

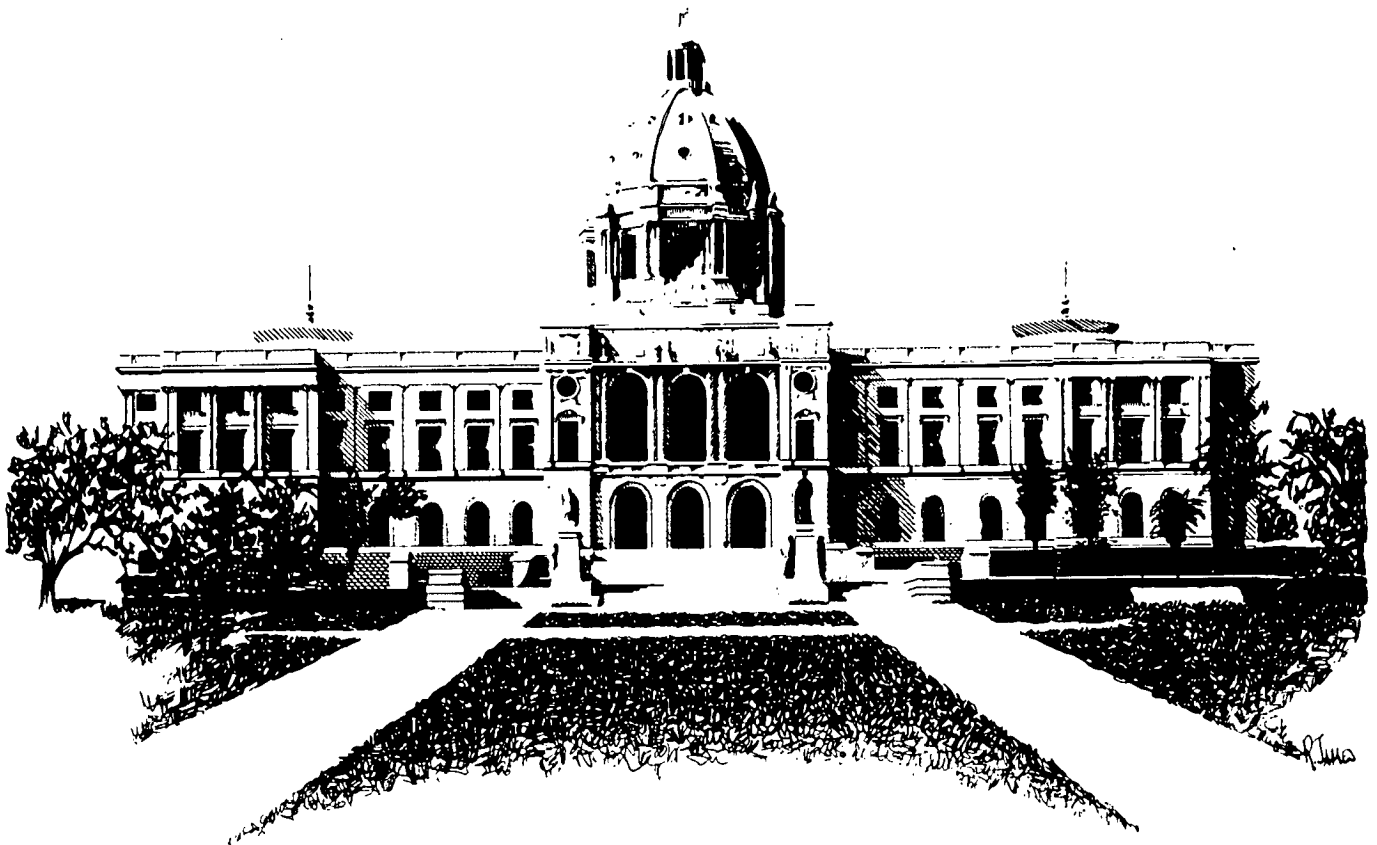
86, April 21

4

STATE REGISTER

STATE OF MINNESOTA

RECEIVED
APR 23 1986
LEGISLATIVE REFERENCE LIBRARY
STATE CAPITOL
ST. PAUL, MN. 55155



VOLUME 10, NUMBER 43

Monday 21 April 1986

Pages 2177-2196



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 10			
44	Monday 14 April	Monday 21 April	Monday 28 April
45	Monday 21 April	Monday 28 April	Monday 5 May
46	Monday 28 April	Monday 5 May	Monday 12 May
47	Monday 5 May	Monday 12 May	Monday 19 May

*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, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-0930.

The *State Register* is published by the State of Minnesota, Minnesota 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

Robin PanLener
Editor

Sandra J. Hale
Commissioner
Department of Administration

Paul Hoffman, Ruth Werness
Editorial Staff

Stephen A. Ordahl
Director
Minnesota Documents Division

Debbie Kobold
Circulation Manager

Bonnie Karels
Support Staff

CONTENTS

MINNESOTA RULES AMENDMENTS AND ADDITIONS

Issues 40-43 inclusive 2179

ADOPTED RULES

Agriculture Department

Adopted Rules Relating to Milk and Cream Grading . . . 2181

Housing Finance Agency

Adopted Rules Relating to Elderly Home Sharing
Program 2181

OFFICIAL NOTICES

Education Department

Management Effectiveness Division

Outside Opinion Sought for Proposed Rules
Governing the Design of School Bus Equipment
Standards 2182

Metropolitan Council

Public Hearing on an Amendment to the
Metropolitan Development Guide Regarding the
Metropolitan Development and Investment
Framework 2182

Transportation Department

Uniform Traffic Control Devices Manual Order
#70898 2183

STATE CONTRACTS

Administration Department Procurement Division

Contracts and Requisitions Open for Bid 2184

Administration Department Documents Division

Request for Proposals for Computer Consultant
Services 2185

Community College System

Request for Proposals for Auditing Service 2187

Energy and Economic Development Department Governor's Rural Development Council

Request for Proposal for a Conference on Direct
Marketing of Non-Traditional Agricultural Crops . . . 2187

Energy and Economic Development Department Energy Division

Request for Proposals on Biomass Processing into
Solid Fuel Forms and Subsequent Solid Fuel Test
Burns 2187

Health Department

Division of Maternal and Child Health Services for Children with Handicaps

Contracts Available for Medical and Related
Services for Handicapped 2188

Higher Education Coordinating Board

Request for Proposal to Examine the Effectiveness
of the Board in Accomplishing Its Mission 2188

Historical Society

Request for Proposals for Color Landscape
Photographer 2189

Human Services Department

Moose Lake Regional Treatment Center

Request for Proposal for Medical Services 2189

Iron Range Resources and Rehabilitation Board

Request for Proposals for a Consultant to Assist in
the Identification and Attraction of Qualified
Candidates for Industrial/Manufacturing
Expansions within the Taconite Tax Relief Area
of Northeastern Minnesota 2189

State Designer Selection Board

Request for Proposal for Design of Sculpture
Conservatory Addition at Tweed Museum of the
University of Minnesota-Duluth 2190

State Planning Agency

Governor's Planning Council on Developmental Disabilities

Requests for Proposals for Investigations of Funding
Issues Related to Employment of Persons with
Developmental Disabilities 2192

Supreme Court

Request for Proposals on Family Farm Legal
Assistance Program 2192

SUPREME COURT DECISIONS

Decisions Filed Friday 11 April 1986 2192

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** also.

