

State of Minnesota

# STATE REGISTER

Department of Administration—Documents Division

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# STATE REGISTER

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

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

### Volume 12 Printing Schedule and Submission Deadlines

Vol. 12 Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
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45	Monday 25 April	Monday 2 May	Monday 9 May
46	Monday 2 May	Monday 9 May	Monday 16 May
47	Monday 9 May	Monday 16 May	Monday 23 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 State Register editorial offices, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-4273.

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# Contents

---

## Minnesota Rules:

### Amendments & Additions

Issues 40-44 inclusive . . . . . 2376

### Proposed Rules

#### Animal Health Board

Importation of swine into Minnesota; state-federal approved markets for swine . . . . . 2377

#### Public Service Department

Thermal insulation standards . . . . . 2378

#### Transportation Department

Seaplane operations on Ox Yoke Lake . . . . . 2391

### Adopted Rules

#### Agriculture Department

Buying and storing grain . . . . . 2392

#### Commerce Department

Uniform conveyancing blanks . . . . . 2392

Credit life insurance . . . . . 2393

#### Pharmacy Board

Pharmacy Regulation . . . . . 2393

#### Minnesota Racing Commission

Horse racing . . . . . 2393

### Official Notices

#### Animal Health Board

Notice of special board meeting . . . . . 2394

#### Education Department

Applications solicited for the School Administration Advisory Task Force . . . . . 2394

#### Finance Department

Maximum interest rate for municipal obligations . . . . . 2395

#### Higher Education Facilities Authority

Public hearing on proposal to issue revenue bonds on behalf of William Mitchell College of Law . . . . . 2395

#### Public Safety Department

Opinion sought on rules for appointment of deputy registrars . . . . . 2396

Opinion sought on rules for motor vehicle dealers . . . . . 2396

## Secretary of State

Vacancies in multi-member state agencies . . . . . 2397

## State Treasurer

Meeting of State Board of Investment Study Group . . . . . 2398

## State Contracts & Advertised Bids

### Administration Department

Materials Management Division contracts & requisitions . . . . . 2399

Awards . . . . . 2400

Printing & Mailing Services Division contracts . . . . . 2401

Request for proposals to provide diagnostic and referral services for the state employee assistance program . . . . . 2402

Request for proposals for contract services for a qualified consultant with experience in strategic information planning . . . . . 2402

Request for proposals for graphic arts design . . . . . 2404

### Attorney General's Office

Request for proposals for consulting service in data base, system design and technical support . . . . . 2404

### Education Department

Request for proposals for regional coordination and delivery of planning, evaluating, and reporting services . . . . . 2405

### Health Department

Request for bids for conference facilities . . . . . 2405

### Minnesota Historical Society

Advertisement for bids for the LeDuc-Simmons House restoration . . . . . 2406

### Human Services Department

Request for proposal for medical services for Willmar Regional Treatment Center . . . . . 2406

### Public Employees Retirement Association (PERA)

Request for proposals for redesign of the personal benefit statement of account . . . . . 2407

### Pollution Control Agency

Request for proposal for regional water quality grant program . . . . . 2411

## Supreme Court Decisions

Decisions and Orders filed Friday 29 April 1988 . . . . . 2414

## Announcements . . . . . 2414

# Minnesota Rules: Amendments and Additions

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

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

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

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-652-9747 and ask for "Documents."

### Administration Department

1370.0100-.0230 (adopted) ..... 2251

### Agriculture Department

1505.2000-.2070 (proposed) ..... 2281

1506.0010-.0040 (adopted) ..... 2215

1562.0100-.2200 (adopted) ..... 2392

1560.5400-.7600 (repealed) ..... 2392

### Agricultural & Economic Development Board

1580.0100-.0900 (emergency repealed) ..... 2216

1580.2000-.2120 (adopted emergency) ..... 2216

### Animal Health Board

1700.2700; 1715.0760 (proposed) ..... 2377

### Attorney General

2010.0300; .0500; .9915; .9940; .9960 (proposed) ..... 2285

### Boxing Board

2200.0600; .0800; .1000; .1200; .1900; .2000; .3200;

.3410; .3800; .3900; .4100; .4200; .5310; .5400; .6200;

.6900; .7300; .7400; .8100; .8300; and 2205.0100-.1500

(re-proposed) ..... 2337

2200.3400; .5300 (re-proposed repealer) ..... 2337

### Commerce Department

2655.0010-.0070 (proposed) ..... 2233

2760.0300 (adopted) ..... 2393

2760.0300 s.10 (repealed) ..... 2393

2820.2900; .3000; .9000 (adopted) ..... 2392

### Jobs & Training Department

3310.2901-.2928 (adopted) ..... 2252

3310.2900; .3500; .3600; .4100-.4400; .4900; .5300

(repealed) ..... 2252

### School & Resource Center for the Arts

3600.0010-.0070 (proposed) ..... 2211

### Energy Division—Public Service Dept.

4155.0100; .0110; .0120; .0130; .0135; .0145; .0155; .0160;

.0170; (proposed) ..... 2378

4155.0120 s.8, 20; 4155.0130 s.9, 12, 14; .0140;

.0180 (proposed repealer) ..... 2378

### Health Department

4606.3300-.3309 (proposed) ..... 2241

### Higher Education Coordinating Board

4830.0100; .0400; .0600; .0700; .1552; .1555;

.1560-.1565; .2600; 4850.0011; .0014; .0016; .0017

(proposed) ..... 2169

4830.0600 s.1b-1d (proposed repealer) ..... 2169

### Housing Finance Agency

4900.0590-.0592 (adopted) ..... 2342

4900.1500; .1520; .1540; .1572; .1574; .1576; .1578;

.1580; .1582; .1584; .1586 (adopted) ..... 2215

### Labor & Industry Department

5200.1105 (proposed) ..... 2340

5205.0010 (proposed) ..... 2338

### Natural Resources Department

6105.0900; .0910 (proposed) ..... 2201

### Pharmacy Board

6800.1250; .1600; .4210; .4220 (adopted) ..... 2393

### Podiatric Medicine Board

6900.0010; .0020; .0030; .0160; .0200; .0210; .0250; .0300;

.0400 (proposed) ..... 2290

6900.0300 s.6 (proposed repealer) ..... 2290

### Pollution Control Agency

7045.0020; .0075; .0528; .0628 (proposed) ..... 2203

7076.0100-.0290 (proposed) ..... 2296

### Psychology Board

7200.6100 ..... 2250

### Public Safety Department: Crime Victims Reparation

7505.0100; .0200; .0400; .0600; .0700; .1900;

.2700-.3000 (proposed) ..... 2238

7505.0500; .0800-.1800; .2000-.2500 (proposed repealer) ... 2238

### Racing Commission

7869.0100; 7870.0490; 7877.0110; .0170; .0175;

7883.0160; 7884.0170; 7890.0100; .0140;

7891.0100; 7895.0100 (proposed) ..... 2208



7873.0190; 7875.0200; 7877.0125; 7883.0140;  
 7890.0110; 7892.0100; 7895.0110; .0125; .0250;  
 .0275; .0300; .0350; 7897.0100 (adopted) ..... 2393  
 7895.0100 s.7; .0110 s.7; .0125 s.4, 5, 6;  
 .0250 s.7; .0275 s.3, 4, 5; .0350 s.4, 5, 6 (repealed) ..... 2393

**Secretary of State**

8200.0300; .0400; .0700; .0800; .1100; .1200; .1500;  
 .1700; .2100; .2200; .2600; .3700; .3800; .5100; .5400;  
 .9910; .9919; .8220.1950; 8235.0200; 8240.2400  
 (adopted) ..... 2215  
 8200.1300; .1600; .3800 s.2; .9916; .9922; .9925  
 (repealed) ..... 2215  
 8210.0200; .9910; 8230.4350 (proposed) ..... 2247

**Reinvest in Minnesota Conservation Reserve Program**

8400.3000; .3100; .3150; .3200-.5600  
 (emergency extended) ..... 2257  
 8400.3100 s.34, 36 (emergency repeal extended) ..... 2257

**Transportation Department**

8800.2800 (proposed) ..... 2391

**Human Services Department**

9500.1206; .1232; .1257; .1262; .1266 (adopted emergency) . 2310  
 9500.2890 (adopted emergency) ..... 2310  
 9502.0335 (adopted) ..... 2252  
 9505.0275; .1693; .1696; .1699; .1701; .1703; .1706;  
 .1709; .1712; .1715; .1718; .1724; .1727; .1730; .1733;  
 .1736; .1739; .1742; .1745; .1748 (proposed) ..... 2190  
 9505.1500-.1690 (proposed repealer) ..... 2190  
 9515.1000; .1200-.1500; .2200-.2600 (adopted) ..... 2252  
 9515.1100 (repealed) ..... 2252  
 9560.0210-.0234 (proposed) ..... 2176  
 9560.0250; .0260; .0270; .0280; .0290; .0300  
 (proposed repealer) ..... 2176

**Proposed Rules**

Pursuant to Minn. Stat. of 1982, §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

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

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

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

**Board of Animal Health**

**Proposed Permanent Rules Relating to Importation of Swine into Minnesota;  
 State-Federal Approved Markets for Swine**

**Notice of Intent to Adopt Rules Without a Public Hearing**

Notice is hereby given that the State Board of Animal Health proposes to adopt the above entitled rules without a public hearing. The Board has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes* section 14.22 through 14.28 (1982). Authority for adoption of these rules is contained in *Minnesota Statutes* section 35.03 (1986).

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules and such comments are encouraged. Any person requesting a public hearing should state his or her name and address and each comment should identify the portion of the rule addressed, the reason for this comment and any change proposed. The proposed rules may be modified if modifications are supported by data and views submitted to the agency and do not result in substantial change in the proposed language.

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

## Proposed Rules

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Unless 25 or more persons submit a written request for a public hearing on the proposed rule within 30 days comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of *Minnesota Statutes* section 14.13 through 14.20.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or requests to:

Robert G. Pyle  
State Board of Animal Health  
90 West Plato Blvd.  
160 Agriculture Building  
St. Paul, Mn 55107  
Telephone: (612) 296-2941

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information supporting the proposed rules has been prepared and is available from Robert G. Pyle upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the Statement of Need and Reasonableness, all written comments received, and Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as adopted should submit a written statement of such request to Robert G. Pyle at the address listed above.

The rules proposed for adoption relate to the following matters: The Importation of Swine into Minnesota, and State Federal Markets for Swine.

A copy of the proposed rule is attached to this notice.

Dated: 21 April 1988

T. J. Hagerty, DVM  
Executive Secretary  
Board of Animal Health

### Rules as Proposed

#### 1700.2700 REQUIREMENT FOR CERTIFICATE OF VETERINARY INSPECTION.

All domestic and feral swine imported into Minnesota must be accompanied by a certificate issued by an accredited veterinarian, except: slaughter swine consigned to a public stockyard; slaughter swine consigned to a market operating under a permit from the board; feeder swine consigned to a state-federal approved swine market as defined in part 1715.0590, subpart 10, from a farm of origin in an adjacent state; and swine going directly to slaughter at a slaughtering establishment having federal inspection.

#### 1715.0760 MOVEMENTS INTO MARKETS.

Subpart 1. to 4a. [Unchanged.]

Subp. 4b. **Feeder pigs from markets in other states.** Feeder pigs originating from other states may only enter the market if there is a certificate of veterinary inspection and a permit meeting the requirements of part 1715.0705, subpart 3.

Subp. 4c. **Feeder pigs from farms of origin in other states.** Feeder pigs originating from farms of origin in adjacent states may enter if the seller presents an official pseudorabies monitored herd test record or feeder pig monitoring herd card.

Subp. 4d. **Feeder pigs from farm of origin in low prevalence states.** Feeder pigs originating from a farm of origin in a low prevalence state may enter the market if the consigner furnishes proof of residence and proof of origin of the feeder pigs.

Subp. 5. [Unchanged.]

## Department of Public Service

### Proposed Permanent Rules Relating to Thermal Insulation Standards

#### Notice of Intent to Amend Rules Without a Public Hearing

Notice is hereby given that the Minnesota Department of Public Service proposes to adopt amendments to *Minnesota Rules*, Chapter 4155.0130, subpart 2.A.(1), without a public hearing. The Commissioner has determined that the proposed amendment of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in the *Minnesota Statutes*, sections

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## Proposed Rules

14.22 to 14.28. Authority for the adoption of these rules is contained in *Minnesota Statutes*, sections 325F20, subd. 1 and 325F21, subd. 1 and 2.

*Minnesota Rules*, Chapter 4155 apply to manufacturers of all residential thermal insulation products sold or installed in Minnesota.

All persons have 30 days in which to submit comment in support of or in opposition to any part of the proposed amendments. Comment is encouraged. Each comment should identify the proposed amendment addressed, the reason for the comment, and any change proposed.

All persons may make a written request for a public hearing on the proposed amendments within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing must state his or her name and address and is encouraged to identify the portion of the proposed amendment addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or requests to: Bruce D. Nelson, Department of Public Service, Energy Division, 900 American Center Building, 150 East Kellogg Boulevard, St. Paul, Minnesota 55101 (612) 297-2313.

Comments or requests for a public hearing must be received by the Department of Public Service, Energy Division by 4:00 p.m., May 31, 1988. The proposed amendments may be modified if the modifications are supported by the data and views submitted to the Department and do not result in a substantial change in the proposed amendments as noticed.

A Copy of the proposed rule amendment is attached to this notice.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed amendments and identifies the data and information relied upon to support the proposed amendments has been prepared and is available by requesting a copy from Mr. Nelson at the address listed above.

The implementation of these amendments will not require the expenditure of public money in excess of \$100,000 by local bodies in either of the two years following their adoption, nor do the rules have any impact on agricultural land.

The adoption of these amendments will affect small businesses in Minnesota. The Department has evaluated the effect of the proposed rules on small businesses and has considered each of the methods prescribed by *Minnesota Statutes*, Section 14.155, subd. 2, for reducing the impact of the rules on small businesses. Small businesses would benefit from the proposed rule, since the required frequency of testing is reduced, resulting in less stringent compliance, schedules and deadlines in conformance with *Minnesota Statutes*, Section 14.155, subd. 2(a) and (b). The proposed rule would have no effect on reporting requirements addressed by *Minnesota Statutes* Section 14.155, subd. 2(a), (b) or (c). The requirements of Chapter 4155 are already performance standards for all insulation types in conformance with *Minnesota Statutes* Section 14.155, subd. 2(d). The Department has determined that small businesses cannot be exempted from any or all requirements of the rules in conformance with *Minnesota Statutes* Section 14.155, subd. 2(e).

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

Dated: 18 April 1988

Tony Perpich, Commissioner  
Department of Public Service

### Rules as Proposed

#### 4155.0100 AUTHORITY AND PURPOSE.

The commissioner is authorized by *Minnesota Statutes*, sections 325F20, subdivision 1, and 325F21, subdivisions 1 and 2, to establish standards for the product quality, safety, installation, and labeling of thermal insulation products, and to establish test programs and procedures to ensure that standards established by this chapter shall be are met.

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

# Proposed Rules

## 4155.0110 APPLICABILITY.

Subpart 1. **Types of residential insulation products covered.** This chapter applies to the following thermal insulation materials:

- A. cellulose fiber (loose fill and spray applied);
- B. mineral fiber (blankets, loose fill, board and spray applied);
- C. perlite (loose fill);
- D. polystyrene (board form, expanded and extruded);
- E. polyurethane and polyisocyanurate (board form and field applied);
- F. reflective foil;
- G. urea formaldehyde foam (field applied);
- H. vermiculite (loose fill); and

I. other products advertising thermal resistance/R-values for use in residential buildings insulation products for use in residential buildings. These include insulation for walls, ceilings, floors, foundation walls, pipe insulation, duct insulation, and retrofit water heater blanket insulation.

Not included are insulation used in manufactured appliances, windows, and doors, and insulation used in new manufactured homes assembled outside Minnesota.

Subp. 2. [Unchanged.]

Subp. 3. **Affected parties.** This chapter applies to all members of the insulation industry including:

- A. those who engage in the production and supply of materials from which insulation is made;
- B. those who promote the sale or use of insulation;
- C. manufacturers of insulation materials or component materials;
- D. jobbers, wholesalers, and retailers of insulation;
- E. contractors and applicators who sell and install residential insulation; and
- F. those engaged in the marketing of insulation who are, or who purport to act as, agents of manufacturers or suppliers of insulation industry members, as defined in part 4155.0120.

