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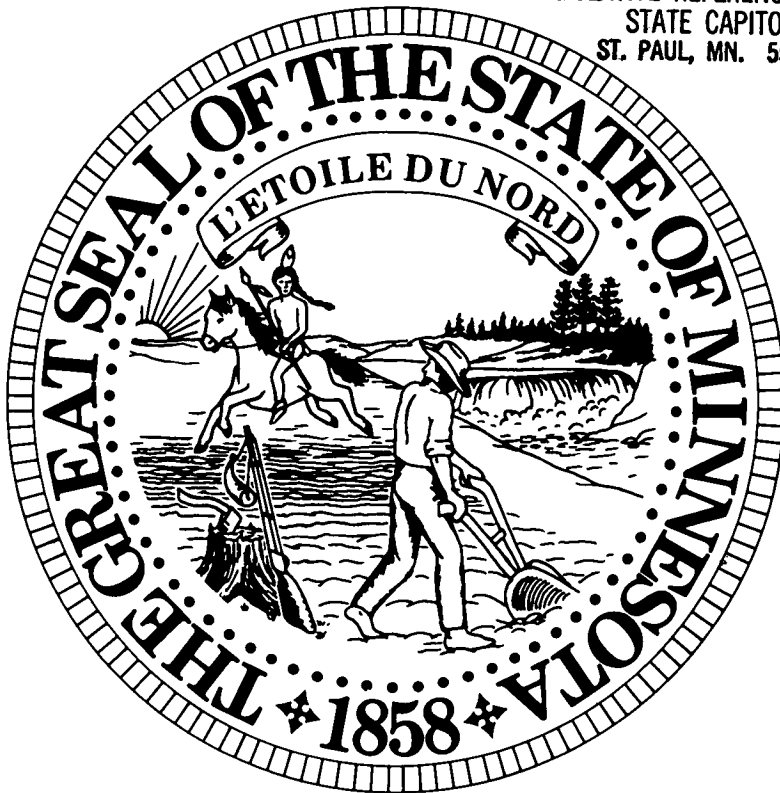
# STATE REGISTER

Department of Administration—Print Communications 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 and commissioners' orders, proposed and adopted rules, official notices, state and non-state contracts, contract awards, grants, supreme court and tax court decisions, and a monthly calendar of cases to be heard by the state supreme court.

A *Contracts Supplement* is published every Thursday and contains additional state contracts and advertised bids, and the most complete source of state contract awards available in one source.

## Printing Schedule and Submission Deadlines

Vol. 14 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
2	Monday 26 June	Monday 3 July	Monday 10 July
3	Monday 3 July	Monday 10 July	Monday 17 July
4	Monday 10 July	Monday 17 July	Monday 24 July
5	Monday 17 July	Monday 24 July	Monday 31 July

\*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.

The *STATE REGISTER* is published every Monday (Tuesday when Monday is a holiday) by the State of Minnesota, Department of Administration, Print Communications Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to *Minnesota Statutes* § 14.46. A *STATE REGISTER Contracts Supplement* is published every Thursday. The Monday edition is the vehicle for conveying all information about state agency rulemaking, including official notices; hearing notices; proposed, adopted and emergency rules. It also contains executive orders of the governor; commissioners' orders; state contracts and advertised bids; professional, technical and consulting contracts; non-state public contracts; state grants; decisions of the supreme and tax courts; a monthly calendar of scheduled cases before the supreme court; and other announcements. The Thursday edition contains additional state contracts and advertised bids, and the most complete listing of contract awards available in one source.

In accordance with expressed legislative intent that the *STATE REGISTER* be self-supporting, the following subscription rates have been established: the Monday edition costs \$130.00 per year and includes an index issue published in August (single issues are available at the address listed above for \$3.50 per copy); the combined Monday and Thursday editions cost \$195.00 (subscriptions are not available for just the *Contracts Supplement*); trial subscriptions are available for \$60.00, include both the Monday and Thursday edition, last for 13 weeks, and may be converted to a full subscription anytime by making up the price difference. No refunds will be made in the event of subscription cancellation.