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 Rules.
- Proposed emergency rules.
- Withdrawal of proposed rules (option; not required).

The **ADOPTED RULES** section contains:

- Notice of adoption of new rules and rule amendments adopted without change from the previously published proposed rules. (Unchanged adopted rules are not republished in full in the *State Register* unless an agency requests this.)
- Adopted amendments to new rules or rule amendments (adopted changes from the previously published proposed rules).
- Notice of adoption of emergency rules.
- Adopted amendments to emergency rules (changes made since the proposed version was published).
- Extensions of emergency rules beyond their original effective date.

The **OFFICIAL NOTICES** section includes (but is not limited to):

- Notice of intent to solicit outside opinion before promulgating rules.
- Additional hearings on proposed rules not listed in original proposed rules calendar.

ALL ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES published in the *State Register* and filed with the Secretary of State before April 8, 1985 are published in the *Minnesota Rules 1985*. ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES filed after April 8, 1985 will be included in a supplement scheduled for publication in Spring, 1986. Proposed and adopted EMERGENCY (formerly called TEMPORARY) RULES appear in the *State Register* but are generally not published in the *Minnesota Rules* due to the short-term nature of their legal effectiveness. Those that are long-term may be published.

The *State Register* publishes partial and cumulative listings of rule in the MINNESOTA RULES 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
Issues 27-38, inclusive	

The listings are arranged in the same order as the table of contents of the *Minnesota Rules 1985*.

MINNESOTA RULES AMENDMENTS AND ADDITIONS

NOTE: This listing includes all proposed and adopted rules printed in this issue except emergency rules and errata for this issue. Please see those sections for the appropriate rule numbers.

AGRICULTURE DEPARTMENT

1530.0740; .0820 (adopted)	2181
1530.0830; .0840; .0850; .0860; .0870; .0880; .0890; .0900; .0910; .0920; .0930; .0940; .0950; .0960; .1120; .1130; .1140; .1150; .1160; .1170; .1180; .1190; .1200; .1210; .1220; .1230; .1240; .1250; .1260; .1270; .1280; .1290; .1300; .1310; .1320; .1330; .1340 (adopted repealer)	2181

DEPARTMENT OF ECONOMIC SECURITY (Now JOBS AND TRAINING)

3300.0100; .0300; .0400; .0601 (proposed)	2056
---	------

DEPARTMENT OF EDUCATION

3530.2610-.2644 (adopted)	2075
-------------------------------------	------

DEPARTMENT OF HEALTH

4656.0010-.0100 (proposed temporary)	2011
4685.0100; .2800; .1910-.1970; .2150 (adopted)	2159

HOUSING FINANCE AGENCY

4900.0381 [Emer] (proposed)	2077
---------------------------------------	------

4900.1360-4900.1362 (proposed)	2053
4900.1800-.1803 (adopted)	2181
4900.1804-.1808 (adopted)	2161

DEPARTMENT OF LABOR AND INDUSTRY

5205.0010 (proposed revision)	2157
---	------

MN BOARD OF PHARMACY

6800.1500; .1600; .2250; .3100; .3110; .3120; .3650; .9900 (adopted)	2007
6800.1500, s.8 (repealer)	2007

MN POLLUTION CONTROL AGENCY

7002.0210-.0310 (adopted)	2010
-------------------------------------	------

Solid and Hazardous Waste Division

7035.1100-.1115 (adopted)	2009
-------------------------------------	------

RACING COMMISSION

7869.0100; 7873.0127; .0130; .0140; 7875.0200; 7876.0110; 7877.0110; .0120; .0130; .0140; .0145; .0170; .0175; .0180; 7878.0130; .0140; .0150; .0160; 7883.0100; .0140; .0150; 7891.0100;	
--	--

ADOPTED RULES

7892.0150; 7895.0125; .0250; .0275; .0300;
.0350 (adopted) 2161

DEPARTMENT OF REVENUE

8105.0100; .0200; .0300; .0400; .0500; .0600;
.0700; .9900 (proposed repealer) 2058
8106.0100-.9900 (proposed) 2058

SOIL AND WATER CONSERVATION BOARD

8400.4000-.4080 (proposed) 2101

DEPARTMENT OF PUBLIC WELFARE (Now HUMAN SERVICES)

9500.2000-.2880 (proposed) 2107

9500.0010; .0020; .0030; .0040; .0050; .0060;
.0070; .0080; .0090; .0100; .0110; .0120; .0130;
.0140; .0150; .0160; .0170; .0180; .0190; .0200;
.0210; .0220; .0230; .0240; .0250; .0260; .0270;
.0280; .0290; .0300; .0310; .0320; .0330; .0340;
.0350; .0360; .0361; .0370 (proposed repealer) 2107
9549.0050-.0059 (proposed temporary) 2016
9550.6200-.6240 (adopted) 2005

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under § 14.18.

Department of Agriculture

Adopted Rules Relating to Milk and Cream Grading

The rules proposed and published at *State Register*, Volume 10, Number 33, pages 1643-1644, February 10, 1986 (10 S.R. 1643) are adopted as proposed.

Housing Finance Agency

Adopted Rules Relating to Elderly Home Sharing Program

The rules proposed and published at *State Register*, Volume 10, Number 28, pages 1495-1497, January 6, 1986 (10 S.R. 1495) are adopted with the following modifications:

Rules as Adopted

4900.1801 DEFINITIONS.

Subp. 6. **Tenant.** "Tenant" means a person of any age who will pay rent ~~and~~ or provide services in exchange for being able to share an elderly homeowner's residence.