Subp. 4. **Prohibitions.** The prohibitions in this subpart apply to the installation and application of insulation.

A. Industry members may not install insulation in residential structures unless it conforms to the product quality standards in this chapter.

B. Industry members and other persons may not engage in the mobile manufacture of cellulose insulation, which means, the simultaneous on-site production and installation of cellulose insulation as an integral mechanical and manufacturing process.

C. Urea-formaldehyde foam or precured forms may not be used in attics or ceilings.

D. Polystyrene loose-fill may not be used in attics unless it complies with the state building code.

Subp. 5. **Installation, generally.** Industry members installing insulation shall follow manufacturers' written application instructions.

When installing insulation in attic areas, the installer shall locate flush and recessed light fixtures, and other heat producing appurtenances, and shall comply with the safety procedures in items A and B.

A. In accordance with section 410-66 of the National Electrical Code (1984), insulation must not be installed closer than three inches to the sides of recessed light fixtures. Rigid nonflammable blocking must be installed to maintain a three-inch minimum clearance from the sides of the fixture. This requirement must be waived if the fixture is approved for coverage with thermal insulation in accordance with section 410-66 of the National Electrical Code (1984).

B. A three-inch minimum air space must be maintained around other heat-producing appurtenances, such as motors, fans, and heaters, unless the fixture is specifically approved for coverage with thermal insulation materials. If the fixture is designated by the manufacturer to require a larger air space than three inches, the larger air space must be maintained. Rigid nonflammable blocking must be installed to maintain the designated clearances.

## 4155.0120 DEFINITIONS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Approved laboratory.** "Approved laboratory" means any testing facility, including a facility owned or operated by a manufacturer, that has been approved accredited by NVLAP one or more of the following agencies to perform the required test:

A. United States Department of Commerce, National Voluntary Laboratory Accreditation Program (NVLAP), Gaithersburg, Maryland; or

B. American Association for Laboratory Accreditation, Gaithersburg, Maryland.

Exception: In the event that an approved laboratory program is temporarily delayed or is not capable of accrediting a test or tests, a testing laboratory possessing the appropriate equipment, facilities, and qualified personnel to perform the required testing is an approved laboratory.

Subp. 4. to 7. [Unchanged.]

Subp. 8. [See repealer.]

Subp. 9. **Department.** "Department" means the Minnesota Department of ~~Energy and Economic Development~~ Public Service.

Subp. 10. to 13. [Unchanged.]

Subp. 14. **Insulation.** "Insulation" means thermal insulation, which is a material or assembly of materials designed to provide resistance to heat flow in residential building structures, including but not limited to mineral fibrous, mineral cellular, organic fibrous, organic and plastic cellular and reflective materials, whether in loose-fill, flexible, rigid, or semirigid form. Any material advertised for use in residential buildings as having a ~~thermal resistance R-value~~ energy saving value by virtue of its thermal resistance or emissivity properties (R-value), except windows and doors, shall be considered as insulation for purposes of this chapter.

Subp. 15. to 19. [Unchanged.]

Subp. 20. [See repealer.]

Subp. 21. [Unchanged.]

Subp. 22. **R or R-value.** "R" or "R-value" means the measure of resistance to heat flow through a material or assembly of materials. It may be stated as the reciprocal of the heat flow through a material expressed in British thermal units per hour, per square foot, per degree Fahrenheit. R-value indicates "thermal performance."

Subp. 23. to 28. [Unchanged.]

#### **4155.0130 INSULATION MATERIALS STANDARDS.**

Subpart 1. **Scope.** This part sets forth standards for the product quality and safety of thermal insulation materials specified herein, as well as minimum procedures for the testing ~~and reporting~~ of insulation materials under these standards. Regulated thermal insulation materials that do not demonstrate by tests conformance to these standards shall not be sold, used, distributed, or installed in Minnesota by an industry member. Performance tests for insulation materials must meet or exceed the requirements of this part.

Subp. 2. **General testing and reporting requirements.** General testing ~~and reporting~~ requirements for regulated thermal insulation materials in this part are as follows:

A. When ASTM amends, reorganizes, or modifies a standard test method and the manufacturer or testing laboratory desires to use the new version, the department may be petitioned to adopt the new test method version. Until the department adopts or decides not to adopt the new version, the petitioner may request a temporary variance to use the new test method version. Criteria or factors in granting a variance are:

- (1) whether the new test method version amounts to a substantial change over the old version;
- (2) whether the amendment to the test version was controversial within the ASTM decision making body;
- (3) whether the department sees the new test version as an improvement in testing quality control;
- (4) whether the new version adversely affects consumers or manufacturers; and
- (5) whether there is strong opposition outside of the ASTM organization to the new test version.

B. All regulated thermal insulation materials ~~shall~~ must be tested for compliance with the standards in this part by April 2, 1986. Testing procedures are as follows:

- ~~(1) Testing must be performed at least every other year. The testing must be completed by June 1 of every even-numbered year.~~

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## Proposed Rules

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(2) Until April 2, 1986, testing shall must be performed only at a testing laboratory possessing the appropriate equipment, facilities, and qualified personnel necessary to perform testing required by parts 4155.0130 to 4155.0150. Tests performed in the 1985 calendar year are acceptable.

(3) ~~(2)~~ After 120 days following adoption of this chapter, all testing shall must be performed by ~~laboratories an~~ approved and accredited by NVLAP laboratory to perform the required tests. ~~In the event that the NVLAP program is temporarily delayed in accrediting a laboratory or is not capable of accrediting a test or tests, a testing laboratory possessing the appropriate equipment, facilities, and qualified personnel to perform the required testing is acceptable.~~

(4) ~~(3)~~ The thermal insulation material chosen for testing shall must be representative of material produced by the manufacturer during normal production runs.

(5) ~~(4)~~ Manufacturers without NVLAP approved laboratory testing facilities shall contract with an approved laboratory to conduct an annual surprise on-site inspection of the manufacturer's production facilities for the following two purposes:

(a) to take random samples of insulation from the manufacturer's assembly or process system for testing under this chapter; and

(b) to evaluate testing techniques and make recommendations for improvement if the insulation fails to meet the assigned testing standards.

(6) ~~(5)~~ Testing for each type of insulation shall must be performed in accordance with the methods specified in subparts 3 to 15 8.

B. Each manufacturer of insulation must submit an annual report to the department on or before June 1 of each year. The report must be addressed to the Energy Division, Department of Energy and Economic Development, Attention: Insulation Standards Program, 900 American Center Building, 150 East Kellogg Boulevard, Saint Paul, MN 55101. The report must contain the following information:

(1) the name and address of the testing laboratory;

(2) the name and address of the manufacturer;

(3) the nature of the business relationship between the manufacturer and the testing laboratory; for example, contractual for the purpose of testing, subsidiary, or in-house;

(4) the specific tests performed by the laboratory;

(5) the date of testing;

(6) a list of uniform product groups tested together;

(7) a statement that each product meets or exceeds the test standards required by parts 4155.0100 to 4155.0180; and

(8) the testing laboratory's NVLAP certification history.

C. Additional testing information shall be made available as follows:

(1) Upon the request of the commissioner, the manufacturer, a representative of the manufacturer, or the testing laboratory shall provide all applicable information pertaining to the testing program. The information shall include test procedures and protocols, test equipment specifications and calibrations, the qualifications of test laboratory personnel exclusive of personal identifiers, full test data, and proof of NVLAP certification.

(2) Upon the written request of intermediate and ultimate consumers of insulation the manufacturer shall make available a current certification of conformance to applicable test standards.

(6) Insulation must have maximum flammability characteristics in accordance with the Uniform Building Code, 1985 Edition, sections 1712 and 1713, for its intended uses.

~~D. C.~~ All thermal performance tests shall must be conducted in accordance with this item, unless additional requirements are imposed within the body of a materials standard. All Insulation's thermal performance shall must be stated in R-value.

(1) The following ASTM test methods shall must be used: ASTM C ~~477-76~~ 177-85, ASTM C ~~236-80~~ 236-87, ASTM C ~~518-76~~ 518-85, or ASTM C 976-82. Manufacturers shall select the appropriate test method for the material unless a specific method or procedure is referenced within a materials specification.

(2) R-value testing shall must be performed at the insulation's representative thickness, and be consistent with the requirements of the United States Federal Trade Commission.

(3) Unit R per inch shall must be derived from R-value testing performed to its representative thickness, as specified in subitem (2).

(4) Except as otherwise provided within a materials standard, the thermal performance test results ~~shall~~ must be the average of the values obtained from at least three tests.

(5) Thermal performance as measured by test ~~shall~~ must not be more than ten percent below the stated or claimed thermal performance of the insulation material.

(6) Foil facings on insulation material must comply with Federal Trade Commission requirements in section 460.5 of Federal Register, Volume 44, page 50242 (August 27, 1979).

**Subp. 3. Cellulose fiber in loose-fill form insulation.**

**A. The following requirements apply to Cellulose fiber in loose-fill form must meet the following requirements:**

~~A-~~ (1) The product ~~shall~~ must comply with ASTM C 739-84, Standard Specification for Cellulosic Fiber (wood-base) Loose-Fill Thermal Insulation ~~in conjunction with or the CPSC United States Consumer Product Safety Commission Interim Safety Standard for Cellulose Insulation, Federal Register, volume 44, pages 39966-39982 (July 6, 1979). When a CPSC test is performed, the ASTM C 739-84 test need not be repeated.~~

~~B-~~ (2) All manufacturers shall contract with an ~~independent NVLAP~~ approved laboratory for a follow-up agreement for the following two purposes:

(+) (a) The laboratory shall pick up three unopened bags of manufacturer's cellulose ~~from the marketplace~~ for testing under this chapter.

(-) (b) The laboratory shall conduct a minimum of one in-plant inspection every two months. The inspection ~~shall~~ must be unannounced, and the inspector shall conduct tests in the plant laboratory, on a sample ~~taken from the marketplace,~~ for settled density, smoldering combustion, critical radiant flux, corrosiveness (ph), and starch.

~~C-~~ (3) The department shall be immediately notified by the manufacturer of any failure to meet test standards.

**Subp. 4. Cellulose fiber spray applied. The following requirements apply to B. Cellulose fiber spray spray-applied must meet the following requirements:**

~~A-~~ (1) The basic material ~~shall~~ must consist of virgin or recycled wood-based cellulosic fiber. It may be made from related paper or paperboard stock, stock that does not contain contaminated materials and extraneous foreign materials, such as metals and glass, that could be retained in the finished product. Suitable chemicals may be introduced to improve flame resistance, processing, adhesive and cohesive qualities, and handling characteristics. The added chemicals ~~shall~~ must not create a health hazard.

The basic material ~~shall~~ must be processed into a form suitable for installation by pneumatic conveying equipment and simultaneous mixing with water or adhesive at the spray nozzle.

~~B-~~ (2) All testing ~~shall~~ must be performed on applied spray cellulose.

~~C-~~ (3) Determination of thermal performance ~~shall~~ must be in accordance with ASTM C ~~477-76~~ 177-85, ASTM C ~~236-80~~ 236-87, ASTM C ~~548-76~~ 518-85 or ASTM C 976-82 at the manufacturer's option, at the test-defined density of the material. R-value testing ~~shall~~ must be performed at a thickness of material of two inches, unless the material is designed for use at a lesser maximum thickness and the material is so designated on the label or label notice by the manufacturer. It ~~shall~~ must then be tested at the maximum thickness of suggested use.

~~D-~~ (4) Density ~~shall~~ must be determined in accordance with section 7 of ASTM E 605-77 reapproved 1982. The density established by this test ~~shall~~ must be used in the preparation of manufacturer's installation guidelines and in the determination of thermal performance.

~~E-~~ (5) Critical radiant flux and smoldering combustion ~~shall~~ must be tested for in accordance with the CPSC Interim Safety Standard for Cellulose Insulation, Federal Register volume 44, pages 39966-39982 (July 6, 1979) [or the ASTM equivalent in C ~~739-84~~ 739-86]. Values achieved ~~shall~~ must not exceed those established by the CPSC.

~~F-~~ (6) Moisture absorption ~~shall~~ must be determined in accordance with section 15 of ASTM C 553-70 reapproved 1977. Moisture absorption ~~shall~~ must not exceed 15 percent by weight.

~~G-~~ (7) The product ~~shall~~ must comply with test standards for air erosion, bond strength, and bond deflection that have been accepted by the ASTM or a federal or state government agency.

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## Proposed Rules

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H- (8) Test procedures in ~~item F~~ subitem (7) are not required of products that are installed in such a manner so that physical restrictions imposed by the construction elements preclude any possibility of subsequent delamination, erosion, or dusting, and the product is identified only for ~~such~~ those installations.

Subp. 5- 4. **Mineral fiber in loose fill form insulation.**

A. ~~The product shall~~ Mineral fiber in loose-fill form must comply with ASTM C 764-84, Standard Specification for Mineral Fiber Loose-Fill Thermal Insulation.

Subp. 6- **Mineral fiber in batts and blankets form.** ~~The product shall~~ B. Mineral fiber in batts and blankets form must comply with ASTM C 665-84 665-86, Standard Specification for Mineral-Fiber Blanket Thermal Insulation for Light Frame Construction and Manufactured Housing.

Subp. 7- C. Mineral fiber in board form. ~~The following requirements apply to~~ Mineral fiber in board form must meet the following requirements:

A- (1) The basic material shall be made from mineral substances such as rock, slag, or glass processed from a molten state into a fibrous form. Insulation shall be composed of mineral fibers with water resistant binder added and formed into flat rectangular units. Insulation boards shall be uniform in quality and free from defects, such as broken edges, splits, or loose materials which would impair its intended use.

(2) Thermal performance and surface burning characteristics shall be determined in accordance with subpart 1.

B- ~~Determination of the thermal performance shall be in accordance with~~ ASTM C 177-76, ASTM C 236-80, ASTM C 518-76, or ASTM C 976-82 at the manufacturer's option.

C- ~~Surface burning characteristics of materials with facings and membranes intended for exposed applications shall be determined according to~~ ASTM E 84-84 and shall not exceed the following values: flame spread, 25; and smoke developed, 450. ~~Facings and membranes of materials intended for exposed applications shall be exposed to the flame during the~~ ASTM E 84-84 test. ~~Insulation boards exclusive of facings and membranes shall not exceed the following values: flame spread, 25; and smoke developed, 50.~~

Subp. 8- **Mineral fiber Spray-applied.** ~~The product shall~~ D. Spray-applied mineral fiber must comply with ASTM C 1014-84, Standard Specification for Spray-Applied Mineral Fiber Thermal or Acoustical Insulation.

Subp. 9. [See repealer.]

Subp. 10 5. **Polystyrene in board form Foam plastic insulation.**

A. ~~The product shall~~ Molded expanded polystyrene insulation must comply with ASTM C 578-83, ASTM C 578-85, Standard Specification for Preformed, Cellular Polystyrene Thermal Insulation and the accompanying Supplementary Requirements.

B. Extruded Polystyrene must comply with ASTM C 578-85, Standard Specification for Preformed, Cellular Polystyrene Thermal Insulation and the accompanying Supplementary Requirements.

Subp. 11- C. Polyurethane and polyisocyanurate in board form. Unfaced polyurethane and polyisocyanurate shall in board form must comply with ASTM C 591-83, Standard Specification for Unfaced Preformed Rigid Cellular Polyurethane Thermal Insulation.

D. Faced polyurethane and polyisocyanurate shall in board form must comply with Federal Specification HH-I-1972, dated August 21, 1981, Insulation Board Thermal Faced Polyurethane or Polyisocyanurate.

Subp. 12. [See repealer.]

Subp. 13- **Urea formaldehyde foam field applied:** ~~The following requirements apply to~~ urea formaldehyde E. Field-applied urea-formaldehyde foam must meet the following requirements:

A- (1) The product ~~shall~~ must comply with ~~ASTM C 951-83~~ ASTM C 951-85, Standard Specification for Urea-Formaldehyde-Based, Foam-in-Place Insulation.

