes
July 16, 1984	—Design Submissions Due
July 25, 1984	—Jury Award and Recommendation

ELIGIBILITY

Initial registration is open to any firm or team which includes personnel with NCARB certification or architectural registration in the State of Minnesota with principal offices in the United States. Eligibility is limited to firms that have a record of gross receipts for architectural services of at least \$300,000 per year for each of the last three years. For teams, this requirement must be met by the lead firm. Inquiries as to the interpretation of this requirement should be referred by letter to the Professional Advisor at the address provided for registration.

REGISTRATION

Registration will be by letter, accompanied by a check in the amount of \$50.00 made payable to the Minnesota History Center Competition. Registrations should be addressed to:

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Room 122
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Department of Public Welfare Health Care Programs Division

Request for Proposal to Develop a Slide/Tape to Present Medicaid Health Plan Options to Public Assistance Recipients

The Department of Public Welfare intends to issue a contract for the purpose of developing a slide/tape which presents Medicaid health plan options to consumers applying for AFDC (Aid to Families with Dependent Children) in county agencies. The contract will be awarded to an organization based on: (1) relevant experience (2) creativity in ideas (3) price and (4) the ability to develop such a slide/tape by March 1, 1984.

STATE CONTRACTS

The Department of Public Welfare shall issue a Request for Proposal (RFP) to all interested parties. Proposals will be due by 4:00 p.m. on January 18, 1984. Final selection from among RFP respondents will be made by January 20, 1984. The contract period would begin January 23, 1984.

Proposals and Inquiries should be directed to:

Ms. Cherie May
Health Care Programs Division
Space Center Building—1st Floor
444 Lafayette Road
St. Paul, MN 55101
(612) 296-9940

SUPREME COURT

Decisions Filed Friday, December 23, 1983

Compiled by Wayne O. Tschimperle, Clerk

C3-83-69 Bituminous Casualty Corporation and Dennison Locker Plant, Appellants, v. Bruce Swanson, Commissioner of the Department of Labor and Industry, State of Minnesota, Respondent, and John Boevers, Respondent.

Minn. Stat. § 176.101, subd. 6 of the Workers' Compensation Act, providing for compensation of permanently disabled minor employees, does not deny equal protection to employers of minors and is therefore constitutional.

Affirmed. Yetka, J.

C1-83-829 State of Minnesota, Appellant, v. Scott Alan Schinzing, Respondent.

Pretrial criminal appeal by the state from an order suppressing evidence on fourth amendment grounds is remanded for a reopening of the omnibus hearing.

Remanded with instructions. Simonett, J.

Decisions Filed Wednesday, December 28, 1983

Compiled by Wayne O. Tschimperle, Clerk

C2-83-1133 State of Minnesota, Respondent, v. George S. Hamer, Appellant.

Trial court properly departed from presumptive sentence and sentenced defendant to a 27-month prison term for theft by swindle of a sum in excess of \$2,500 where defendant breached his position of trust as a bookkeeper at a nursing home, stealing all the money of an elderly nursing home resident while on probation for a similar offense.

Affirmed. Parker, J. Took no part. Foley, J.

C4-83-1313 Frederick Bongard, Appellant, v. Marilyn Bongard, Respondent.

The trial court denied two motions to vacate a writ of attachment. The time for appeal from the first motion had expired. Between the two motions, portions of the attachment statute were declared unconstitutional. Because of the declared unconstitutionality of the statute, sufficient grounds existed for a timely appeal from the second motion.

Though the statute relied upon for the attachment was declared unconstitutional, this does not automatically void the attachment, since the prior statute remains in effect and, if the record discloses sufficient evidence that the writ is constitutionally valid under the prior statute, it will be upheld.

Affirmed. Wozniak, J.

C6-83-1684 Peoples Natural Gas Company, a Division of InterNorth, Inc., Petitioner, v. Minnesota Public Utilities Commission, Respondent.

Order filed. Denied. Popovich, C.J.

Decisions Filed Friday, December 30, 1983**Compiled by Wayne O. Tschimperle, Clerk**

C9-83-836 John H. French, Respondent, v. Minnesota Cash Register and Travelers Insurance Company, Relators.

1. The employee's refusal of an offer of light work does not require denial of compensation for temporary partial disability under the circumstances of this case.
2. The finding and conclusion of law relating to employee's ability to earn after June 1, 1981, based on a 25-hour work week are contrary to the evidence.

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

C3-83-72 Michael L. Hodgin, Relator, v. Ford Motor Company, self-insured, Respondent.

1. On appeal, the Workers' Compensation Court of Appeals has jurisdiction to award or deny a party's actual disbursements incurred in the hearing before the compensation judge and on appeal.
2. Relator is not a prevailing party on appeal when the Workers' Compensation Court of Appeals affirms the order of the compensation judge.
3. A party who does not prevail on the main issue in a hearing before a compensation judge but does prevail on a minor issue is entitled to actual disbursements incurred in the presentation of evidence relating to the minor issue.

Reversed and remanded. Kelley, J.

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