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 Education State Board of Education Management Effectiveness Division

Outside Opinion Sought for Proposed Rules Governing the Design of School Bus Equipment Standards

Notice is hereby given that the State Board of Education is seeking information or opinions from sources outside the agency in preparing rules governing the Standards for Equipment, Identification, Operation, Inspection, and Certification of Motor Coaches used for transporting students to or from school-related activities. The adoption of these rules is authorized by Session Laws 1986, Chapter 454, Section 19, Subdivision 18, and Minnesota Statutes 1984, Section 169.45.

The State Board of Education requests information and comments concerning the subject matter of these rules. Interested persons may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Gerald Pavek
Minnesota Department of Education
942 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101

Oral statements will be received during regular business hours over the telephone at (612) 296-2839 and in person at the above address.

All statements of information and comments shall be accepted until May 21, 1986. Any written material received by the State Board of Education shall become part of the record in the event that the rules are adopted.

21 April 1986

Daniel Skoog, Assistant Commissioner
Management Effectiveness Division

Metropolitan Council of the Twin Cities Area

Public Hearing on an Amendment to the Metropolitan Development Guide Regarding the Metropolitan Development and Investment Framework

The Metropolitan Council will hold a public hearing on Thursday, May 15, 1986, in the Metropolitan Council Chambers, 300 Metro Square Bldg., 7th and Robert Streets, St. Paul, Minn., on the Metropolitan Development and Investment Framework (MDIF). The hearing will be held from 3 to 5 p.m., and continue from 7 to 9 p.m.

The MDIF is the Council's plan and program for managing metropolitan resources in order to bring about the orderly and economic development of the seven-county Metropolitan Area. It presents the Council's philosophy, assumptions and basic directions for guiding development and change in the area. It sets general directives for all planning carried out under the Council's auspices, including transportation, sewage disposal, parks and airports.

The MDIF replaces the older development guide chapters—the Metropolitan Development Framework and the Metropolitan Investment Framework. Most of the concepts and policies advocated in the two separate documents have been carried over into the new combined document. However, the MDIF is more than merely a merger and update of two existing documents. It has evolved from a plan to guide growth into a plan for managing regional resources to achieve orderly and economic development.

All interested people are encouraged to attend the hearing and offer comments. People may register to speak in advance by contacting Guy Peterson at 291-6527. Questions about the proposed amendment should be directed to Barbara Senness at 291-6419. Copies of the draft amendment are available free of charge from the Council's Community Services Department at 291-6464. Copies are also available for public inspection beginning Apr. 15 at the following locations.

Anoka County Library—Blaine Branch, 707 Hwy. 10, Blaine, MN 55434
 Carver County Library—Chaska, 314 Walnut St., Chaska, MN 55318
 Dakota County Library—Eagan Branch, 1340 Wescott Rd., Eagan, MN 55123
 Hennepin County Library—Southdale Branch, 7001 York Av., Edina, MN 55435
 Metropolitan Council Library, 300 Metro Square Bldg., St. Paul, MN 55101
 Minneapolis Public Library, Government Documents Room, 300 Nicollet Mall, Minneapolis, MN 55401
 Ramsey County Library—Roseville Branch, 2180 N. Hamline Av., Roseville, MN 55113
 St. Paul Public Library, Science and Industry Room, 90 W. Fourth St., St. Paul, MN 55102
 Scott County Library—Shakopee Branch, 235 S. Lewis St., Shakopee, MN 55379
 Washington County Library—Park Grove Branch, 7510 - 80th St., Cottage Grove, MN 55106

Department of Transportation

Uniform Traffic Control Devices Manual Order #70898

WHEREAS, the United States Department of Transportation, Federal Highway Administration, has published a Manual on Uniform Traffic Control Devices for Streets and Highways, 1978 edition, with amendments thereto entitled Revisions 1, 2, and 3 (hereinafter referred to as the "Manual"), and

WHEREAS, the Manual has been approved by the Federal Highway Administrator as the National Standard for all highways open to public travel in accordance with Title 23, U.S.C. §§ 109(d), 315 and 402(a), and 49 C.F.R. § 1.48, and

WHEREAS, the Minnesota Department of Transportation has prepared amendments and addenda to the Manual to make its provisions consistent with Minnesota Statutes and departmental procedures entitled the Minnesota Supplement, and Appendixes A and B.

NOW, THEREFORE, pursuant to authority vested in my office and as provided in Minnesota Statutes § 169.06, subd. 1 (1984), I do hereby adopt and prescribe the following as the 1986 Minnesota Manual on Uniform Traffic Control Devices (abbreviated as "1986 MMUTCD"):

1. United States, Department of Transportation, Federal Highway Administration, Manual on Uniform Traffic Control Devices for Streets and Highways (Washington, D.C.: Government Printing Office, 1978); and amendments thereto entitled Revision 1 (dated December, 1979), Revision 2 (dated December, 1983), and Revision 3 (dated September, 1984).

2. Minnesota Supplement,
 Table of Contents,
 Introduction,
 Supplemental Sheet Pages, as follows—

<u>Section</u>	<u>Page</u>	<u>Section</u>	<u>Page</u>	<u>Section</u>	<u>Page</u>	<u>Section</u>	<u>Page</u>
1A-3	S-1A-2b	2B-41.1	S-2B-34a	3A-6	S-3A-2b	6B-3	S-6B-2a
1A-7	S-1A-6b	2B-41.1	S-2B-34b	3B-4	S-3B-8a	Fig. 6-1	S-6B-2b
2A-9	S-2A-4a	2C-21	S-2C-10b	3B-5	S-3B-8a	6B-20	S-6B-20a
2A-15	S-2A-6b	2C-22	S-2C-10b	3B-17	S-3B-24b	6B-22	S-6B-20b
Fig. 2-3b	2-2A-12a	2C-31	S-2C-16a	4B-12.1	S-4B-12a	Fig. 6-13b	S-6B-22b
2B-10.1	S-2B-6b	2C-32	S-2C-16b		S-4B-12b	6F-2	S-6E-6b
2B-14	S-2B-8a	2C-39	S-2C-20b	4C-2	S-4C-2b	6F-3	S-6F-2a
2B-14.1	S-2B-8b	2C-41.1	S-2C-22a	4C-10	S-4C-6b	6F-4	S-6F-2a
2B-17	S-2B-12a	2C-41.2	S-2C-22a	4E-1	S-4E-0b	7B-12	S-7B-4a
2B-17.1	S-2B-12b	2C-41.3	S-2C-22b	4E-8	S-4E-4a	8B-3.1	S-8B-2b
2B-29	S-2B-22b	2D-5	S-2D-2a		S-4E-4b	8B-6	S-8B-6a
2B-29.1	S-2B-22b	2D-6	S-2D-2a	4E-9	S-4E-4b	9A-3	S-9A-2a
2B-31	S-2B-24a	2D-11	S-2D-6a	4E-10	S-4E-4b	9A-8	S-9A-2b
2B-34	S-2B-28a	2D-12	S-2D-6b	4E-12	S-4E-6b	9B-8	S-9B-4a
2B-37	S-2B-30a	Fig. 2-7b	S-2D-16b	4E-22	S-4E-12a	Fig. 9-5a	S-9C-2b
2B-37-.1	S-2B-32a	2D-49	S-2D-32b	5B-1	S-5A-2b	9C-4	S-9C-4b
2B-39.1	S-2B-32b	2F-37.05	S-2F-40b	6A-5	S-6A-2b		