B- (2) Resin and foaming agent containers ~~shall~~ must be marked with conditions of proper storage and the derated R-value and shrinkage of the prepared foam as certified by the manufacturer.

C- (3) Manufacturers and installers of urea formaldehyde foam insulation shall present a safety notice to the purchasers of the foam prior to the signing of the contract for installation. The notice shall be printed in a minimum of eight point type size. One copy of the notice signed by the purchaser shall be immediately given to the purchaser; one copy shall be retained by the installer; and one copy shall be mailed by the installer to the Director of the Office of Energy Conservation and Development, Department of Energy and Economic Development within 24 hours after the contract for installment is completed with the purchaser comply with statutes and rules, including parts 4620.1600 to 4620.2100, and Minnesota Statutes, section 325F.18.



Manufacturers shall make all sales of urea formaldehyde foam insulation components expressly subject to the application restrictions listed in the notice described in subpart 44.

F. Spray-applied urethane must comply with ASTM C 1029-85, Standard Specification for Spray-Applied Rigid Polyurethane Thermal Insulation.

Subp. 14. [See repealer.]

Subp. 15. [See repealer.]

Subp. 6. Perlite and vermiculite insulation.

A. Perlite loose-fill insulation must meet the following requirements:

(1) The product must comply with ASTM C 549-81 (reapproved 1986), Standard Specification for Perlite Loose-Fill Insulation.

(2) The manufacturer shall disclose to the department any chemical treatment of the perlite material and the purpose of the treatment.

B. Vermiculite in loose-fill form must meet the following requirements:

(1) The product must comply with ASTM C 516-80 (reapproved 1985), Standard Specification for Vermiculite Loose-Fill Thermal Insulation.

(2) The manufacturer shall disclose to the department any chemical treatment of the vermiculite material and the purpose of the treatment.

Subp. 7. Reflective foil insulation. The following requirements apply to reflective foil:

A. Specimens for tests must consist of pieces of insulation cut to approximately three by six inches, suspended in a vertical position and heated to a temperature of 180 degrees Fahrenheit (plus or minus five degrees Fahrenheit) for at least five hours. At the end of the heating period, the tester shall examine the reflective surfaces to determine whether the adhesive has bled through the surface or whether delamination has occurred.

Adhesive used in bonding must be waterproof and show no sign of bleeding when tested in accordance with the test procedure in item B. Bleeding at cut edges may be disregarded.

B. Reflective foil insulation must be tested according to ASTM C 976-82 or ASTM C 236-87 to determine the thermal performance in horizontal, upward, and downward directions. The tested thermal performance in the heat-flow direction or directions of the intended application must be labeled on the material. The manufacturer shall test once in each direction of intended application; except that, for products labeled with only one heat-flow direction, the manufacturer shall test two samples in that direction.

Thermal performance for single or multiple sheet sections must be determined according to ASTM C 976-82 or ASTM C 236-87. The test panel must consist of a panel using a wooden frame of two-by-six inch boards 16 inches apart and at least 24 inches long, covered with a minimum of 1/2-inch gypsum wallboard or 1/2-inch plywood on each side. For tests in the vertical position, the test panel must be at least seven feet high at a mean temperature of 75 degrees Fahrenheit, with a temperature differential of 30 degrees Fahrenheit. The resultant thermal performance must be based upon the insulation only.

Thermal performance for single sheet radiant barrier reflective insulation products shall meet, as an alternative to this requirement, a reasonable substantiation and basis of the energy savings claim.

C. Layers of insulation composed of unsupported foil that is exposed must have a minimum thickness of 0.0004 inch. Unsupported foil that is sandwiched in multilayer sheet must have a minimum thickness of 0.00035 inch. Foil bonded to kraft paper must have a minimum thickness of 0.00025 inch. Minimum space between layers of a multilayer sheet must conform with Federal Specification HH-I-1252B dated August 18, 1976.

D. Foil must be folded in accordance with TAPPI Standard No. 512-OM86, and the folded edge smoothed using a light finger pressure. The finished insulation must not crack when folded to 180 degree bend at a temperature of 70 degrees Fahrenheit (plus or minus two degrees Fahrenheit) and a relative humidity of 50 percent (plus or minus five percent).

E. Reflective foil insulation that conforms to all requirements of ICBO Evaluation Service Acceptance Criteria for Reflective Foil Insulation, June 1987 (with the exception that thermal performance shall be tested with a temperature differential of 30 degrees

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## Proposed Rules

Fahrenheit), meets the Minnesota testing standards in this subpart.

**Subp. 8. Other insulation.** Insulation other than insulation specified in subparts 1 to 7, to be sold, marketed, or advertised for use in residential structures in Minnesota must comply with the following requirements:

- A. thermal performance and surface burning characteristics must be determined in accordance with subpart 1;
- B. results of the water absorption test must be reported;
- C. if the material is foam-in-place, a test of the shrinkage using ASTM C 591-85, section 8.5 must be used;
- D. if the material contains formaldehyde, a urea-formaldehyde content test is necessary; and
- E. the initial report as required by part 4155.0145, subpart 2, must include a description of other tests applied to the product.

Before insulation is sold, marketed, or advertised for use in residential structures in Minnesota, the manufacturer shall test the insulation with an approved laboratory and submit a certification of compliance with a federal, state, or ASTM standard specification that addresses all of the performance characteristics of the product. When no federal, state, or ASTM standard specification has been developed, the manufacturer shall present test data from an approved laboratory that shows the insulation and its intended uses are safe and effective and does not pose a threat to human health.

### 4155.0135 REQUIREMENTS FOR INSULATION FOR SPECIAL APPLICATIONS.

**Subpart 1. Application testing requirements for exterior, underground insulation.**

A. Insulation by itself or as part of a system must be in-service tested in a testing facility designed to duplicate actual underground conditions. The testing environment must reflect the extremes of weather, moisture, and soil conditions. The purpose of the testing must be to determine aged R-value performance, giving consideration to the conditions listed in item C. A summary of the test results must be submitted to the department.

B. As an alternative to item A, the testing initiator may elect to have an insulation tested by an approved laboratory and listed for underground use, with consideration given to the conditions listed in item C.

C. The listing of the product for underground use must be based on the most recent applicable ASTM tests or any other tests that are available that give consideration to each of the following conditions:

- (1) moisture absorption;
- (2) mechanical durability under freeze-thaw cycling conditions;
- (3) soil compatibility;
- (4) flexural strength or compression; and
- (5) vapor drives due to high-low pressure gradients.

D. The initiator seeking the listing shall select the appropriate tests that best address the conditions stated in item C.

E. An association or trade representative may initiate a product's listing on behalf of its constituency. The association shall submit representative samples for testing and certify to the department which manufacturers within its constituency the samples are representative of. The association must have an internal certification procedure to determine constituency conformity to the representative samples submitted for testing.

F. A summary of test results for item B must be submitted to the department.

**Subp. 2. Installation instructions for underground use.** Written instructions on underground use of insulation must, at a minimum, contain instructions or information regarding:

- A. optimal application techniques;
- B. drainage, as specified in section R-305 of the One & Two Family Dwelling Code by CABO (1983 Edition);
- C. waterproofing and dampproofing, as specified in section R-306 of the One & Two Family Dwelling Code by CABO (1983 Edition);
- D. varying soil and soil moisture conditions;
- E. temperature effects on application;
- F. optimal backfill techniques for protection from physical damage; and

G. the manufacturers' warranty, if any. The manufacturer shall state whether it warrants the insulation for underground use and, if applicable, the conditions of warranty and the length of warranty, including a statement of the number of years for which the product is warranted to maintain 80 percent of its advertised R-value.

Manufacturers that recommend a product for underground use in the vertical or horizontal position shall provide complete instructions for its respective applications.

Subp. 3. Practice of insulation use for exterior underground installation. The following requirements apply to the exterior installation or application of insulation below the ground:

A. The installation or application of insulation in the vertical and horizontal position must conform to the manufacturers' instructions and recommendations.

B. Insulation extending above the ground line must be covered with an exterior wall finish to protect the insulation from ultraviolet sunlight, moisture absorption, freeze-thaw durability, air erosion, and general weather conditions.

C. Polyurethane or polyisocyanurate spray-applied application must meet the following conditions:

(1) Manufacturers shall recommend the type of urethane systems to be used for underground use and applicators shall only use a recommended system.

(2) Polyurethane or polyisocyanurate spray-applied application must have a protective coating applied to its exterior surface above and below ground. The type of protective coating and method of application must be in accordance with the insulation manufacturer's instructions and recommendations.

D. Mineral fiber foundation insulation and drainage boards must meet the following conditions:

(1) The board must be manufactured to facilitate proper downward drainage, or in the alternative, manufactured in such a manner that moisture will not substantially penetrate horizontally toward the foundation wall.

(2) The board must not be used without exterior drainage, as defined in part 4155.0120.

Subp. 4. Pipe insulation, duct wrap insulation, and water heater blanket insulation. Pipe insulation, duct wrap insulation, and water heater blanket insulation must meet the standards of part 4155.0130, including the flammability requirements for insulation in part 4155.0130, subpart 2, item B, clause (5). Water heater blanket standards must meet the requirements of pipe insulation.

#### **4155.0145 REPORTING REQUIREMENTS.**

Subpart 1. Applicability. This subpart identifies all industry members to whom subparts 2 and 3 apply.

A. Manufacturers of insulation materials, components, or products shall file an initial report as required by subpart 2.

B. A reseller, repackager, or industry member who alters the physical properties of an insulation product manufactured by another industry member shall file an initial report as required by subpart 2.

C. An industry member that intends to sell an insulation product manufactured by another industry member under its own trade or brand name, desires to be listed as the manufacturer, and does not alter physical properties of the insulation product, shall file an initial report. The filing insulation member can comply with subpart 2, item B, by certifying that the product is the same as when it was previously filed.

Subp. 2. Initial report. An industry member shall file an initial report at least 30 days before offering for sale in the state any new products, significant changes to a product already filed, or changes to product installation instructions to a product already filed.

The initial report must include the following:

A. the manufacturer's name, address, phone number, and contact person;

B. product names, including any and all generic, trade, and brand names the product may be identified by;

C. type of product;

D. product literature, including installation instructions, a copy of the label affixed to the product, and a list of the intended uses of the product;

E. a fact sheet as required by FTC R-value rule, identified in Code of Federal Regulations, title 16, part 460;

F. results of initial tests, as required by part 4155.0130, identifying tests performed, name of laboratory, testing dates, and test results;

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## Proposed Rules

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G. a statement that each product meets or exceeds the test standards required by this chapter;

H. if follow-up agreement is required by part 4155.0130, the:

(1) scope of material characteristics of the product encompassed by this agreement; and

(2) frequency of unannounced inspections; and

I. a description of the quality assurance program.

### **Subp. 3. Annual filing requirement.**

A. Industry members who have made initial filings shall file by June 1 of each year.

B. For each product, the report must include:

(1) the manufacturer's name, address, phone number, and contact person;

(2) product names, including all generic, trade, and brand names by which the product may be identified;

(3) certification that the product has not undergone significant changes since the initial report was filed; and

(4) identification of and changes in information that may have changed from the initial or previous annual report, including product brand names, product literature, Federal Trade Commission fact sheet, product usage, or discontinuation of manufacture.

C. Additional testing information must be made available as follows:

(1) Upon the request of the commissioner, the manufacturer, a representative of the manufacturer, or the testing laboratory shall provide all applicable information pertaining to the testing program. The information must include test procedures and protocols, test equipment specifications and calibrations, the qualifications of test laboratory personnel exclusive of personal identifiers, full test data, and proof of an approved laboratory's certification.

(2) Upon the written request of intermediate and ultimate consumers of insulation the manufacturer shall make available a current certification of conformance to applicable test standards.

### **4155.0155 APPLICATION AND INSTALLATION STANDARDS.**

**Subpart 1. Applicability.** Industry members who offer insulation installation services for residential buildings shall comply with the application standards in this part.

The application standards in this part do not apply to nonresidential buildings or construction.

This part applies to new residential construction and retrofit applications.

**Subp. 2. Application and inspection.** Industry members installing insulation shall follow manufacturer's written application instructions.

In attic areas where insulation is to be installed, the installer shall locate all flush and recessed light fixtures, and other heat-producing appurtenances, and shall comply with the following safety procedures:

A. In accordance with section 410-66 of the National Electrical Code (1984), insulation must not be installed closer than three inches to the sides of recessed light fixtures. Rigid nonflammable blocking must be installed to maintain a three-inch minimum clearance from the sides of the fixture. This requirement must be waived if the fixture is approved for coverage with thermal insulation in accordance with section 410-66 of the National Electrical Code (1984).

B. A three-inch minimum air space must be maintained around other heat-producing appurtenances, such as motors, fans, and heaters, unless the fixture is specifically approved for coverage with thermal insulation materials. If the fixture is designated by the manufacturer to require a larger air space than three inches, the larger air space must be maintained. Rigid nonflammable blocking must be installed to maintain the designated clearances.

**Subp. 3. Manufacturer's installation or application instructions.** Manufacturers shall provide installation and application instructions that comply with this subpart:

A. The manufacturer's written instructions describing areas of recommended use, the proper methods of application, and required or recommended safety measures must be provided to each intermediate consumer and installer of all insulation sold for use in Minnesota within ten days of the sale.

B. Intermediate consumers and installers shall provide or make available all written instructions to ultimate consumers.

C. Urea-formaldehyde foam insulation installation must conform with Minnesota Statutes, section 325F.18 and Minnesota Rules, part 4620.2100.

**4155.0160 LABELING.**

All insulations Insulation used or offered for sale in Minnesota shall must be labeled according to applicable federal requirements such as the United States Consumer ~~Products~~ Product Safety Commission requirements set forth in Federal Register, volume 44, pages 39966-39982 (July 6, 1979), or the United States Federal Trade Commission requirements set forth in Federal Register, volume 44, pages 50242-50245 (August 27, 1979); and any other applicable state or federal law.

**4155.0170 INCORPORATIONS BY REFERENCE AND CITATIONS.**

Subpart 1. **Generally.** Portions of the following standards listed in subparts 2 and 3 which are found throughout this chapter are incorporated by reference; most of the material is subject to frequent change, and all of the standards listed are available to the public at the public libraries and the organizations listed in subpart 4.

The standards and tests selected are all an integral part of current insulation industry testing procedures. All manufacturers and testing laboratories presently possess or have access to each referenced incorporation.

Subp. 2. **ASTM.** The following apply to incorporations by reference of ASTM standards are incorporated by reference:

A. ASTM is the American Society of Testing and Materials, a scientific and technical organization responsible for the development and authoring of the tests and standards listed. The incorporated references are published by the organization in the "Annual Book of ASTM Standards." All but one of the standards are published in the annual book of 1984, volumes 04.06 and 04.07. Test Standard ASTM C 764-84 will be published in the annual book of 1985, volume 04.06 (released October 1985); but it is available immediately for order from ASTM.

The last two digits of each test standard number indicate the year of publication and version incorporated by reference.

**B. ASTM Quick Reference.**

- (1) C 168-80a
- (2) C 177-76
- (3) C 236-80
- (4) C 516-80
- (5) C 518-76
- (6) C 549-81
- (7) C 553-70
- (8) C 578-83
- (9) C 591-83
- (10) C 665-84
- (11) C 739-84
- (12) C 764-84
- (13) C 951-83
- (14) C 976-82
- (15) C 1014-84
- (16) E 84-84
- (17) E 605-77

(1) A. ASTM C 168-80a, Standard Definitions of Terms Relating to Thermal Insulation Materials.

(2) B. ASTM C ~~177-76~~ 177-85, Steady-State Thermal Transmission Properties by means of the Guarded Hot Plate.

(3) C. ASTM C ~~236-80~~ 236-87, Steady-State Thermal Performance of Building Assemblies by means of a Guarded Hot Box.

(4) D. ASTM C 516-80 (reapproved 85), Standard Specification for Vermiculite Loose-Fill Thermal Insulation.

(5) E. ASTM C ~~518-76~~ 518-85, Steady-State Thermal Transmission Properties by means of the Heat Flow Meter.

(6) F. ASTM C 549-81 (reapproved 86), Standard Specification for Perlite Loose Fill Insulation.

(7) G. ASTM C 553-70 (reapproved 77), Standard Specification for Mineral Fiber Blanket and Felt Insulation.