OFFICIAL NOTICES

3. State of Minnesota, Department of Transportation, Appendix A—Warrants, Standards and Guidelines for Traffic Control Devices used at Senior Citizen and Handicapped Pedestrian Crossings, dated August, 1983.

4. State of Minnesota, Department of Transportation, Appendix B—Traffic Control for Short Term Street or Highway Work Zones (dated September, 1985). Incorporated by reference, herein, is Commissioner's Order No. 70797, dated December 20, 1985 as it pertains to the implementation of Appendix B.

This Order supersedes Order No. 54014, dated December 20, 1973, which established the 1973 Minnesota Manual on Uniform Traffic Control Devices for Streets and Highways; and which also included therein the first edition of Appendix B, entitled Traffic Controls for Temporary Lane Closures, dated January 1, 1974.

15 April 1986

Richard P. Braun
Commissioner of Transportation

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 completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

Commodities contracts with an estimated value of \$5,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers by calling 296-6152. If the appropriate buyer is not available, contact Harvey Leach or Barbara Jolly at 296-3779.

Department of Administration Procurement Division

Contracts and Requisitions Open for Bid

Call 296-2513 for Referral to Specific Buyers.

Commodity for Bid	Bid Closing Date at 2 pm	Department or Division	Delivery Point	Requisition #
Lounge Seating	April 22, 1986	Minneapolis Community College	Minneapolis	27-151-47319
Addendum #1 — Pump Repair	April 22, 1986	Human Services Regional	Faribault	55-303-11147
Carpet & Install	April 22, 1986	Human Services Regional Treatment Ctr.	Moose Lake	55-103-03674
Preservative & Sealing Compound	April 22, 1986	Transportation	St. Paul	79-500-03008
Steam Cleaners	April 22, 1986	Transportation	Various	79-000-52042 etc.
Open Space Panel Modular Office System	April 22, 1986	Correctional Facility	Shakopee	02-310-14633
Library Supplies	April 22, 1986	State University Community Colleges	Various	Price — Contract
Snowplows	April 22, 1986	Transportation	Various	79-382-01065 etc.
Van Modification	April 22, 1986	Vocational Rehabilitation	Pick-up	21-603-38288
Manila Tag	April 22, 1986	Correctional Facility	Oak Park Heights	78-630-04454
Mobile Radio's	April 23, 1986	Transportation	Various	29-002-11714 etc.
Controls & Repair, Ind. Heating	April 23, 1986	Mankato State University	Mankato	26-071-16551

Commodity for Bid	Bid Closing Date at 2 pm	Department or Division	Delivery Point	Requisition #
Aluminum, Transformer Bases	April 23, 1986	Transportation Electrical	St. Paul	79-050-52570
Outdoor Lighting Fixture	April 23, 1986	Transportation	St. Paul	79-050-18013
Power Package — Rebid	April 24, 1986	Transportation	St. Paul	79-990-00355
Ballast	April 24, 1986	Transportation	St. Paul	79-050-18012
Portable VHF Radio Comm. Equipment	April 24, 1986	Transportation	St. Paul	29-006-04935 etc.
Voice Frequency Analyzer	April 24, 1986	Transportation	St. Paul	79-000-52502
Drilling Machine — Truck Mounted — Rebid	April 24, 1986	Transportation	St. Paul	79-382-01011
Mn Beautiful	April 24, 1986	Revenue	St. Paul	30-000-7569
Industrial Power Sweepers	April 24, 1986	Transportation	Various	79-382-01079
Purchase of Photocopy Machine	April 24, 1986	Correctional Facility	Stillwater	78-620-00006
Custom Millwork: Bookcases, Tables, Etc.	April 24, 1986	North Hennepin Community College	Minneapolis	02-310-14711
Purchase of Photocopy Machine	April 24, 1986	North Hennepin Community College	Minneapolis	27-153-48302
Skid Mounted Drill Rig	April 25, 1986	Transportation	St. Paul	79-382-01077
Traffic Signal System	April 25, 1986	Transportation Electrical	St. Paul	79-000-52576
Stainless Steel Davit Light	April 25, 1986	Transportation Electrical	St. Paul	79-050-52569
Decals	April 28, 1986	Public Safety	St. Paul	07-500-38270-1-5-6 7389-90-1-2
Genuine Chelsea and Spricer PTO's and other repair parts	April 28, 1986	Various	Various	Price — Contract
Athletic Supplies	April 28, 1986	Winona State University	Winona	26-074-10827

Department of Administration Documents Division

Request for Proposals for Computer Consultant Services

The Documents Division, Minnesota Department of Administration, seeks the services of a qualified consultant with experience in DMAS, Displaywrite/36, and the IBM System 36 to work with the Documents Division over a two year period.

I. BACKGROUND

The division, a self-supporting retail sales enterprise, owns an IBM System 36, model 5362, six model 3180 workstations, one each models 5224 and 5219 printers. An IBM PC and Okidata model 193 printer are attached. The division has purchased DMAS software with the following components: Accounts Receivable, Billing, Inventory Control and Sales Analysis. It will soon be purchasing the Inventory Management component. In addition to DMAS, the division has the following software installed: IDDU, Query/36, PC Support/36, Displaywrite/36, RPG II, SSP Release 4, DMAS Cross Application System Support, Retrieval/36 and Computer Assisted Training. Several locally generated enhancements to purchased software have been installed.

II. CONTRACT SCOPE

During the course of the contract, the contractor will devote a minimum of eight hours per month to the Documents Division in a consultant role. Project assignments will include, but will not be limited to the following:

- Developing local enhancements to DMAS, installing and ensuring the smooth operation thereof.
- Training division personnel on System/36 operations.
- Working with division personnel to install new software releases, system support programs, and program temporary fixes.
- Developing, testing, and implementing stand alone programs to meet division-identified needs.
- Working with the system operator to effectively utilize the system.
- Training new operators, system operator and management on DMAS and its intricacies.
- Providing advice as to how best utilize hardware/software.

STATE CONTRACTS

III. EXPERIENCE REQUIREMENTS

To be deemed qualified to compete for the award of this two year contract, the successful respondent must have at least two years experience working with the System/36 model 5362, the DMAS family of programs and personal computers attached thereto. Further, the respondent must have demonstrated an ability to successfully tailor IBM software, in particular DMAS, to enhance local applications.

In addition to the above experience, the respondent must have demonstrated a successful track record with clients in both the private and governmental sectors of the economy.

PROPOSAL CONTENTS

Bidders must provide a detailed explanation of experience with the System/36, DMAS, and Displaywrite/36. A successful track record of experience in all the above, with particular emphasis on software, must be demonstrated to the sole satisfaction of the state.

Individuals who will be assigned to work on this project must be identified by name and their experience/expertise detailed in the bid.

Hourly billing rates must be quoted. Please note that this is a two year contract which is to begin July 1, 1986, and terminate on June 30, 1988. Billing rates for both years of the contract must be specified.

IV. DEPARTMENT CONTACTS

Prospective respondents having questions regarding this Request for Proposal may call or write:

Stephen A. Ordahl
State Documents Division
117 University Avenue
St. Paul, Minnesota 55155
Telephone: (612) 297-2553

V. SUBMISSION OF PROPOSALS

All proposals must be sent to and received by Stephen A. Ordahl, at the above address, no later than 4:30 a.m., May 2, 1986.

IV. CONTRACT COSTS

The division has estimated that the cost of the contract should not exceed \$25,000.

VII. EVALUATION

All proposals received will be evaluated by representatives of the division. In some instances, an interview may be part of the evaluation process. Factors upon which proposals will be judged include, but are not limited to, the following:

- Demonstrated familiarity and experience with the IBM System/36, the DMAS family of programs, and Displaywrite/36.
- Qualifications of both the company and the individuals assigned to work on the contract—experience will be an important factor in the award of this contract.
- The relevance of previous experience to the responsibility outlined in this proposal.
- The satisfaction of previous customers who have been served by the bidder in work of relevance to this proposal.
- The billing rates quoted.
- Ability, in the sole opinion of the state, to best meet the stated requirements in this proposal.

Evaluation and selection will be completed by Friday, May 16, 1986. All respondents will be notified immediately by mail of the results of the evaluation.

VIII. WITHDRAWAL

The state reserves the right to withdraw this Request for Proposal at any time.

IX. WORKER'S COMPENSATION

The successful respondent will be required to submit acceptable evidence of compliance with worker's compensation insurance coverage requirements prior to the execution of a contract.

Community College System

Request for Proposals for Auditing Service

The Minnesota Community College System is requesting proposals for auditing service. The project will include an audit of the National Direct Student Loan Program, College Work-Study Program, Basic Educational Opportunity Grants Program, Guaranteed Student Loan Program and PLUS Loan Program, and will be performed in accordance with the financial and compliance elements as prescribed by the Federal Department of Education. The requested services are outlined in the Request for Proposals statement of work. The formal request for proposals may be requested and inquiries should be directed to:

Jerry Jarosch
Internal Auditor
Minnesota Community College System
550 Cedar St., 203 Capitol Square
St. Paul, Minnesota 55101
Phone (612) 296-3935

It is anticipated that the activities to accomplish this audit will not exceed a total cost to the state of \$50,000. The deadline for submission of completed proposals will be the close of the working day of May 15, 1986.

Department of Energy and Economic Development Governor's Rural Development Council

Request for Proposal for a Conference on Direct Marketing of Non-Traditional Agricultural Crops

The Minnesota Department of Energy and Economic Development, on behalf of the Governor's Rural Development Council (MN DEED/GRDC), is requesting proposals from qualified individuals interested in working with MN DEED/GRDC on a project to provide producers of non-traditional agricultural crops with information on methods of direct marketing of their products.

The work is to be completed no later than December 31, 1986. Proposals are being requested to complete the following major activities:

- A. Develop a program for a conference on direct marketing of non-traditional agricultural crops.
- B. Provide for physical planning, publicity, arranging speakers, registration, etc. for the conference.
- C. Evaluation of conference.

It is estimated that the cost of this activity need not approach but shall not exceed \$10,000.00. Proposals should be received by MN DEED/GRDC no later than 4:30 p.m., May 14, 1986.

The formal Request for Proposals document may be requested, and inquiries should be directed to:

Lori Widmark, Program Manager
Governor's Rural Development Council
Department of Energy and Economic Development
900 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
Phone: 612-297-1968

Department of Energy and Economic Development Energy Division

Request for Proposals on Biomass Processing into Solid Fuel Forms and Subsequent Solid Fuel Test Burns

The Minnesota Department of Energy and Economic Development, Energy Division (DEED/Energy) is requesting proposals from firms interested in working with DEED/Energy on a project to undertake various activities involving (1) the processing of bundles of small-diameter trees into appropriate solid fuel forms and (2) the conducting of test burns using the aforementioned solid fuel forms in some widely used residential, commercial, and industrial furnaces. The main objective of this project is to complete

STATE CONTRACTS

and document the processing of small-diameter trees into appropriate solid fuel forms and the test-burning of said fuels in some widely used residential, commercial, and industrial furnaces.

Proposals are being requested from qualified firms with experience in the processing of small-diameter trees into various solid fuel forms and in conducting solid fuel test burns.

The formal Request for Proposals (RFP) may be obtained from, and inquiries should be directed to:

James Idzorek
Department of Energy and Economic Development
Energy Division
900 American Center Building
150 E. Kellogg Boulevard
St. Paul, Minnesota 55101
Phone: 612/296-3741

Funds available for this project are in the amount of \$25,000.00.

The deadline for the submission of complete proposals will be 4:30 p.m., May 12, 1986.

Department of Health Division of Maternal and Child Health Services for Children with Handicaps

Contracts Available for Medical and Related Services for Handicapped

Openings exist for:

1. Board certified or approved physicians to provide medical examinations;
2. Registered public health or pediatric nurses to provide nursing services;
3. Licensed psychologists to provide psychological assessments;
4. Certified audiologists to provide audiological examinations;
5. Certified speech pathologists to provide speech assessments.