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## Proposed Rules

(8) H. ASTM C 578-83 ASTM C 578-85, Standard Specification for Preformed, Cellular Polystyrene Thermal Insulation.

(9) I. ASTM C 591-83 ASTM C 591-85, Standard Specification for Unfaced Preformed Rigid Cellular Polyurethane Thermal Insulation.

(10) J. ASTM C 665-84 ASTM C 665-86, Standard Specification for Mineral Fiber Blanket Thermal Insulation for Light Frame Construction and Manufactured Housing.

(11) K. ASTM C 739-84 ASTM C 739-86, Standard Specification for Cellulosic Fiber (wood-base) Loose-Fill Thermal Insulation.

(12) L. ASTM C 764-84, Standard Specification for Mineral Fiber Loose-Fill Thermal Insulation.

(13) M. ASTM C 951-83 951-85, Standard Specification for Urea-Formaldehyde-Based, Foam-in-Place Insulation.

(14) N. ASTM C 976-82, Thermal Performance of Building Assemblies by means of a Calibrated Hot Box.

(15) O. ASTM C 1014-84, Standard Specification for Spray-Applied Mineral Fiber Thermal or Acoustical Insulation.

(16) P. ASTM E 84-84 ASTM E 84-84 Revision A, Surface Burning Characteristics of Building Materials.

(17) Q. ASTM E 605-77 reapproved 1982, Thickness and Density of Sprayed Fire-Resistive Material Applied to Structural Members.

R. ASTM C 1029-85, Standard Specification for Spray-Applied Rigid Cellular Polyurethane Thermal Insulation.

Subp. 3. **Other incorporation and citations.** The following non-ASTM standards are also incorporated by reference:

A. ASHRAE Handbook of Fundamentals, (1981 Edition) by the American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc. (Technical Reference Book).

B. CABO, sections R-305 and R-306 of the One & Two Family Dwelling Code, by the Council of American Building Officials (1983 Edition).

C. Federal Specification (FS) HH-I-1252B (August 18, 1976) by the General Services Administration.

D. Federal Trade Commission (FTC) requirements in Code of Federal Regulations, title 16, part 460, (Federal Register, volume 44, page 50242, August 27, 1979).

E. National Electrical Code, section 410-66 (1984 Edition), by the National Fire Protection Association.

F. Consumer Products Safety Commission (CPSC) Interim Safety Standard for Cellulose Insulation, Code of Federal Regulations, title 16, part 1209 (Federal Register, volume 44, pages 39966-39993, July 6, 1979).

G. Uniform Building Code (1982 1985 Edition), by the International Conference of Building Officials.

H. Federal Specification (FS) HH-I-1972 by the General Services Administration.

I. TAPPI Standard No. 512-OM86 by the Technical Association of the Pulp and Paper Industry.

Subp. 4. **Availability.** The standards incorporated by reference are available for public inspection as follows:

A. All documents incorporated by reference in this chapter are available at the following locations:

(1) Minnesota State Law Library; and

(2) James J. Hill Reference Library.

B. All ASTM test standards are available through the following additional locations:

(1) Minneapolis Public Library;

(2) University of Minnesota Engineering Library; and

(3) American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.

C. General Services Administration Federal Specifications are available by:

(1) Mail: GSA Federal Specification Request, Superintendent of Documents, Government Printing Office, Washington, D.C. 20402;

(2) Phone: GSA, Chicago Documents Ordering line: (1) (312) 353-5383.

D. CABO, the One & Two Family Dwelling Code, by the Council of American Building Officials (1983 Edition), is available at: (CABO) Building Officials and Code Administrators International, Inc., 17926 South Halsted Street, Homewood, Illinois 60430.

**REPEALER.** Minnesota Rules, parts 4155.0120, subparts 8 and 20; 4155.0130, subparts 9, 12, and 14; 4155.0140; and 4155.0180, are repealed.

## Department of Transportation

### Program Management Division

### Proposed Permanent Rules Relating to Seaplane Operations on Ox Yoke Lake

#### Notice of Intent to Adopt Amendments to a Rule Without a Public Hearing

Notice is hereby given that the State of Minnesota, Department of Transportation intends to adopt the above-entitled amendments to a rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, Sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes*, Section 360.015, subd. 3, which permits the Commissioner of Transportation to adopt rules to protect and insure the general public interest and its safety, the safety of persons using aircraft, and of persons and property on land or water.

All persons have 30 days in which to submit comments in support of or in opposition to the proposed rule or to any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any persons requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the department will proceed pursuant to *Minnesota Statutes*, Sections 14.131 to 14.20.

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

Larry R. Myking, Manager  
Aviation Services Unit  
Office of Aeronautics  
Program Management Division  
Minnesota Department of Transportation  
644 Bayfield Street  
Room 222  
St. Paul, Minnesota 55107  
Telephone: 612-296-8056

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

A copy of the proposed rule is attached to this notice.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Larry R. Myking upon request.

The Department has considered the impact these rules will have. The rules impose no fees, and will not impose "costs mandated by the state," or require a local agency or school district to take action that incurs costs mandated by the State within the meaning of *Minnesota Statutes*, Section 3.982. The adoption of these rules will not require the expenditure of money by local public bodies within the meaning of *Minnesota Statutes*, Section 14.11, and will have no impact on small businesses as described in *Minnesota Statutes*, Section 14.115.

If no hearing is required, upon adoption of the rule the rule and the required supporting documents will be submitted to the Attorney General for review as to form and legality. Any person may request notification of the date of submission to the Attorney

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## Proposed Rules

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General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Larry R. Myking at the address listed above.

Dated: 11 April 1988

Leonard W. Levine  
Commissioner of Transportation

### Rules as Proposed

#### 8800.2800 SEVEN-COUNTY METROPOLITAN REGION SEAPLANE OPERATIONS.

Subpart 1. [Unchanged.]

Subp. 2. **Permissible operations.** Seaplane operations are permitted only on the following public waters within the seven-county metropolitan area.

A. to C. [Unchanged.]

D. Hennepin County: Bryant Lake; Diamond Lake; Eagle Lake; Fish Lake; French Lake; Lake Independence; Lake Minnetonka, except: Black Lake, Emerald Lake, French Lake, Forest Lake, Gray's Bay, Libb's Lake, Peavy Lake, Seton Lake, and Tanager Lake; Lake Sarah; Medicine Lake; Mississippi River; Ox Yoke Lake; Schmidt Lake; and Whaletail Lake.

E. Ramsey County: Bald Eagle Lake; Lake Owasso; ~~Lone~~ Long Lake; Mississippi River; Turtle Lake; and White Bear Lake.

F and G. [Unchanged.]

Subp. 3. to 6. [Unchanged.]

## 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 Permanent Rules Relating to Buying and Storing Grain

The rules proposed and published at *State Register*, Volume 12, Number 31, pages 1597-1607, February 1, 1988 (12 S.R. 1597) are adopted as proposed.

## Department of Commerce

### Adopted Permanent Rules Relating to Uniform Conveyancing Blanks

The rules proposed and published at *State Register*, Volume 12, Number 15, pages 741-744, October 12, 1987 (12 S.R. 741) are adopted as proposed.



## Department of Commerce

### Adopted Permanent Rules Relating to Credit Life Insurance

The rule proposed and published at *State Register*, Volume 12, Number 18, pages 926-928, November 2, 1987 (12 S.R. 926) is adopted as proposed.

## Board of Pharmacy

### Adopted Permanent Rules Relating to Pharmacy Regulation

The rules proposed and published at *State Register*, Volume 12, Number 30, pages 1525-1528, January 25, 1988 (12 S.R. 1525) are adopted with the following modifications:

#### Rules as Adopted

##### 6800.1250 APPLICATIONS FOR LICENSURE.

Subpart 1. **Submitting.** Applicants for licensure by examination shall submit a completed application for examination including affidavits of internship, a copy of applicant's birth certificate, and a recent photograph. All applicants shall show evidence of graduation with a bachelor of science degree or doctor of pharmacy degree, as the first professional undergraduate degree in pharmacy, from a college of pharmacy or a department of pharmacy of a university approved by the board and meeting at least the minimum standards set by the American Council on Pharmaceutical Education in the current edition of its accreditation manual. The evidence shall be shown by submitting an official final transcript showing the date on which degree was conferred. The above-listed documents together with a check for \$200 must be submitted to the board at least 45 days prior to the examination. An applicant who is a graduate of a school or college of pharmacy located outside the United States, which has not been recognized and approved by the board, but who is otherwise qualified to apply for a license to practice pharmacy in this state, is considered to have satisfied the requirements of graduation if the applicant verifies to the board the applicant's academic record and the applicant's graduation ~~and meets other requirements as the board may establish~~. Before taking the licensing examination, a foreign graduate applicant shall pass the Foreign Pharmacy Graduate Equivalency Examination, which is recognized and approved by the board, given by the Foreign Pharmacy Graduate Examination Commission and demonstrate proficiency in the English language by passing the Test of English as a Foreign Language, which is recognized and approved by the board, given by the Educational Testing Service as a prerequisite to taking the licensure examination.

## Minnesota Racing Commission

### Adopted Permanent Rules Relating to Horse Racing

The rules proposed and published at *State Register*, Volume 12, Number 34, pages 1738-1746, February 22, 1988 (12 S.R. 1738) are adopted with the following modifications:

#### Rules as Adopted

##### 7873.0190 PICK SIX.

Subp. 6. **Calculation of pool.** The pick six pari-mutuel pool shall be calculated according to one of the two following methods as approved by the commission:

A. (1) Seventy-five percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of pari-mutuel tickets which correctly designate the official winner in each of the six races comprising the pick six. Twenty-five percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among holders of pari-mutuel tickets which correctly designate the second greatest number of official winners of the six races comprising the pick six.

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## Adopted Rules

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(2) In the event there is no pari-mutuel ticket properly issued which correctly designates the official winner in each of the six races comprising the pick six, 75 percent of the pari-mutuel pool shall not be distributed but shall be retained by the association as distributable amounts and shall be carried over and included in the pick six pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed among the holders of pari-mutuel tickets which correctly designate the official winner in each of the six races comprising the pick six pool that day. The remaining 25 percent shall be distributed among the holders of pick six tickets which correctly designate the most official winners of the six races comprising the pick six.

B. (1) Fifty percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of pari-mutuel tickets which correctly designate the official winner in each of the six races comprising the pick six. Fifty percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among holders of pari-mutuel tickets which correctly designate the second greatest number of official winners of the six races comprising the pick six.

(2) In the event there is no pari-mutuel ticket properly issued which correctly designates the official winner of each of the six races comprising the pick six, 50 percent of the pari-mutuel pool shall not be distributed but shall be retained by the association as a distributable amount and shall be carried over and included in the pick six pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed among the holders of pari-mutuel tickets which correctly designate the official winner in each of the six races comprising the pick six pool that day. The remaining 50 percent shall be distributed among the holders of pick six tickets which correctly designate the most official winners of the six races comprising the pick six.

The method of distribution shall be selected by the racing association and implemented after approval by the commission; provided that the method of distribution benefits the wagering public and does not adversely affect the integrity of racing.

### 7897.0100 PROHIBITED ACTS.

~~Subp. 19. Abusive language. No person shall use profane, abusive, or indecent language to a racing official.~~

## Official Notices

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Pursuant to the provisions of Minnesota Statutes § 14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

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

## Board of Animal Health

### Notice of Special Board Meeting

A Special meeting of the Board of Animal Health has been scheduled for Wednesday, June 15, 1988 at the Sunwood Inn in Morris, Minnesota at 9:30 a.m.

Information about this meeting can be obtained by calling the Board offices at 612-296-5000.

Dated: 22 April 1988

Thomas J. Hagerty, DVM.  
Executive Secretary

## Department of Education Management Effectiveness Division

### Applications Solicited for the School Administration Advisory Task Force

The State Board of Education is seeking applications for membership on the School Administration Advisory Task Force. This task force meets three times per year, and members are reimbursed for travel and living expenses. The task force advises the State Board on the licensure and relicensure of school administrators. Task force members are appointed by the State Board of Education for a term of two years.

The task force consists of 14 voting members:

- Two elementary school principals

- Two secondary school principals
- Two school superintendents
- One practicing classroom teacher
- Two administrators or faculty members in education from colleges with approved school administration programs
- One member of a Minnesota school board
- One individual employed outside education who has an executive or management position with a level of responsibility similar to that of a superintendent in a large school district.
- Two members of the public
- One student representative from an approved Minnesota program in school administration.

Applications should be requested from:

Dr. George B. Droubie, Manager  
Personnel Licensing and Placement  
Capitol Square Building  
550 Cedar Street  
St. Paul, Minnesota 55101  
(612) 296-2046

Applications must be received by the Department of Education at the close of the business day on June 14, 1988.

## Department of Finance

### Maximum Interest Rate for Municipal Obligations in May

Pursuant to Minnesota Statutes, Section 475.55, Subdivision 4, Commissioner of Finance, Tom Triplett, announced today that the maximum interest rate for municipal obligations in the month of May, 1988 would be nine (9) percent per annum. Obligations which are payable wholly or in part from the proceeds of special assessments or which are not secured by General Obligations of the municipality may bear an interest rate of up to ten (10) percent per annum.

Dated: 22 April 1988

Peter Sausen  
Assistant Commissioner  
Cash and Debt Management

## Higher Education Facilities Authority

### Notice of Public Hearing on Proposal to Issue Revenue Bonds

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Minnesota Higher Education Facilities Authority (the "Authority") with respect to a proposal to issue revenue bonds on behalf of William Mitchell College of Law, a Minnesota nonprofit corporation and institution of higher education (the "College"), at the Authority's offices at Suite 450 Galtier Plaza, 175 East Fifth Street, St. Paul, Minnesota on May 18, 1988 at 2:00 o'clock p.m. Under the proposal, the Authority would issue its revenue bonds in an aggregate principal amount of up to approximately \$5,650,000, to provide financing for a Project generally described as the construction, furnishing and equipping of a library building on the campus of the College, to be owned and operated by the College, whose street address is William Mitchell College of Law, 875 Summit Avenue, St. Paul, Minnesota 55101. At said time and place the Authority shall give all parties who appear an opportunity to express their views with respect to the proposal to undertake and finance the Project.

Dated: 2 May 1988

Joseph E. LaBelle, Executive Director  
Minnesota Higher Education Facilities Authority

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**Department of Public Safety  
Driver and Vehicle Services**

**Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules of the State  
Department of Public Safety Governing Appointment of Deputy Registrars**

Notice is hereby given that the State Department of Public Safety is seeking information or opinions from sources outside the agency in preparing to amend existing rules governing deputy registrars, *Minnesota Rules* 7406.0100 to 7406.0600, including but not limited to statutory changes allowing incorporation.

The promulgation of these rules is authorized by *Minnesota Statutes* section 168.33, which authorizes the Commissioner of Public Safety to appoint deputy registrars and for cause discontinue such appointments.

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

Jeff Bruce  
Management Analyst  
Room 205, Transportation Building  
John Ireland Boulevard  
St. Paul, MN 55155

Oral statements will be received during regular business hours over the telephone at (612) 296-9503 and in person at the above address.

All statements of information and comment shall be accepted until June 1, 1988. Any written material received by the State Department of Public Safety shall become part of the rulemaking record in the event that the rules are promulgated.

**Department of Public Safety  
Driver and Vehicle Services**

**Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules of the State  
Department of Public Safety Governing Motor Vehicle Dealers**

Notice is hereby given that the State Department of Public Safety is seeking information or opinions from sources outside the agency in preparing to promulgate rules governing motor vehicle dealers.

The promulgation of these rules is authorized by *Minnesota Statutes* section 168.27, which authorizes the agency to regulate automobile dealers, to investigate license applications, issue licenses to qualified applicants, to monitor compliance with the statute, and to suspend or revoke the licenses of noncompliant dealers.

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

Jeff Bruce  
Management Analyst  
Room 205, Transportation Building  
St. Paul, MN 55155

Oral statements will be received during regular business hours over the telephone at (612) 296-2001 and in person at the above address.

All statements of information and comment shall be accepted until June 1, 1988. Any written material received by the State Department of Public Safety shall become part of the rulemaking record in the event that the rules are promulgated.