Qualified, interested persons should contact Alpha Adkins, Services for Children with Handicaps, 717 Delaware Street S.E., Minneapolis, Minnesota, 55440. Phone (612) 623-5165 by May 12, 1986.

A total of \$113,470 has been budgeted to fund these positions. Funding for individual positions varies by category and position.

Higher Education Coordinating Board

Request for Proposal to Examine the Effectiveness of the Board in Accomplishing Its Mission

The Minnesota Higher Education Coordinating Board has legislatively mandated responsibility in the area of post-secondary education in Minnesota. The project will focus on examining the Board's mission statement and includes a performance audit of the Board, staff, projects and responsibilities, including a specific examination of whether the resources devoted to policy analysis and development are sufficient to meet the Board's responsibilities in these areas, and to develop, as needed, specific proposals on changes to enable the Board to exercise discretion in its annual management plan and to continue to develop innovative and new proposals and projects.

This request for a proposal does not obligate the Board to complete this project and the Board reserves the right to cancel the solicitation if it is considered to be in its best interest.

It is estimated that the total cost of this project will not exceed \$25,000.00.

For further information and formal RFP documents, contact Administrative Services, Higher Education Coordinating Board, Suite 400, Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101, (612) 296-9696.

The deadline for receipt of proposals is 4:30 PM, Friday May 9, 1986.

Historical Society

Request for Proposals for Color Landscape Photographer

The Minnesota Historical Society is seeking individuals and firms experienced in color landscape photography to perform photographic work in connection with an exhibit on Minnesota's urban landscapes being organized by the Interpretation Department of the Society. It is anticipated that the total cost of this project will not exceed \$3,500.00.

These services, which will be provided under contract, are outlined in detail in the Request for Proposal. The formal Request for Proposal may be requested from and inquiries directed to: Mark Schwartz, Contract Officer, 1500 Mississippi St., St. Paul, MN 55101, (612) 296-8378. The deadline for submitting completed proposals is the close of the business day (5:00 p.m.) May 5, 1986.

Department of Human Services Moose Lake Regional Treatment Center

Request for Proposal for Medical Services

Notice is hereby given that the Moose Lake Regional Treatment Center, Mental Health Bureau, Department of Human Services, is seeking the services for the period July 1, 1986 thru June 30, 1987. These services are to be performed as requested by the Administration of the Moose Lake Regional Treatment Center.

Anesthesiology Services performed by a Registered Nurse Anesthetist for Dental Work performed on unmanageable Mentally Retarded clients, and for Electro-convulsive Therapy. The estimated amount of contract will be \$23,000.00.

Responses to these services must be received by May 12, 1986.

Direct inquiries to:

Frank R. Milczark
Chief Executive Officer
Moose Lake Regional Treatment Center
1000 Lakeshore Drive
Moose Lake, MN 55767
(218) 485-4411 Ext. 242

Iron Range Resources and Rehabilitation Board

Request for Proposals for a Consultant to Assist in the Identification and Attraction of Qualified Candidates for Industrial/Manufacturing Expansions within the Taconite Tax Relief Area of Northeastern Minnesota

Cancellation of Solicitation

"This request for proposal does not obligate the State of Minnesota (IRRRB) to complete the project, and the State (IRRRB) reserves the right to cancel this solicitation if it is considered to be in the State's (IRRRB's) best interest."

Tasks of the Contractor

The IRRRB requests that respondents address the following general areas of consideration, explaining in detail their proposed plans to accomplish stated objectives in each field. Respondents should estimate what percentage of the total time and total cost allotted will be devoted to each area of consideration, correspondingly breaking down each general area of consideration into specific tasks and detailing the respective time and money needed to accomplish each specific task.

General Areas of Consideration

1. Identification and contact of qualified candidates for industrial/manufacturing expansions within northeastern Minnesota.
 - a. From the noted target sectors or other sectors which the consultant and IRRRB mutually ascertain as viable options for northeastern Minnesota.

STATE CONTRACTS

b. While IRRRB suggests that this candidate search be limited to the upper Midwest, Minnesota, or even the Twin Cities metro area; the consultant should propose a specific geographic search area, justifying same.

2. Assistance to IRRRB Staff in researching and developing proposals necessary to attract and secure such industrial/manufacturing expansions.
3. Formulation of strategies, detailing specific objectives, for same.
4. Coordination of preliminary negotiations with qualified business expansion candidates.
5. Progress reports covering all of the above.

Cost of Contracts

The total cost of this contract for all services and for all costs, both direct and indirect, shall not exceed \$75,000.00.

Tentative Proposal/Contract Timelines

Publication in *State Register*: Monday, April 21, 1986.

Response Period: Tuesday, April 22, 1986 - 4:30 P.M., Tuesday, May 13, 1986.

Tentative Respondent Interviews: May 21-23, 1986

Anticipated Date of Contract Award (Pending IRRRB Approval): June 1, 1986.

Effective Contract Date: On or near July 1, 1986.

Term of Contract: July 1, 1986-June 30, 1987.

Statutory Proposal Requirements

In accordance with the provisions of Minnesota Statute § 363.073, for state contracts in excess of \$50,000.00, all responders having more than 20 full-time employees at any time during the previous 12 months must have a certificate of compliance issued by the Commissioner of Human Rights before a proposal may be accepted. *The proposal will not be accepted unless it includes one of the following:*

- A. A copy of the firm's current certificate issued by the Commissioner of Human Rights.
- B. A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights.
- C. A statement certifying that the firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months.

Any questions concerning a Certificate of Compliance may be referred to the Contract Compliance Unit of the Minnesota Department of Human Rights at (612) 296-5663.

For further information and formal RFP documents, contact: **Iron Range Resources and Rehabilitation Board, Highway 53 South, Eveleth, MN 55734, Brian Hiti at 218-744-2993.**

The deadline for receipt of proposals is **4:30 P.M., Tuesday, May 13, 1986.**

State Designer Selection Board

Request for Proposal for Design of Sculpture Conservatory Addition at Tweed Museum of the University of Minnesota-Duluth

To Design Professionals Registered in Minnesota:

The State Designer Selection Board has been requested to select designer for a project at the University of Minnesota-Duluth. Design firms who wish to be considered for the project should submit proposals on or before 4:00 P.M., May 13, 1986, to George Iwan, Executive Secretary, State Designer Selection Board, Room G-10, Administration Building, St. Paul, Minnesota 55155-1495.