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

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

Notice is hereby given to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* 15.0597, subdivision 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul, MN 55155-1299, (612) 296-2805. Specific information about these vacancies may be obtained from the agencies listed below. The application deadline is May 24, 1988.

#### **Advisory Council on Workers' Compensation**

1 member injured employee representative.

#### **Minnesota-Wisconsin Boundary Area Commission**

1 member Minnesota resident.

#### **Hazardous Waste Management Planning Council**

15 members—interest in waste management issues: 5 representatives from industry, 5 from local government, 5 citizen representatives.

#### **Solid Waste Management Advisory Council**

15 members— interest in waste management issues: 5 representatives from industry, 5 from local government, 5 citizen representatives.

#### **Investment Advisory Council**

2 members—experienced in general investment matters.

#### **Minnesota Board of Chiropractic Examiners Peer Review Committee**

2 consumer members.

#### **Board of Unlicensed Mental Health Service Providers**

1 member chemical dependency counselor.

#### **Board of Examiners for Nursing Home Administrators**

1 member—medical practitioner

#### **Advisory Council on Workers' Compensation**

Dept. of Labor and Industry, Office of Public Affairs.

444 Lafayette Rd., St. Paul 55101. 612-296-6889. *Minnesota Statutes* 175.007.

APPOINTING AUTHORITY: Commissioner of Labor and Industry. COMPENSATION: \$35 per diem plus expenses.

The council studies workers compensation law and its administration and recommends changes where appropriate. Members include five representatives of employers, five representatives of employees, five non-voting public members and two recipients of workers' compensation benefits under Chapter 176 and the chairs of the rehabilitation review panel and the medical services review board. Monthly meetings. The council is not subject to section 15.059, subdivision 5.

#### **Minnesota-Wisconsin Boundary Area Commission**

619 2nd St., Hudson, WI 54016, 612-436-7131. *Minnesota Statutes* 1.31.

APPOINTING AUTHORITY: Governor. COMPENSATION: Reimbursed for expenses.

The commission makes recommendations on the use, development and protection of the corridor of the St. Croix and Mississippi rivers that forms the interstate border of Minnesota and Wisconsin. Members include five commissioners, each for a four year term. Terms are staggered. Bi-monthly meetings.

#### **Hazardous Waste Management Planning Council**

1350 Energy Ln., St. Paul 55108, 612-649-5750. *Minnesota Statutes* 115A.12.

APPOINTING AUTHORITY: Chair, Waste Management Board. COMPENSATION: Reimbursed for expenses.

The council makes recommendations to the waste management board on planning and siting hazardous waste processing and disposal facilities. The council may have up to eighteen members and include public members, representatives of local government units, hazardous waste generators and private hazardous waste management firms. Meetings once a month.

## Official Notices

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### **Solid Waste Management Advisory Council**

1350 Energy Ln., St. Paul 55108, 612-649-5750. *Minnesota Statutes* 115A.12.

APPOINTING AUTHORITY: Chair, Waste Management Board. COMPENSATION: Reimbursed for expenses.

The council makes recommendations on solid waste management activities. Members include five public members, five representatives of local government units, and five representatives of the solid waste industry; at least one member must be experienced in each of the following areas: state and municipal finance, solid waste collection, processing and disposal, and solid waste reduction and resource recovery. Meetings twice monthly.

### **Investment Advisory Council**

M.E.A. Bldg., Room 105, 55 Sherburne Ave., St. Paul 55155, 612-296-3328. *Minnesota Statutes* 11.08.

APPOINTING AUTHORITY: Board of Investments/Governor. COMPENSATION: None.

The council advises the board of investment on policy relating to investments of state funds. Seventeen members include ten experienced in general investment matters. The others include the commissioner of finance, the executive director of the Minnesota state retirement system, the executive director of the public employees retirement association, the executive director of the teachers retirement association. The retiree and two public members are appointed by the governor. Members must file with the Ethical Practices Board.

### **Minnesota Board of Chiropractic Examiners Peer Review Committee**

2700 University Ave. W., Suite 102, St. Paul 55114-1089, 612-642-0591. *Minnesota Statutes* 148.01-148.101.

APPOINTING AUTHORITY: Executive director, chiropractic board. COMPENSATION: \$50 per day.

The committee makes determinations of whether or not certain chiropractors properly utilized services rendered or ordered appropriate treatment or service, and if the cost of treatment was unconscionable.

Seven members consist of five chiropractors and two consumer members. Terms are varied.

### **Board of Unlicensed Mental Health Service Providers**

Dept. of Health, 717 Delaware St. S.E., Mpls. 55440, 612-623-5615. *Minnesota Statutes* 148B.01, Subdivision 5.

APPOINTING AUTHORITY: Governor. COMPENSATION: \$35 per diem plus expenses.

The board adopts and enforces rules relating to the conduct of unlicensed mental health service providers. Seventeen members include two chemical dependency counselors, two professional counselors, two pastoral counselors, five members representing other identifiable specialties and subgroups of providers subject to filing requirements, and six public members.

### **Board of Examiners for Nursing Home Administrators**

717 Delaware St. S.E., Mpls 55414. 612-623-5406. *Minnesota Statutes* 144.952.

APPOINTING AUTHORITY: Governor. COMPENSATION: \$34 per diem.

The board licenses administrators of nursing homes, board/care homes and mental retardation facilities; conducts studies of nursing home administration; approves continuing education programs for administrators; investigates complaints and allegations of rule violations. Eleven members include four owners or managers of nursing homes, one doctor, one nurse, and three public members. Representatives of the departments of health and human services are ex-officio members. Quarterly meetings. Members must file with the Ethical Practices Board.

## Office of the State Treasurer

### **Notice of Meeting**

The State Board of Investment Study Group will meet on Thursday, May 5, 1988, from 9:00 to 11:00 a.m. in the State Board of Investment Conference Room 105, 55 Sherburne Avenue, MEA Building, St. Paul, MN.

Dated: 21 April 1988

Michael A. McGrath, Chair  
Treasurer, State of Minnesota  
Phone: 296-7091

# State Contracts and Advertised Bids

Pursuant to the provisions of Minn. Stat. § 14.10, an agency must make reasonable effort to publicize the availability of any services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

Commodities contracts with an estimated value of \$15,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

## Department of Administration: Materials Management Division

### Contracts and Requisitions Open for Bid

Call 296-2600 for information on a specific bid, or to request a specific bid. Buyer's initials are listed next to each commodity.

**Commodity:** Wood fuel chips  
**Contact:** Joyce Dehn 612-296-2621  
**Bid due date at 2pm:** May 5  
**Agency:** Reg. Treatment Center  
**Deliver to:** Moose Lake  
**Requisition #:** 55103-05007

**Commodity:** Rotary Camera  
**Contact:** Pat Anderson 612-296-3777  
**Bid due date at 2pm:** May 6  
**Agency:** Public Safety  
**Deliver to:** St. Paul  
**Requisition #:** 07700-46955

**Commodity:** Fire Extinguishers  
**Contact:** Ed Shank 612-296-3770  
**Bid due date at 2pm:** May 9  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Computer software for personal computers  
**Contact:** Pam Anderson 612-296-1053  
**Bid due date at 2pm:** May 5  
**Agency:** Public Safety  
**Deliver to:** St. Paul  
**Requisition #:** 07700-46948

**Commodity:** "OZ The Wizard: time/date robot  
**Contact:** Joyce Dehn 612-296-2621  
**Bid due date at 2pm:** May 6  
**Agency:** Iron Range Resource Ct.  
**Deliver to:** Chisholm  
**Requisition #:** 43000-09587

**Commodity:** Aerial photography  
**Contact:** Doug Thompson 612-296-3775  
**Bid due date at 2pm:** May 10  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** 29002 15429

**Commodity:** Aluminum signs  
**Contact:** Joyce Dehn 612-296-2621  
**Bid due date at 2pm:** May 5  
**Agency:** Natural Resources, So. Service Center  
**Deliver to:** St. Paul  
**Requisition #:** 29000-49882

**Commodity:** Diesel crawler tractor with hydraulic dozer  
**Contact:** Brenda Thielen 612-296-9075  
**Bid due date at 2pm:** May 9  
**Agency:** Natural Resources  
**Deliver to:** Bemidji  
**Requisition #:** 29000-49640

**Commodity:** Traffic signal cabinet  
**Contact:** Pat Anderson 612-296-3777  
**Bid due date at 2pm:** May 10  
**Agency:** Transportation, Electrical Serv.  
**Deliver to:** St. Paul  
**Requisition #:** 79050 80668

**Commodity:** Trucks & vans schedule 113I  
**Contact:** Bernie Vogel 612-296-3778  
**Bid due date at 2pm:** May 5  
**Agency:** Transportation, Central Shop  
**Deliver to:** St. Paul  
**Requisition #:** 79382-01348

**Commodity:** Concrete pipe culverts  
**Contact:** Pat Anderson 612-296-3777  
**Bid due date at 2pm:** May 9  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** 02310-16054

**Commodity:** Rear mount-lift-type fireline plow  
**Contact:** Brenda Thielen 612-296-9075  
**Bid due date at 2pm:** May 10  
**Agency:** Natural Resources  
**Deliver to:** Grand Rapids  
**Requisition #:** 29000 49578

**Commodity:** Lease/purchase of xerox 1075  
**Contact:** Teresa Ryan 612-296-7556  
**Bid due date at 2pm:** May 6  
**Agency:** Health  
**Deliver to:** Mpls.  
**Requisition #:** 12900-18726

**Commodity:** Two compartment live fish distribution  
**Contact:** Brenda Thielen 612-296-9075  
**Bid due date at 2pm:** May 9  
**Agency:** Natural Resources  
**Deliver to:** Hutchinson  
**Requisition #:** 29004-10125

**Commodity:** Procure & install all pneumatic control  
**Contact:** Brenda Thielen 612-296-9075  
**Bid due date at 2pm:** May 10  
**Agency:** Veterans Home  
**Deliver to:** Mpls.  
**Requisition #:** 75200 20667

## State Contracts and Advertised Bids

**Commodity:** Truck mounted bridge inspection unit  
**Contact:** Brenda Thielen 612-296-9075  
**Bid due date at 2pm:** May 10  
**Agency:** Transportation, Central Shop  
**Deliver to:** St. Paul  
**Requisition #:** 79382 01361

**Commodity:** Computer integrated office system  
**Contact:** Don Olson 612-296-3771  
**Bid due date at 2pm:** May 10  
**Agency:** Human Services  
**Requisition #:** Price Contract

**Commodity:** Dated products  
**Contact:** Ann Wefald 612-296-2546  
**Bid due date at 2pm:** May 10  
**Agency:** Central Stores  
**Deliver to:** St. Paul  
**Requisition #:** Price Contract

**Commodity:** Concrete pipe culverts  
**Contact:** Pat Anderson 612-296-3777  
**Bid due date at 2pm:** May 11  
**Agency:** DNR—Air Tanker Base  
**Deliver to:** Brainerd  
**Requisition #:** 02310 16054 01

**Commodity:** Remanufactured transmissions  
**Contact:** Dale Meyer 612-296-3773  
**Bid due date at 2pm:** May 11  
**Agency:** Transportation & Prison Industries  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** AT compatible computers  
**Contact:** Mary Jo Bruski 612-296-3772  
**Bid due date at 2pm:** May 11  
**Agency:** Finance Dept.  
**Deliver to:** St. Paul  
**Requisition #:** 10000 03202 01

## Contract Awards—Materials Management Division

**Item:** Pole standard & hardware metal  
**Req.#:** 79000 84070 01  
**Awarded to:** Graybar Elec. Co., Mpls., MN  
**Awarded amount:** \$20,442.90  
**Awarded date:** April 21, 1988  
**Expir/deliv date:** June 10, 1988  
**Shipped to:** MN/DOT, Electrical Services

**Item:** Tractor heavy duty  
**Req.#:** 29000 49577 01  
**Awarded to:** North Country Equip. Inc., Grand Rapids, MN  
**Awarded amount:** \$41,196.00  
**Awarded date:** April 22, 1988  
**Expir/deliv date:** July 1, 1988  
**Shipped to:** DNR—Northern Service Center

**Item:** Tractor wheeled industrial  
**Req.#:** 29000 49464 02  
**Awarded to:** Long Lake Ford, Long Lake, MN  
**Awarded amount:** \$19,144.00  
**Awarded date:** April 22, 1988  
**Shipped to:** DNR Regional Headquarters

**Item:** Construction material misc.  
**Req.#:** 29000 49707 01  
**Awarded to:** Roeser Welding & Mfg., Hackensack, MN  
**Awarded amount:** \$58,674.00  
**Awarded date:** April 22, 1988  
**Expir/deliv date:** July 31, 1988  
**Shipped to:** Various locations

**Item:** Computer equipment  
**Req.#:** 37010 43975 01  
**Awarded to:** Apple Computer Inc., Rolling Meadows, IL  
**Awarded amount:** \$5,027.60  
**Awarded date:** April 22, 1988  
**Expir/deliv date:** May 20, 1988  
**Shipped to:** MN Dept. of Education

**Item:** Surveying equipment  
**Req.#:** 79000 83958 01  
**Awarded to:** Geodimeter Inc., Novato, CA  
**Awarded amount:** \$49,175.00  
**Awarded date:** April 25, 1988  
**Expir/deliv date:** May 27, 1988  
**Shipped to:** MN Dept. of Transportation

**Item:** Furniture: office, seating, panels etc.  
**Req.#:** M-8604  
**Awarded to:** Correctional Facility—Lino Lakes, Addendum to contract  
**Awarded amount:** NET  
**Awarded date:** April 13, 1988  
**Expir/deliv date:** May 1, 1988 to April 30, 1990  
**Shipped to:** As Quoted

**Item:** Video equipment & systems  
**Req.#:** 07300 48122 01  
**Awarded to:** EPA Audio Visual, Rockford, MN  
**Awarded amount:** \$43,204.96  
**Awarded date:** April 26, 1988  
**Expir/deliv date:** May 1, 1988  
**Shipped to:** Dept. of Public Safety

**Item:** Mail room equipment  
**Req.#:** 12300 16615 01  
**Awarded to:** Kardex Inc., Mpls., MN  
**Awarded amount:** \$35,124.00  
**Awarded date:** April 26, 1988  
**Expir/deliv date:** May 10, 1988  
**Shipped to:** MN Dept. of Health

**Item:** Computer software for P.C.'s, purchase  
**Req.#:** 29000 49271 01  
**Awarded to:** IBM Corp., Mpls., MN  
**Awarded amount:** \$17,178.00  
**Awarded date:** April 26, 1988  
**Expir/deliv date:** May 20, 1988  
**Shipped to:** DNR—Bureau of Management

**Item:** Computer equipment  
**Req.#:** 29000 49339 01  
**Awarded to:** IBM Corp., Mpls., MN  
**Awarded amount:** \$116,808.00  
**Awarded date:** April 26, 1988  
**Expir/deliv date:** May 20, 1988  
**Shipped to:** Bureau of Management

**Item:** Computer equipment  
**Req.#:** 29000 49219 01  
**Awarded to:** IBM Corp., Minneapolis, MN  
**Awarded amount:** \$42,500.00  
**Awarded date:** April 27, 1988  
**Expir/deliv date:** June 1, 1988  
**Shipped to:** DNR—Bureau of Management



**Item:** Computer equipment  
**Req. #:** 39000 88131 01  
**Awarded to:** Wang Lab Inc.,  
Bloomington, MN

**Awarded amount:** \$124,707.28  
**Awarded date:** April 27, 1988  
**Shipped to:** Governor's Office

## Department of Administration: Printing & Mailing Services

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

**Commodity:** 10M mailing labels, 2- parts w/carbon interleave, negs furnished, one-sided, 5¼"x4 and 5¼"x3½"

**Contact:** Printing buyer's office  
**Informal Bid Opening 4:30pm:** May 3  
**Agency:** Education Dept.  
**Deliver to:** St. Paul  
**Requisition #:** 6722

**Commodity:** 30M numbered checks, type to set, 16"x4¼", two-sided

**Contact:** Printing buyer's office  
**Informal Bid Opening 4:30pm:** May 3  
**Agency:** DNR—License center  
**Deliver to:** St. Paul  
**Requisition #:** 6742

**Commodity:** 100 window tabs, type to set, two-sided, 8½"x11" plus tab

**Contact:** Printing buyer's office  
**Informal Bid Opening 4:30pm:** May 3  
**Agency:** State Patrol  
**Deliver to:** St. Paul  
**Requisition #:** 6736

**Commodity:** 70 safety belt outdoor boards, 270"x 125", camera ready, one-sided, 70# wet strength poster paper, 2-color

**Contact:** Printing buyer's office  
**Informal Bid Opening 4:30pm:** May 3  
**Agency:** Public Safety Dept.  
**Deliver to:** around state/& N.D.  
**Requisition #:** 6732

**Commodity:** 3,000 envelopes with metal clasp, type to set, one-sided, 32#, 11½"x14½"

**Contact:** Printing buyer's office  
**Informal Bid Opening 4:30pm:** May 3  
**Agency:** Public Safety Dept.  
**Deliver to:** St. Paul  
**Requisition #:** 6737

**Commodity:** 4M catalogs, 112 pages + covers, camera ready, 5¾"x9" perfect binding

**Contact:** Printing buyer's office  
**Informal Bid Opening 4:30pm:** May 3  
**Agency:** State University  
**Deliver to:** Mankato  
**Requisition #:** 6719

**Commodity:** 10M 3-part forms, one-sided, camera ready, 8½"x8¾" overall

**Contact:** Printing buyer's office  
**Informal Bid Opening 4:30pm:** May 3  
**Agency:** Administration-Central Stores  
**Deliver to:** St. Paul  
**Requisition #:** 6750

**Commodity:** 500 licenses numbered, two-sided, 4"x7¾" finished size

**Contact:** Printing buyers office  
**Informal Bid Opening 4:30pm:** May 3  
**Agency:** Agriculture Dept.  
**Deliver to:** St. Paul  
**Requisition #:** 6720

**Commodity:** 20M 2-part permits, carbon interleave, camera ready, two-sided, 5½"x4" finished size

**Contact:** Printing buyer's office  
**Informal Bid Opening 4:30pm:** May 3  
**Agency:** Public Safety Dept.  
**Deliver to:** St. Paul  
**Requisition #:** 6733

**Commodity:** 1,500 graduation programs, 11"x25" folded twice, type to set, 70# offset-bone cover stock

**Contact:** Printing buyer's office  
**Informal Bid Opening 4:30pm:** May 3  
**Agency:** Normandale Community College  
**Deliver to:** Bloomington  
**Requisition #:** 6752

**Commodity:** 20M manuals, 80 + covers, 5½"x8½" finished size, type to set, saddle stitched

**Contact:** Printing buyer's office  
**Bid due date at 2pm:** May 3  
**Agency:** DNR  
**Deliver to:** St. Paul  
**Requisition #:** 6632

**Commodity:** 675M big game hunting regs. w/map, type to set/camera ready, 3¾" x 7½" finished size

**Contact:** Printing buyer's office  
**Bid due date at 2pm:** May 3  
**Agency:** DNR  
**Deliver to:** St. Paul  
**Requisition #:** 6519

**Commodity:** 107M Class schedules, various paging groups, camera ready, two-sided, 7¾"x11" finished size

**Contact:** Printing buyer's office  
**Informal Bid Opening 4:30pm:** May 4  
**Agency:** Mankato  
**Requisition #:** 6647

**Commodity:** 20M 4-part forms, type to set, one-sided, 5¾"x3" w/¾" stub

**Contact:** Printing buyer's office  
**Informal Bid Opening 4:30pm:** May 4  
**Agency:** DNR  
**Deliver to:** St. Paul  
**Requisition #:** 6764

**Commodity:** 15M 2-part forms, negs furnished, 8½"x11 finished size

**Contact:** Printing buyer's office  
**Informal Bid Opening 4:30pm:** May 4  
**Agency:** PERA  
**Deliver to:** St. Paul  
**Requisition #:** 6784

## State Contracts and Advertised Bids

**Commodity:** 5M 2-part forms, numbered, camera ready, one-sided, 4/4"x23/4" finished size

**Contact:** Printing buyer's office

**Informal Bid Opening 4:30pm:** May 4

**Agency:** DNR

**Deliver to:** St. Paul

**Requisition #:** 6763

**Commodity:** 25M 8-page booklet, 6"x9", negs furnished, two-sided, saddle stitch

**Contact:** Printing buyer's office

**Informal Bid Opening 4:30pm:** May 4

**Agency:** Public Safety Dept.

**Deliver to:** St. Paul

**Requisition #:** 6767

**Commodity:** 5M book, 24 pages + 4-color cover, 8 1/2"x11" finished, saddle stitched

**Contact:** Printing buyer's office

**Bid due date at 2pm:** May 6

**Agency:** Lakewood Community College

**Deliver to:** White Bear Lake

**Requisition #:** 6693 & 4

**Commodity:** 30M guide, 72 pages + 4-color cover, 5 1/8" x 9 1/4", negs/plates furnished, saddle stitched

**Contact:** Printing buyer's office

**Bid due date at 2pm:** May 9

**Agency:** DNR

**Deliver to:** St. Paul

**Requisition #:** 6766

**Commodity:** Great river road historic tour map, 10M, 24" x 24" folded to 4" x 8" camera ready, two-sided, 70# white glossy enamel

**Contact:** Printing buyer's office

**Informal Bid Opening 4:30pm:** May 6

**Agency:** Transportation Dept.

**Deliver to:** St. Paul

**Requisition #:** 6862

**Commodity:** Mailing envelopes, 50M two-sided, #9 3 7/8" x 8 7/8" 24# white wove camera ready, 2-color

**Contact:** Printing buyer's office

**Informal Bid Opening 4:30pm:** May 6

**Agency:** Correctional facility

**Deliver to:** St. Cloud

**Requisition #:** 6836

**Commodity:** Profile Minnesota (reprint) 20M, type to set/negs furnished, 32 pages + 4 page cover, 8 1/4" x 11" saddle stitched

**Contact:** Printing buyer's office

**Bid due date at 2pm:** May 10

**Agency:** Trade & Econ. Devel. Dept.

**Requisition #:** 6807

## Department of Administration

### Request for Proposals to Provide Diagnostic and Referral Services for the State Employee Assistance Program

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

Contractors shall be expected to maintain full-staffed offices in each of the locations indicated to provide five-day-per-week service to clients. Contractors also will be mandated to use a percentage of the amounts for local outreach activities, subject to approval by the program office. The estimated amount of the contract in each of these areas will not exceed \$5,000. Responses must be received by May 16, 1988. Direct inquiries to: Keith M. Tvedten, Director, State Employee Assistance Program, Suite 200, Summit National Bank Bldg., 205 Aurora Avenue, St. Paul, Minnesota 55103, (612) 296-0765.

## Department of Administration

### Administrative Services Bureau

### Request for Proposals for Contract Services for a Qualified Consultant With Experience in Strategic Information Planning

#### Purpose

The Administrative Services Bureau requires assistance in designing a Strategic Information Planning process at a cost not to exceed \$10,000.

#### Submission of Proposals

All proposals must be sent to and received by Karen Carpenter, Director, Administrative Services Bureau, 200 Administration Building, 50 Sherburne Avenue, St. Paul, MN 55155, no later than 4:00 p.m., May 18, 1988. Late proposals will not be accepted.

**Project Timeliness**

The selected vendor is expected to begin work on this project no later than June 6, 1988. The project is expected to be completed by June 30, 1988. This request does not obligate the state to complete the project, and the state reserves the right to cancel this request in whole or in part if it is considered to be in its best interest.

**Proposal Requirements**

Proposals must conform to the following outline and contain all requested information.

1. Provide a brief description of your firm including the qualifications relevant to this engagement, the number and type of clients in Minnesota, and a list of clients who have received similar services that we may contact for references.
2. Provide the name of employees who will be assigned to this project and define their role, expected level of involvement, and relevant experience.
3. Provide the hourly rates of people assigned by your firm to this engagement including an explanation of other charges, if any, which would be billable to the state of Minnesota.
4. Provide an estimate of the number of hours and cost for the entire engagement and for each deliverable.
5. Provide a schedule for completion of all deliverables. Specify which tasks and responsibilities you anticipate to assume for each deliverable and the level of staff involvement required of the Department of Administration.

**Vendor Selection**

The selected vendor will be notified no later than May 27, 1988. Selection will be based on the quality and clarity of the response to the proposal requirements and deliverables listed in this document and a demonstration of the vendor's understanding of the task as it relates to the strategic information planning goals of the Department of Administration.

**Deliverables**

The selected vendor shall provide the following deliverables. Before acceptance, all deliverables will be reviewed by the Administrative Services Bureau and its relevant committees for adherence to the requirements outlined in this document.

1. The vendor shall produce a narrative description documenting: a) the mission, goals, and objectives for the 26 divisions of the Department of Administration and b) the progress each of the 26 divisions has made in defining its information needs.

a) Many of the divisions have already expended some effort on defining their mission, goals, and objectives. This narrative must be the result of refining what has been done to date by each division. A department mission, goals, and objectives statement must also be produced based on this refinement.

b) This same narrative must also provide a description of the progress each division has made in defining its information requirements and a status report of what has been done so far. It must be in sufficient detail to provide a clear picture of where each division fits into any future strategic planning process.

2. Strategic Plan Development Workplan—a workplan for development and implementation of a Department of Administration strategic information plan. The plan must be specifically tailored to the Department of Administration and must reflect the data and knowledge acquired in deliverable number 1, above. This workplan must specify the individual steps in the development process, the format of any interim products, types and numbers of staff to be involved in each step, recommended support tools or methodologies that might assist in the development process, and an estimate of how long the development process should take in each step.

**Consideration**

All deliverables must be submitted to and accepted by the Administrative Services Bureau before final payment is made. Interim payments may be negotiated but shall be made only on the basis of payment for completed tasks. The selected vendor shall be required to provide a status report, in person, to the Administrative Services Bureau on the above tasks every two weeks.

In negotiating a contract with the selected vendor, the Administrative Services Bureau reserves the right to eliminate parts of the submitted proposal, to negotiate price, and to eliminate deliverables or parts of deliverables solicited in this request for proposals.

**Indemnification**

The selected vendor shall agree to defend and indemnify the state of Minnesota against all claims caused by the vendor or its employees or subcontractors.

**Conflict of Interest**

The selected vendor shall agree that it presently will not have any interests which conflict in any manner with its performance.

**Original Product**

The selected vendor shall certify that the products and services will be original in character and not the product of a prior contract.

## **State Contracts and Advertised Bids**

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### **Subcontracting**

The selected vendor shall agree not to subcontract any of its obligations without the prior approval of the state of Minnesota.

### **Nondiscrimination**

The selected vendor shall agree not to discriminate against any employee, applicant for employment, or other person, supplier or contractor because of race, color, religion, sex, marital status, national origin, handicap, or public assistance. The selected vendor must have a Certificate of Compliance and Affirmative Action from the Department of Human Rights.

## **Minnesota Department of Administration**

### **Printing and Mailing Services Division**

#### **Request for Proposals for Graphic Arts Design**

The Minnesota Department of Administration, Printing and Mailing Services Division, is accepting bid proposals for Graphic Arts Design work. Those persons interested in receiving a detailed copy of the request for proposal may write to the address below or contact Geri Christen at 612-296-2403.

Minnesota Department of Administration  
Printing and Mailing Services Division  
117 University Avenue  
St. Paul, Minnesota 55155

About \$60,000 has been budgeted for this project and four contracts will be awarded. Proposals are due by 4:30 p.m., May 23, 1988.

## **Attorney General's Office**

### **Natural Resources Division**

#### **Notice of Request for Proposals for Consulting Service in Data Base, System Design, and Technical Support**

The Natural Resources Division of the Attorney General's Office is requesting proposals from qualified consultants experienced in data base and system design and technical support to provide assistance in implementing a computer system to be used by the U.S. Department of Interior to manage the information requirements for the White Earth Reservation Settlement Act of 1985. These information management requirements include a complex relationship of land title data, genealogical records, estate probate data and judicial and Interior Department administrative tracking information.

The consulting assistance is required to (1) analyze the data elements and information flow into and out of the system, (2) analyze and develop facility and data security criteria, systems operations procedures, data input instructions documentation, and report format requirements, (3) evaluate hardware and software alternatives and recommend specific system solutions appropriate to meet the needs of the application, and (4) provide technical support in implementing the data base system. Hardware and software systems configuration evaluation and recommendations shall take into consideration compatibility with Department of Interior systems and ease of systems operation and data base administration by Department of Interior personnel.

The data base design and systems study portion of this work is expected to be accomplished within a three-month time period. This project is expected to begin on June 1, 1988.

For a copy of the Request for Proposals, please contact:

Ken Stevenson  
Attorney General's Office  
Litigation Systems Manager  
102 State Capitol  
St. Paul, Minnesota 55155  
Telephone: 612/296-6958

To be considered, proposals must be received at the above address no later than 4:30 p.m. May 16, 1988.

## **Department of Education**

### **Request for Proposals for Regional Coordination and Delivery of Planning, Evaluating, and Reporting Services**

Proposals are requested from Educational Cooperative Service Units or other regional educational service agencies in the provision of curriculum and related services to local school districts relative to the Planning, Evaluating, and Reporting (PER) legislation. If more than one agency submits a proposal to provide services within an educational cooperative service unit region, the Department encourages the agencies to develop a joint proposal. Successful proposals will be funded via performance contracts.

For further information contact:

Dr. Barry Shaffer  
Office of Assessment and Program Evaluation  
550 Cedar Street  
St. Paul, MN 55101

Proposals must be submitted by May 27, 1988.

## **Minnesota Department of Health**

### **Notice for Request for Bids for Conference Facilities**

The Minnesota Department of Health is requesting bids from conference facilities which can accommodate three two-day training conferences on HIV infection. These conferences will be held in October, 1988; March, 1989; and October, 1989. Bidders must show capability of accommodating 160 registrants for each conference and capability of meeting the following space needs:

- Classroom style setting for 180 people
- Ten small classrooms with slide projectors for 20 people for concurrent sessions
- One large room for 15 table top exhibits
- In-house lodging to accommodate all participants in which the majority will be double occupancy

Meal functions:

Day 1: Reception for 100 people

Day 2: Breakfast

AM and PM breaks

Lunch

Reception

Banquet dinner with podium for speaker

Audio Visual Requirements:

The general session room should be equipped with video and audio taping with capability to provide 3/4" videotape of key sessions for duplication after the conference.

All meeting and meal space must be handicapped accessible.

Bids must be received no later than 4:30 p.m. on May 16, 1988. Inquiries and requests should be directed to:

Carol Swenson  
107 Armory  
15 Church Street Southeast  
Minneapolis, Minnesota 55455  
(612) 625-3020

## State Contracts and Advertised Bids

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### Minnesota Historical Society

#### Advertisement for Bids for the LeDuc-Simmons House Restoration

##### Bids

Sealed bid proposals for restoration of the LeDuc-Simmons House at 1629 Vermillion Street, Hastings, Minnesota, in accordance with bidding documents dated 2 May 1988 and prepared by MacDonald and Mack Partnership, will be received in the office of the Contract Officer, Minnesota Historical Society, 1500 Mississippi Street, Saint Paul, Minnesota 55101 until 2:00 p.m., Central Daylight Time on 24 May 1988, at which time the bid proposals will be publicly opened and read aloud. Bids received after 2:00 p.m., 24 May 1988, will be returned unopened. A pre-bid conference is set for Tuesday, 10 May 1988, at 11:00 a.m., Central Daylight Time, at the House.

##### Bid Security

Each proposal must be accompanied by a cash deposit, cashier's check, or corporate surety bond of a surety company duly authorized to do business in Minnesota, for the sum of not less than 5% of the total bid, which is submitted as bid security to guarantee that the bidder, if awarded the contract, will promptly execute such contract in accordance with the bid proposal and will furnish the required Payment and Performance bond.

##### Plans and Specifications

Copies of Contract Documents for preparation of bids will be available for inspection at the offices of MacDonald and Mack Partnership, 305 Grain Exchange Building, Minneapolis, Minnesota 55415; at the Builders Exchanges in Saint Paul and Minneapolis, Minnesota; and at the F. W. Dodge Corporation Plan Room, Edina, Minnesota. Copies of the Contract Documents for use by contractors submitting a bid may be obtained from the Architects upon deposit of \$50.00. Checks are to be made out to MacDonald and Mack Partnership. Deposits will be returned to bidders who return Contract Documents in good condition within ten (10) days following the scheduled closing time for the receipt of bids.