The proposal must conform to the following:

1. Six copies of the proposal are required.
2. All data must be on 8½" × 11" sheets, soft bound; the proposal shall not consist of more than 20 faces.
3. The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 7 below, together with the design firm's name, address, telephone number, and the name of the contact person.

4. Mandatory Proposal contents in sequence:

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

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

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

d) A list of State and University of Minnesota current and past commissions (including total fees) under contract with the firm(s) submitting this proposal which were awarded during the three years immediately preceding the date of this Request for Proposals.

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

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

5. Statutory Proposal Requirements:

In accordance with the provision of Minnesota Statutes, 1981 Supplement, Section 363.073; for all contracts estimated to be in excess of \$50,000.00, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted. **The proposal will not be accepted unless it includes one of the following:**

- a) A copy of the firm's current certificate of compliance issued by the Commissioner of Human Rights; **or**
- b) A statement certifying that firm has a current certificate of compliance issued by the Commissioner of Human Rights; **or**
- c) A statement certifying that the firm has not had more than 20 full-time employees in Minnesota any time during the previous 12 months; **or**
- d) A statement certifying that the firm has an application pending for a certificate of compliance.

6. Design firms wishing to have their proposals returned after the Board's review must follow one of the following procedures:

- a) Enclose a self-addressed stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded; **or**
- b) Enclose a self-addressed stamped mailing envelope with the proposals. When the Board has completed its review, proposals will be returned using this envelope.

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

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

7. PROJECT—6-86

Sculpture Conservatory Addition
Tweed Museum
University of Minnesota-Duluth
Duluth, Minnesota
Estimated Project Cost: \$700,000.00

The University of Minnesota plans to add a sculpture conservatory to the Tweed Museum located on the Duluth campus. The addition will consist of a sculpture conservatory, storage, and a collection study room. The total square footage of the addition is to be approximately 2,500 square feet. The conservatory is to be sited within a court space immediately adjacent to the Tweed Museum. Special attention must be paid to the design of the conservatory space as it will be used for sculpture exhibitions and for social gatherings. The quality of its design for these purposes, as well as how well it relates to the museum, the court, and surrounding structures, will be very important. The project will also include an environmental control system for the entire existing museum, including all exhibition spaces, storage spaces, and offices, which total 22,126 assignable square feet. The construction budget is approximately \$530,000.00.

Questions concerning this project may be referred to Clinton Hewitt at (612) 373-2250.

George F. Klein, Chairman
State Designer Selection Board

STATE CONTRACTS

State Planning Agency Governor's Planning Council on Developmental Disabilities

Requests for Proposals for Investigations of Funding Issues Related to Employment of Persons with Developmental Disabilities

The Governor's Council announces that it is seeking proposals from eligible public or private nonprofit organizations to undertake investigation of fiscal problems associated with funding employment opportunities in the regular work-place for persons with developmental disabilities. Approximately \$35,000 will be available for this project. The successful contractor must be able to provide at least 25 percent of the total cost of the project. Eligible applicants include nonprofit organizations, units of government, joint powers organizations, institutions of higher education, and school districts. Proposals are due before 4:30 p.m. on Friday, May 16, 1986.

For additional information and copies of the RFP contact:

Ronald E. Kaliszewski
Developmental Disabilities Program
201 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101
Phone (612) 297-3207
TDD (612) 296-9962

Supreme Court

Request for Proposals on Family Farm Legal Assistance Program

The Supreme Court through its Legal Services Advisory Committee requests proposals from nonprofit legal assistance providers for the delivery of legal assistance relating to farm financial problems for Minnesota family farmers pursuant to Minn. Stat. 480.250. Statutory restrictions limit the organizations which can qualify as legal service providers.

Application Deadline: May 9, 1986. For application information, contact Judith L. Rehak, administrative services director, (612) 296-6822.

SUPREME COURT DECISIONS

Decisions Filed Friday, 11 April, 1986

Compiled by Wayne O. Tschimperle, Clerk

C7-84-1770 In Re the Marriage of: Jean Ann Erickson v. Lawrence Gregory Erickson, petitioner, Appellant. Court of Appeals.

The Court of Appeals did not err in applying the child support guidelines in Minn. Stat. § 518.551, subd. 5 (1984), to child support modification proceedings; however, a remand to the trial court is necessary for proof that the trial court considered the needs of the children and the unreasonableness and unfairness of the original decree given the changed circumstances of the parties.

The trial court did not err in using its contempt power to enforce child support provisions of a marriage dissolution decree.

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

Concurring specially, Yetka, J., and Kelley, J.

C2-84-2177 In Re the Marriage of: Bonnie Y. Moylan v. Gerald G. Moylan, petitioner, Appellant. Court of Appeals.

The child support guidelines of Minn. Stat. § 518.551, subd. 5 (1984), apply in all child support cases, including modification proceedings; the trial court shall make express findings with respect to the factors considered in arriving at the original award or modification amount.

In child support modification proceedings, under Minn. Stat. § 518.64 (1984), the trial court shall make findings supporting any

conclusion that a change in circumstances has occurred which makes the terms of an original decree or a previous modification unfair and unreasonable, including express findings as to the needs of the children.

In child support modification proceedings which do not involve public assistance, any ordered noncash contributions not taken into consideration under the child support guidelines, such as fair rental value of the family home, shall be taken into consideration in formulating the appropriate award.

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

Concurring specially, Yetka, J., and Kelley, J.

C1-85-740 State of Minnesota v. William Frederick Roden, petitioner, Appellant. Court of Appeals.

Lesser offense of issuance of a worthless check is necessarily included within the more serious offense of theft by check, but trial court did not err in refusing to submit the lesser offense in this case.

Affirmed as modified. Amdahl, C.J.

CX-85-204 Wilford Henry Gerdin v. Princeton State Bank, petitioner, Appellant, and Louis L. Hoffman, et al., petitioners, Appellants. Court of Appeals.

State and federal law mandates that notice of the mortgage foreclosure sale be given when the state and federal governments hold tax liens on the property to be foreclosed. A purchaser at a foreclosure sale has the right to assume that such notice had been given.

A purchaser at a foreclosure sale may set aside the sale due to the failure of the bank's attorneys to serve notice of the sale on the state and federal governments.

Affirmed. Yetka, J.

C6-85-1432 In the Matter of William G. Harhut, Jr. Court of Appeals.