##### Conditions of Bids

The Minnesota Historical Society reserves the right to accept or reject any or all bids and to waive any irregularities therein. No bid may be withdrawn within thirty (30) days after the scheduled closing time for the receipt of bids.

## Department of Human Services

### Willmar Regional Treatment Center

#### Notification of Request for Proposal for Medical Services

Notice is hereby given that the Willmar Regional Treatment Center, Mental Health Division, Department of Human Services, is seeking the following services for the period July 1, 1988 through June 30, 1989. These services are to be performed as requested by the Administration of the Willmar Regional Treatment Center:

**Services of Radiologists** to interpret X-ray films; provide radiological supervision and X-ray consultation; provide specialized X-ray procedures. Estimated amount of the contract will not exceed \$14,300.

**Services of Psychiatrist** to provide consultation to Adolescent Treatment Unit, Psychiatric Rehabilitation Unit and Chemically Dependent Unit; special skills in adolescent and chronic mental illness psychiatry. Estimated amount of the contract will not exceed \$52,990.00.

**Services of a full time Protestant Chaplain** to conduct services and other ministries to Mentally Ill, Developmentally Disabled and Chemically Dependent client. Estimated amount of the contract will not exceed \$16,406.00.

**Services of a Psychiatrist** to provide consultation for newly admitted mentally ill clients, consultative services in the clinical management of developmentally disabled clients and related educational guidance of treatment staff. Estimated amount of contract will not exceed \$35,280.

**Services of Nurse Practitioner** Responsibilities will include health assessment, management consultations to medical staff, and services to clients in the area of annual physical and admission exams. Estimated amount of contract will not exceed \$25,549.40 annually.

**Services of Physicians** to provide medical and surgical consultations as needed to clients of Willmar Regional Treatment Center. Estimated amount of contract will not exceed \$20,000.

**Services of Psychiatrist** to provide consultation for newly admitted M.I. clients and consultative services in the clinical management of developmentally disabled clients and related educational guidance of treatment staff. Estimated amount of contract will not exceed \$29,750.

**Services of Physical Therapist** to provide consultative services for the developmentally disabled, clients, assessments, evaluations, treatment plans, instructional services to staff and follow up reviews on physical therapy programs. Estimated amount of contract will not exceed \$17,500.

**Services of Psychiatrist** to provide consultation for newly admitted M.I. clients and consultative services in the clinical management of developmentally disabled clients and related educational guidance of treatment staff. Estimated amount of contract will not exceed \$30,000.

**Services of Recruitment/Placement Agency** to recruit a maximum of three (3) Board Certified/Board Eligible Psychiatrists. Services shall include Physician profile and thorough reference check on all potential candidates. Estimated amount of contract will not exceed \$75,000.

Responses for the above services must be received by May 20, 1988.

## **Public Employees Retirement Association (PERA)**

### **Request for Proposals for Redesign of the Personal Benefit Statement (PBS) of Account**

#### **Overview**

The Public Employees Retirement Association of the State of Minnesota (PERA) is a multi-employer pension fund serving approximately 103,000 active members, 27,000 beneficiaries, and 2,200 governmental subdivision employing units within the State in accordance with *Minnesota Statutes*, Chapter 353. PERA is a state agency and has been in operation since 1931.

The Executive Director, who administers the agency, is responsible to a policy setting nine-member Board of Trustees. Three of whom are elected by the membership at-large; five are appointed by the governor, and one is the State Auditor. The 65 full-time staff members utilize in-house computer based information systems to record and maintain membership records and to process monthly benefit payments. PERA operates and maintains its own data processing facility.

PERA's mission is to provide high quality service to its members and beneficiaries. The types of service PERA provides include group informational presentations to public employees, pre-retirement planning workshops, individual benefit counseling sessions, payroll/personnel reporting seminars, as well as a variety of general and individualized printed communications such as bimonthly newsletters, plan summaries, informational brochures, and annual personal benefit statements of account.

The current two-sided, single sheet design of the PERA Personal Benefit Statement of Account precludes expansion of the content and type of information PERA currently provides to the membership concerning their benefits package. In order to include more detailed personal data for each member, the format of the statement must be redesigned and expanded into a multipage document. In addition, the data must be reorganized and restated so that it is more easily understood and useful to the members. The statement should allow flexibility for the addition of variable information required to be disseminated to the different audiences within the membership who depend upon PERA for concise, up-to-date and accurate information regarding their particular benefit plans.

#### **Scope of Project**

The general scope of this project is to develop a new design for the PERA annual Personal Benefit Statement of Account. This new design should incorporate the information already provided on the current form and the additional information PERA wishes to include. In addition, the design must easily accommodate the new and varying benefit plans that PERA may be required to administer in the future.

It is expected that PERA will enter into a consulting agreement which would include total redesign, printing, and finishing of the product in time for the mailing of the Fiscal Year 1989 statement. Given the complexity of the benefit provisions of the various PERA funds, computer-generated information will be provided for each individual account on magnetic tape media. PERA utilizes the IBM 4300 System in the creation of its benefit data for processing of the Personal Benefit Statement.

PERA currently administers three defined benefit plans: the Basic, Coordinated and Police and Fire Funds. PERA is scheduled to have another defined benefit plan in place by July 1, 1988, and a defined contribution plan in place by September 1, 1988. The

## State Contracts and Advertised Bids

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Basic and Police and Fire funds are not coordinated with Social Security. The majority of members participate in the Coordinated Fund, the benefits of which are coordinated with Social Security. In addition, many members have service in more than one of the funds and may be eligible for benefits determined as the result of the combination of provisions of the different plans.

### Goals and Objectives

The objective of this consultant contract is to design and generate a Personal Benefits Statement that presents information that is clear, concise, up-to-date and that is easily understood and useful for financial retirement planning.

### Contract Requirements:

The consultant will be expected to perform the following services:

### PERSONAL BENEFIT STATEMENT

Design, produce, and distribute the personal benefit statement of account for all audiences of PERA. As a minimum the statement must include the following:

- detailed listing of salary contributions received by PERA throughout the past fiscal year (may be up to +/- 56 lines)
- detail of contribution totals and amount of untaxed and already taxed contributions
- estimates of disability benefits available to active participants
- informational paragraphs describing survivor protection available to active participants
- statement of current fund participation status of each member
- listing of personal data for each member, such as birth date, Social Security number, address, PERA member number, name of spouse and spouse's birth date
- estimated values of member's retirement benefit at age of first eligibility, and/or 62 and 65, and, if applicable, under Rule of 90
- estimated values of up to four joint and survivor options available to members for whom we have the available spouse data to calculate these values
- status of member's participation in PERA's voluntary group decreasing term life insurance program
- listing of member's beneficiary(ies) for refund of pension contributions
- listing of member's beneficiary(ies) for insurance proceeds

The statement may also include a preprinted text describing each benefit. It must be easy to read and provide a comprehensive picture of each member's personal benefit values.

The consultant has the responsibility to:

- conduct conferences with PERA staff at the PERA offices to develop the preliminary and final design and content
- assist in the development of work plans and schedules for the PBS redesign
- draft statement texts regarding the general benefit provisions and any other desirable generic preprinted text
- work with PERA's data processing staff in developing the data record requirements needed to provide detailed information of the contribution and benefit values
- print benefit values
- prepare and coordinate all artwork, forms and envelopes
- coordinate forms finishing and distribution
- provide appropriate management reports

### DATA PROCESSING

PERA will be responsible for providing the correct data as specified in 4a.

The consultant will be required to prepare the PBS for review by PERA and test output based upon PERA's specifications to ensure proper printing of data. Also, the consultant will be required to sign an affidavit assuring the protection of PERA's data in accordance with the data protection requirements of the Minnesota Data Practices Act.

### COMPUTER AND FORMS PROCESSING

Unless prior written approval has been granted by PERA, all data and forms processing must be performed on-site at the consultant's location and on the consultant's own equipment, which will allow for physical inspection by PERA. In order to meet the



established work plan scheduled, 100% backup of similar equipment must be available.

Tape equipment compatibility must be 9 track, 1600 or 6250, Tape Model IBM 3400. Data is EBCDIC format.

### ARTWORK

The consultant will prepare and design key art and type specifications for forms layout and envelopes. Mechanical artwork is to be created and printer's proofs of all forms are to be made. Proofs must be cut and folded to illustrate text and artwork in the exact manner of the printed form and must be submitted to PERA for approval and/or modification. Upon PERA's approval, a silver print (printers' blue line) and plates are to be made. PERA will also be required to approve the silver print prior to beginning actual production.

### FORMS PRINTING

To assure a high quality product and ink coverage, the statements are to be printed on 60# Finch or equivalent using the two PMS colors standard in the production of PERA's communication vehicles. This is a "book" quality paper that is currently used in the production of PERA's single sheet, continuous computer run statement. Given that the design of the statement has yet to be agreed upon, PERA will expect a minimum of three different samples of statements, keeping in mind the minimum information to be included as stated under Item 4a. The presentation of the samples must include the recommended specification of paper qualities and costs associated for producing a minimum quantity of 103,000.

### FORMS FINISHING

The consulting firm is expected to provide for the computer printing, and as needed, the bursting, cutting, scoring, folding, inserting into envelopes, presorting and shipping to the specified destination within the scheduled time frames.

### MANAGEMENT REPORTS

A listing must be provided containing the results of the audit programs which check for valid control totals, data record content, consistency and frequency of data distribution to be sorted by criteria established by PERA.

Any other reports as deemed appropriate upon initial consultation.

### Performance Intervals

Contract is expected to be awarded no later than August 1, 1988, for completion of the statement for mailing by September 11, 1989. Data tapes generally can be expected to be completed by PERA by the end of the third week of July of any given year. Actual mailing dates may vary from late August to mid-September, dependent upon the length of the Minnesota State Legislative Session. If the Legislature remains until late May, benefit changes may result in a later mailing of the statements because of the time needed to program changes in benefit calculations. If the Legislature adjourns earlier, programming may be completed prior to the end of the fiscal year resulting in the data tapes being produced more quickly.

### Proposal Contents

The following will be considered as the minimally required content of a respondent's proposal:

- a. A restatement of the objectives, goals and tasks to show or demonstrate the respondent's view of the services requested under the contract.
- b. Identification and samples of the products to be provided by the respondent.
- c. Incorporation of a recommended work plan for completion of the total redesign and the actual production of the statement.
- d. An outline of the respondent's background and experience in producing innovative benefit statements for large organizations. (Include five public sector references).
- e. Resumes of professionals who specialize in the production of the non-personalized portion of the statement including production of the printing of text, covers, envelopes, reply cards or forms, assembly, sequence checking, shipping, etc.
- f. References from large organizations the respondent has helped in personal benefits statement production.
- g. Detailed fee structure itemized by type of service, such as fees specifically for design, preparation of artwork and text, printing of forms and personalized computer data, paper costs associated with sample statements, and the finishing process of the statement production, assuming a quantity of 103,000.
- h. Description of on-site computer system and magnetic tape unit respondent will be using.
- i. Description of alternative backup for all equipment which may be used by the respondent.

# State Contracts and Advertised Bids

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## Agency Contact

Prospective respondents who have any questions regarding this Request for Proposal may call or write:

Mary Most Vanek, Manager of Member Services  
Public Employees Retirement Association  
514 St. Peter Street, Suite 200  
St. Paul, MN 55102  
(612) 296-8358

or

Marsha M. Nelson, Information Officer  
Public Employees Retirement Association  
514 St. Peter Street, Suite 200  
St. Paul, MN 55102  
(612) 296-7493

## Submission of Proposals

All proposals must be submitted to PERA's office address (see Agency contact, item 8) no later than 4:30 p.m., Friday, June 10, 1988. Late proposals will not be accepted. Please submit five copies of the proposal. Each copy must be signed in ink by an authorized official of the respondent entity. Proposals are to be sealed in mailing envelopes or packaged with the respondent's name and address clearly stated on the outside.

## Evaluation of Proposals

Proposals will be evaluated separately by the management staff and the Board of Trustees of PERA. An interview may be part of the evaluation process. Factors upon which proposals will be judged include, but are not limited to, the following:

- a. Project team credentials
- b. Description of computer system and printing production facilities
- c. Technical production approach
- d. General quality of PBS design and responsiveness of proposal
- e. Costs
- f. Public sector benefit statement experience (include 5 public sector references)

## Affirmative Action

It is hereby agreed between the parties that this agency will require affirmative action requirements be met by contractors in relation to *Minnesota Statutes*, Chapter 363.073 and *Minnesota Rules*, parts 500.3400 to 5000.3600. Failure by a contractor to implement an affirmative action plan or to make a good faith effort shall result in revocation of its certificate or revocation of the contract (*Minnesota Statutes*, Chapter 363.073, Subdivisions 2 and 3).

A copy of the Certificate of Compliance issued by the Commissioner of the Department of Human Rights will be required to be submitted. Under the Minnesota Human Rights Act, Section 363.073, businesses or firms which have more than 20 full-time employees in Minnesota at any time during the previous 12 months and bidding on or executing a State contract for goods or services in excess of \$50,000 must have a Certificate of Compliance issued by the Commissioner of the Department of Human Rights. This certificate is valid for two years. For further information contact the Department of Human Rights, 500 Bremer Tower, St. Paul, Minnesota 55101, (612) 296-5663.

## Disabled Individual Clause

A. The contractor shall not discriminate against any employee or applicant for employment because of physical or mental disability in regard to any position for which the employee or applicant for employment is qualified. The contractor agrees to take affirmative action to employ, advance in employment, and otherwise treat qualified disabled individuals without discrimination based upon their physical or mental disability in all employment practices such as the following: employment, upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

B. The contractor agrees to comply with the rules and relevant order of the Minnesota Department of Human Rights issued pursuant to the Minnesota Human Rights Act.

C. In the event of the contractor's noncompliance with the requirements of this clause, actions for noncompliance may be taken in accordance with *Minnesota Statutes*, Chapter 363.073 and the rules and relevant orders of the Minnesota Department of Human Rights issued pursuant to the Minnesota Human Rights Act.

D. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the Commissioner of the Minnesota Department of Human Rights. Such notices shall state the contractor's obligations under the law to take affirmative action to employ and advance in employment qualified disabled employees and applicants for employment, and the rights of applicants and employees.

E. The contractor shall notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the contractor is bound by the terms of *Minnesota Statutes*, Chapter 363.073 of the Minnesota Human Rights Act and is committed to take affirmative action to employ and advance in employment physically and mentally disabled individuals.

It is hereby agreed between the parties that *Minnesota Statutes*, Chapter 363.073 and *Minnesota Rules*, part 5000.3400 to 5000.3600 are incorporated into any contract between these parties based upon this specification or any modification of it. A copy of *Minnesota Statutes*, Chapter 363.073 and *Minnesota Rules*, parts 5000.3400 to 5000.3600 is available from Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, (612) 297-3000.

### **Workers' Compensation**

The successful responder will be required to submit acceptable evidence of compliance with workers' compensation insurance coverage requirements prior to execution of the contract.

### **Administrative Provisions**

PERA reserves the right to extend the production phase of this contract in increments of one year at a price mutually agreed upon by both parties, but the number of one-year extensions may not exceed three.

PERA also reserves the right to negotiate additional provisions to the contract awarded under the Request for Proposals process or to cancel this solicitation for proposals if it is considered to be in PERA's best interest.

## **Minnesota Pollution Control Agency**

### **Division of Water Quality**

### **Request for Proposal for Regional Water Quality Grant Program**

The Minnesota Pollution Control Agency is requesting proposals for projects which identify critical water quality needs and offer solutions to those needs.

### **Regional Water Quality Grant Program**

#### **Introduction and Background**

The Minnesota Pollution Control Agency (MPCA) is requesting proposals from Regional Public Comprehensive Planning Agencies\* to undertake water quality management activities to effectively manage our water resources.

Water resources are vital in the United States and Minnesota. In Minnesota, water resources are tied to our two major industries—tourism and agriculture. Our economy, life style and quality of life are based on our 12,000 lakes, 90,000 miles of streams and rivers and 260,000 wetlands. Additionally, a trillion gallons of ground water provide drinking water for 75 percent of Minnesota's residents.

The value of water is related to its quality; once degraded it becomes harder to use and could require costly cleanup to restore it to its original condition. Planning and wise management of our water resources can correct many problems before they occur.

\*Regional Public Comprehensive Planning Agencies include regional planning agencies, councils of government, cities, counties, other appropriate substate public planning agencies, and interstate agencies with the capability to carry out water quality management planning. This interpretation includes all organizations which were eligible to receive funding prior to the passage of the Water Quality Act of February 1987.

Recognizing the need for clean water, the Congress of the United States passed the Clean Water Act (CWA) of 1987. Included in the CWA under Section 205(j)(3), Congress required that 40 percent of the States 205(j) water quality planning grants be awarded to other organizations as defined by the U.S. Environmental Protection Agency (EPA). In Minnesota, up to \$114,200 will be available in Greater Minnesota for water quality planning activities by Regional Public Comprehensive Planning Agencies.

#### **Program Description**

For Greater Minnesota, up to \$114,200 will be available during Fiscal Year 1988. Total awards will be based on need. There will be *no maximum grant award or local match required*. However, *priority will be given to cost effective proposals which include a local match*. The Metropolitan Council will receive a separate allocation and will not be included in this program.

## State Contracts and Advertised Bids

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The purpose of the grant program is to identify critical water quality needs and offer solutions to these needs. *Emphasis of the program is on nonpoint source pollution, its origins, solutions, economic impacts and benefits of clean water in a geographical area.* Priority will be given to *needs of regional significance.*

The Regional Water Quality Grant Program has three statewide objectives:

1. Identify critical water quality problems of regional significance and identify their causes.
2. Identify possible solutions to water quality problems and propose an implementation timeline.
3. To provide the financial and technical resources to enable comprehensive local water quality planning to be undertaken.

Proposals can be multi-year, but funding is only available one year at a time. Funded multi-year projects will be given priority in subsequent years, if funds are available.

### Proposal Content and Format

Each project submitted to the MPCA should be organized in the following sections to insure comparability and consistency during the evaluations. All proposals must contain:

#### • Section I—Summary

Each proposal should contain a brief summary of the project and its purpose.

#### • Section II—Program Description

In this section, each proposal should contain:

- A description of the planning area.
- A description of the water quality need and unique features requiring consideration under the proposal.
- Documentation of the proposal's local, regional and statewide significance.
- An explanation of the proposal and its relationship to other water quality management activities at local, regional, state and federal levels, including possible coordination with other programs.
- A definition of the economic resource value of the proposed planning area's water quality and the relationship of water quality to an area's economic development.
- A statement of the purpose of the proposal and objectives to be achieved.

#### • Section III—Work Plan and Timeline

In the proposal, this section should be used to explain the work plan and project timeline. It should be noted that the project should be completed within one year of contract initiation or as specified in the proposal.

Also, include in this section the anticipated tasks to be undertaken and their relationship to the proposal's objectives. Tasks should include data gathering techniques and analysis methods to be used. In the work plan and timeline, indicate a general schedule of completion, including intermediate or milestone dates and products produced.

#### • Section IV—Project Budget

A proposed budget for each proposal should be included in this section and consist of:

- Total and itemized costs of staff time, consultant fees, travel, indirect costs, fringe benefits, etc.
- An itemization of sources of funding including MPCA, local shares and other contributions.
- Documentation that other sources of funding are available.

Presently, there is no local match requirement or maximum grant award. However, priority will be given to the most cost-effective proposals which have a local match, whether in-kind or cash.

#### • Section V—Staffing

In this section, identify professional and technical staff along with their experience, qualifications and skills as they apply to the project. Any consultant services used should also be noted in this section.

#### • Section VI—Fiscal Management

Under this section of the proposal, briefly describe your office's fiscal management-accounting techniques and how the grant funds will be managed.

#### • Section VII—Appendix

The appendix should contain any supporting material necessary to supplement information in the proposal.

**Proposal Review and Evaluation**

All proposals must be received by Friday, June 10, 1988, at 4:00 p.m. Please send proposals to:

Timothy K. Scherkenbach, Director  
Division of Water Quality  
Minnesota Pollution Control Agency  
520 Lafayette Road  
St. Paul, MN 55155

Please submit 10 copies of the proposal. The proposal must be signed by an authorized representative of the organization.

This request for proposal does not obligate the Agency to complete any study undertaken or work partially completed as a result of an organization participating in this program. The Agency reserves the right to cancel this RFP if it is considered in its best interest or for just cause.

All proposals received by the deadline will be reviewed for completeness. Incomplete proposals will be declared ineligible. All eligible proposals will be reviewed by a team consisting of MPCA Division of Water Quality and MPCA Regional personnel having knowledge in local water quality issues. Once reviewed and ranked by the review team, the proposals will be provided to the Environmental Quality Board's Water Resources Committee for their input. All funding will be awarded and administered by the MPCA.

All proposals will be reviewed and ranked using the following criteria:

- An assessment of each agency's current or proposed water quality staff to manage the proposed work,
- Any previous water quality or environmental experience,
- The potential of the proposed work to abate significant water quality problems,
- The degree of proposed coordination between ongoing and prospective state activity,
- The potential statewide significance,
- The applicability of the study, its results, methodology to statewide water quality management,
- The applicability of the study to other multi-county water planning organizations,
- The project work plan and cost,
- The amount of local contribution,
- The degree of intergovernmental and private sector involvement anticipated in the study, and
- The anticipated long-term outcomes of the study.
- The geographic location of the project in an attempt to spread the funds around the state.

When considering projects for funding, priority will be given to proposals for the following:

- Special projects that address nonpoint source pollution, its origins, solutions, economic impacts and benefits of clean water.
- Multi-County 110B comprehensive local water planning efforts where additional funds are needed to address water quality planning needs that are not required by 110B rules.

The review and evaluation of the proposals will be completed by July 22, 1988. Funded projects will be announced on that date.

**Grant Management Procedures**

Upon acceptance of a proposal, the MPCA will assign a regional office representative to act as a support person for the project. This person will be responsible for monitoring progress, providing information, and coordination of programs. A grant manager will be assigned to the project to approve any modifications of work plans and disburse funds.

Funding will be disbursed in three payments. The first payment of 50 percent will be awarded upon contract acceptance. Payment Two; of 40 percent, will be disbursed upon completion of the tasks specified in the contract. The final 10 percent will be awarded at completion of the proposed work. All unspent funds at the end of the project must be returned to the MPCA.

During the study, periodic progress reports with a minimum of two at six months intervals will be required. The first progress report will be an interim report. The second or final report will be completed at the end of the project.

A study contract between the MPCA and successful applicant will be signed at the beginning of the study specifying the above-mentioned items plus any others required. Any changes in the contract must be approved by both parties.

Upon completion of the study, the study will become public property and available to interested parties upon request.

# Supreme Court Decisions

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## Decisions Filed 29 April 1988

### **C1-87-452 State of Minnesota v. Craig Thomas Seifert, Appellant. Court of Appeals.**

*Minnesota Statutes* Section 611.25 (1986) and Rule 28.02, subdivision 5 of the *Minnesota Rules of Criminal Procedure* allow an indigent criminal defendant to proceed pro se on direct appeal.

An indigent criminal defendant who elects to proceed pro se on direct appeal has a right of access to the trial transcript to assist in the preparation of his pro se appellate brief.

An indigent criminal defendant who elects to proceed pro se must abide by all rules of procedure and will be given no special dispensations.

Reversed. Amdahl, C.J.

Dissenting, Wahl, J., and Simonett, J.

Took no part, Popovich, J.

### **C0-87-1009 State of Minnesota, Appellant, v. Ronald Raymond Erdman. Court of Appeals.**

A defendant should be given a new trial on the basis of recantation of trial testimony by a material witness only if the trial court is reasonably satisfied that the trial testimony was false, that the party was taken by surprise by the testimony and was unable to meet it or did not know of its falsity until after the trial, and that the jury might have reached a different conclusion without the false testimony.

Reversed and judgment of conviction reinstated. Amdahl, C.J.

### **C8-86-2057 State of Minnesota v. Bruce Charles Hamm, Appellant. Nicollet County.**

Article I, section 6 of the Minnesota Constitution mandates a jury of 12 members in misdemeanor or gross misdemeanor cases; consequently, *Minnesota Statutes* § 593.01, subd. 1 (1986), which provides for 6-member juries in misdemeanor and gross misdemeanor cases, is unconstitutional.

Reversed. Yetka, J.

Concurring specially, Kelley & Popovich, JJ.

Dissenting, Amdahl, C.J., Simonett & Coyne, JJ.

## Announcements

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**Innovations:** This is the title of a new publication produced by the State Planning Agency to report on innovative policies and programs which may be helpful to state and local governments. The 4-page bulletin addresses "a growing need to recognize and encourage innovation in government" by expanding the awareness of government officials about innovative policies and programs. To submit examples of innovative policies or programs in other states or countries that you feel may have relevance to state and local government in Minnesota, or to subscribe, or obtain more information, contact Peggy Byrne (612) 296-7939.

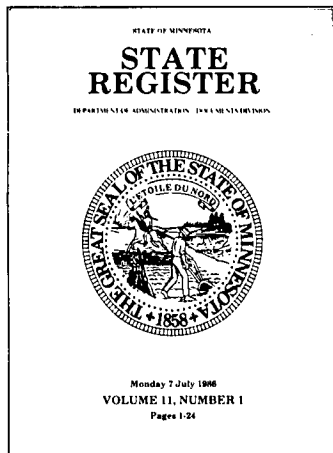
**Book Signing:** Carrol Henderson, a DNR wildlife supervisor, will sign copies of his new book, *Landscaping for Wildlife*, at the Documents Division bookstore at 117 University Avenue, St. Paul from 11:30am-1pm on Wednesday, May 4. The book describes how to develop farm, backyard and woodlot habitats for wildlife in the Midwest and sells for \$6.95 plus tax.

**Biking Enthusiasts:** Free information on bike registration; tours, camping, trip planning, safety and special events such as races and endurance marathons is available in the Dept. of Transportation's Map Sales office, Room B-20 Transportation Bldg., St. Paul.

**Unemployment Rate Drops:** Minnesota's non-seasonally-adjusted unemployment rate dropped for the second consecutive month, down to 4.8% in March. The jobless measure, which stood at 6.1% in January 1988, fell to 5.6% in February. This most recent change in the rate, minus 8/10 of a point, was unusual because the rate normally does not vary greatly at this time of year. Prior to this year, the largest February-to-March movements in the jobless measure since 1970 occurred in 1974 (-0.4) and 1982 (+0.4). Compared to a year ago, Minnesota's unemployment rate was down two full points. Minnesota's unemployment rate in March indicated a much better job market here than throughout the country. The U.S. had an actual jobless rate of 5.9 percent in that month. Total employment in the state, at 2,157,200, was up 1.9 percent from February—an unusually large increase. Since 1980, employment has only gained an average of one half of one percent between these two months.

**Oak Care During May/June:** Don't prune or bruise them during May or June. "That is the best way to care for your oak against Minnesota's Number 1 tree killing disease," advises Art Mason, director of the Minnesota Department of Agriculture Plant Industry Division. "When there are no breaks or wounds in the bark of the oaks, the chances for the spread of the disease to new areas is greatly reduced." Oak wilt is the most serious tree disease in Minnesota. Each year tens of thousands of the state's oak trees die from oak wilt. Most of the deaths are in an area that runs from Taylors Falls to St. Cloud and south to the border, said Dave Stephenson, a plant health specialist for the Minnesota Department of Agriculture. In Minnesota, more oaks are killed by oak wilt than elms are killed by Dutch elm disease, he said. Like Dutch elm disease, oak wilt is caused by a fungus that plugs the water-conducting system of a tree. The disease affects red oaks predominantly but is a menace to all oaks. Transmission to new areas occurs after an infected oak dies. A fungus will colonize and produce a mat of spores under the bark of the dead tree. As the mat thickens, it splits the bark and releases a fermenting odor. Picnic beetles are attracted by the odor, come to feed on the spores and then carry the disease to other oaks by entering the trees through wounds on the surface. The beetles do not have the capacity to penetrate the bark of healthy oaks, so they must enter the plant through existing wounds that are less than two days old. If there are no openings, it is almost certain the spread of the disease to new areas will be prevented. Most trees are infected with oak wilt through interconnecting root systems or root grafts, Stephenson said. When trees of the same species are near each other (within 50 feet) the roots may be fused together beneath the soil forming a common root system. The oak wilt fungus can travel through the vascular system of a tree, into the root system and spread into the surrounding healthy oak trees through root grafts. When this occurs it is necessary for an experienced professional to perform root graft disruption before the dead tree is removed, Stephenson said. Removing the tree immediately will only hasten the spread of the disease into other oaks, he added. All oaks are susceptible to oak wilt, but red oaks are the most vulnerable and will die within weeks after acquiring the disease. With the growth of communities into the countryside and the accompanying home construction, a dramatic increase in the spread of oak wilt has resulted after machines bruise trees during May and June, Stephenson said. This is a critical period because the trees are expending large amounts of energy developing vessels that will carry the fungus from the infected beetle, he said. Stephenson said many communities have a tree inspector, often in the public works department, who has been trained by the Minnesota Department of Agriculture to spot tree disease. These employees will take the necessary actions to avoid spread of the disease once it has been spotted. There are approximately 234 million oak trees in Minnesota. Oaks outnumber elms in the metropolitan area by almost a two-to-one margin and will increasingly be the dominant shade tree species as urban expansion continues.

**Fraudulent Plant Sales:** With the home landscaping season underway, Commissioner of Agriculture Jim Nichols advised Minnesota plant buyers to watch for the fraudulent sale of poor-quality nursery stock by uncertified vendors. "Every year it seems someone loads the back end of a truck with trees dug from a nearby wooded area and tries to sell them door-to-door," Nichols said. "The probability of these plants surviving is not high, and the person selling the plants is in violation of several state laws." Minnesota Department of Agriculture officials are concerned that the purchase of these products increases the possibility of widespread dissemination of plant pests throughout Minnesota. Art Mason, director of the Minnesota Department of Agriculture Plant Industry Division, said it is unlawful to sell nursery stock that has not been inspected within the past 12 months. He warned that purchase of uninspected plants may cause harm to nearby healthy plants. "Anyone selling nursery stock must have a current dealer's certificate for each sales location displayed in a prominent manner," Mason said. "This certificate will help insure the plant you purchase will be free of harmful plant pests." Mason advised that anyone approached by a nursery stock vendor should request to see their current dealer's certificate for verification. Valid certificates run from November of 1987 to November of 1988. Often, door-to-door solicitors just claim to have purchased the stock from a certified agent, Mason said. If the vendor does not show a valid certificate, Mason said the incident should be reported to local authorities and the Minnesota Department of Agriculture, Plant Industry Division, Mark Schreiber, Supervisor, Regulatory Services Program, at (612) 296-8507.



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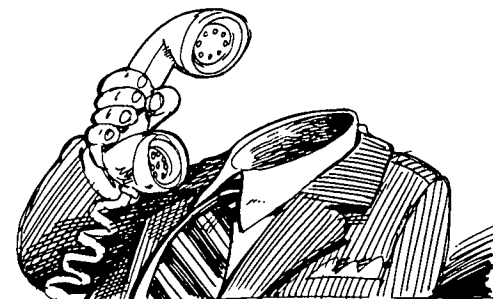
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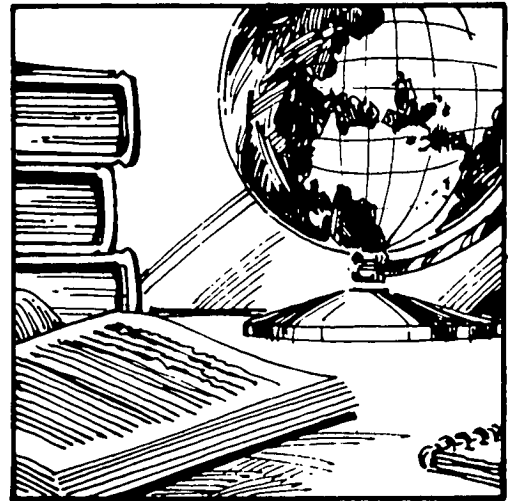
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