Reports filed by treatment facility were sufficient under Minn. Stat. § 253B.12 (1984).

Minn. Stat. § 253B.13, subd. 2 (Supp. 1985) providing indeterminate commitment for mentally retarded patient, is upheld under the due process and equal protection clauses of the federal and state constitutions.

However, mentally retarded patients indeterminately committed must be represented by counsel who will receive all periodic medical reports. Furthermore, it is ordered that there be a judicial review of indeterminate commitments every 3 years, the nature of such review to be at the discretion of the trial court.

The burden of proof in a commitment hearing under Minn. Stat. § 253B.17 (1984) is on the party seeking to continue commitment.

Court of appeals affirmed, and certified question answered in the affirmative. Yetka, J.

C7-84-2000 Donald E. Potter, complainant v. LaSalle Court Sports & Health Club, petitioner, Appellant. Court of Appeals.

The findings of the Minneapolis Civil Rights Commission that appellant health club discriminated against complainant, a member of the club, on the basis of affectional preference, are supported by substantial evidence.

Punitive damages for discriminatory acts may be awarded though unaccompanied by an award of compensatory damages.

Affirmed, Simonett, J.

Concurring specially, Yetka, J., and Kelley, J.

Took no part, Coyne, J.

C0-85-177, C3-85-500 West Bend Mutual Insurance Company, petitioner, Appellant v. Milwaukee Mutual Insurance Company, Louis Hager, et al., Thomas Graham, et al., The City of Elysian, Mark Neste, d.b.a. Neste Ambulance Service, Immanuel-St. Joseph's Hospital of Mankato, Inc.

A vehicle is not being "operated by" a passenger who grabs the steering wheel of a moving car without permission or plausible justification, so that the vehicle responds almost immediately by going out of control; consequently, the homeowner's policy exclusion, which requires a car to be "operated by" the insured, does not exclude homeowner's coverage for the passenger.

Affirmed. Simonett, J.

C2-84-2079 John Pierpont Morgan, Jr., Appellant v. State of Minnesota. Cass County.

Petition for post-conviction relief was properly denied without a hearing where petition and record conclusively show petitioner is entitled to no relief.

Affirmed. Wahl, J.

SUPREME COURT DECISIONS

C5-84-701 State of Minnesota, petitioner, Appellant v. Paul Luther Herem. Court of Appeals.

The roadside questioning of a motorist briefly detained pursuant to a routine traffic stop is not "custodial interrogation" and does not involve the type of situation to which *Miranda* was meant to apply.

Reversed and judgment of conviction reinstated. Coyne, J.

C3-85-1663 T. Eugene Thompson, petitioner, Appellant v. State of Minnesota. Hennepin County.

The validity of a search, previously found lawful on the ground of the consent of the interested party, is not called into question because the area searched was also a murder scene. The district court's denial of the petition for post-conviction relief was proper.

Affirmed. Coyne, J.

C2-85-1914 John Rath v. Perlman Rocque Company, self-insured, Relator, Aetna Life & Casualty Company, intervenor. Workers' Compensation Court of Appeals.

When an employee who sustained a disabling employment-related injury had worked frequent overtime in the preceding 26-week period, but had missed several weeks of work because of a nonwork-related injury, his average overtime should be computed by dividing the total hours of overtime by the number of weeks he worked during the 26-week period.

The Workers' Compensation Court of Appeals has inherent power to impose an appropriate sanction when a party before it has inexcusably failed to comply with a provision of the Workers' Compensation Act. When an employee failed to keep two medical examinations scheduled by the employer-insurer, as a consequence of which the insurer was required to pay for the examiner's time, the WCCA has the power to deduct from the compensation awarded a reasonable amount as reimbursement for that expense.

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

State of Minnesota
Minnesota Documents Division
117 University Avenue
St. Paul, Minnesota 55155

(612) 297-3000
(toll-free # for MN:
1-800-652-9747)

ORDER FORM

State Register. Minnesota's official weekly publication for agency rules and notices, executive orders of the Governor, state contracts, Supreme Court and Tax Court decisions.

_____ Annual subscription \$130.00
_____ Trial subscription (13 weeks) \$40.00
_____ Single copies \$3.25 each

Minnesota Guidebook to State Agency Services 1984-85. A 623-page guide to services provided by Minnesota agencies.

_____ Single copy: \$12.50 + \$.75 tax = \$13.25* each

Minnesota Rules 1985. 10-volume set.

_____ Set: \$125.00 + \$7.50 = \$132.50.*
_____ Each volume: \$13.00 + \$.78 = \$13.78.
No handling charge.

Minnesota Laws 1985. All laws passed in the Regular and Special Sessions.

_____ \$37.00 + \$2.22 = \$39.22.*
No handling charge.

*To avoid Minnesota sales tax, please include your Certificate of Exempt Status issued by the Department of Revenue. No Mastercard/VISA accepted on Rules and Laws.

Please enclose full amount for items ordered: prepaid orders only. Make check/money order payable to "State of Minnesota." (Phone orders are taken only with a Mastercard/VISA charge number.)

EACH ORDER MUST INCLUDE \$1.50 POSTAGE AND HANDLING FEE.

State Register Binder. Durable 3½ inches, forest green binders imprinted with the *State Register* logo.

_____ **State Register Binder** \$6.50 + \$.39 tax = \$6.89* each

State Register Index. Contains cumulative findings aids to Volume 9 of the *State Register*, including Minnesota Rules Amendments and Additions, Executive Orders List, Executive Orders Index, Agency Index, Subject Matter Index.

_____ Single copy \$5.00

Worker's Compensation Decisions. Volume 38. Selected landmark decisions of the Worker's Compensation Court of Appeals. Annual subscription, quarterly updates.

_____ Annual subscription \$89.50

Minnesota Statutes 1985 Supplement. Pocket part supplement to Minnesota Statutes 1984.

_____ \$25.00 + \$1.50 = \$26.50.*
No handling charge.

Name _____

Attn of: _____

Street _____

City/State/Zip _____

Telephone # _____

CHANGE OF ADDRESS NOTICE

Please notify us as soon as your address changes so that we can continue to serve you.

OLD ADDRESS

NEW ADDRESS

Publication(s) you are receiving from us: _____

FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate 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.

Contact: Senate Public Information Office
Room 111 State Capitol, St. Paul, MN 55155
(612) 296-0504

HOUSE

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

This Week—weekly interim bulletin of the House.

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

Legislative Reference Library
Attn: Zona DeWitt
645 State Office Bldg.
Interoffice