Both editions are delivered postpaid to points in the United States, second class postage paid for the Monday edition at St. Paul, MN, first class for the Thursday edition. Publication Number 326630 (ISSN 0146-7751).

Subscribers who do not receive a copy of an issue should notify the *STATE REGISTER* circulation manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

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## FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

### SENATE

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Contact: Senate Public Information Office  
Room 231 State Capitol, St. Paul, MN 55155  
(612) 296-0504

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

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

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# 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 Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-652-9747.

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# Proposed Rules

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

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

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

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

## Department of Human Services

### Proposed Permanent Rules Relating to Merit System

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

NOTICE IS HEREBY GIVEN that the State Department of Human Services intends to adopt the above-entitled 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 256.012.

All persons have 30 days or until 4:30 p.m. on August 16, 1989 in which to submit comment in support of or in opposition to the proposed rule or 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 person 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 agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to: Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

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

A free copy of the rule is available upon request from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822. A copy of the rule may also be viewed at any of the 87 county welfare or human services agencies in the State of Minnesota.

The Minnesota Merit System rules provide for a system of personnel administration for 74 county welfare and human service agencies. The rules apply to all positions and employees engaged in the administration of community social services or income maintenance programs funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

If adopted, the proposed changes to part 9575.0010 would provide new definitions for several terms applicable to affirmative action and equal opportunity. Other proposals in this part include amendment of the definition of "general adjustment." Part 9575.0020 is amended to provide language that clarifies that pay scales be established on the basis of equal pay for work of equal value. Part 9575.0090 is amended to include "political affiliation" as a prohibited basis for discrimination, to broaden the meaning of the term "disability" to include both mental and physical impairments, and to add a reference to the internal discrimination complaint process.

**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

In this same part, outdated language on political affiliation and complaint procedures is being deleted and new language is being added which requires that counties establish an affirmative action plan containing five requirements which would apply to all employees covered by Merit System rules. Amendments to part 9575.0380 provide for extensions of work out of class assignments of up to one year. An amendment to part 9575.0530 provides for a policy on examination retesting. Amendments to part 9575.0620 clarify when an agency may request a related eligible list and substitute the rule definition for "protected groups" for the statutory definition. An amendment to part 9575.0720 is proposed to make the language consistent with other rules relating to probationary periods.

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

Adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11. A fiscal note prepared according to the requirements of *Minnesota Statutes*, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

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 the 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 rule, must submit the written request to Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Dated: 26 June 1989

Sandra S. Gardebring  
Commissioner of Human Services

### Rules as Proposed

#### 9575.0010 DEFINITIONS.

Subpart 1. [Unchanged.]

Subp. 1a. Affirmative action. "Affirmative action" means a management program designed to ensure equal employment opportunity and correct past discrimination by identifying and removing barriers throughout a personnel system. Affirmative action includes special efforts to eliminate underuse of disabled persons, minorities, and women through recruitment, hiring, and advancement of these groups.

Subp. 2. to 13. [Unchanged.]

Subp. 13a. Disability. "Disability" means a condition or characteristic that renders a person a disabled person. A disabled person is a person who:

- A. has a physical, sensory, or mental impairment that substantially limits one or more major life activities;
- B. has a record of such an impairment; or
- C. is regarded as having such an impairment.

Subp. 14. [Unchanged.]

Subp. 14a. Discrimination. "Discrimination" means unequal treatment, intentional or unintentional, that is based on the following protected characteristics: race, color, creed, sex, age, marital status, national origin, disability, reliance on public assistance, religion, or political affiliation.

Subp. 15. [Unchanged.]

Subp. 15a. Disparity. "Disparity" means the employment of fewer disabled persons, minorities, or women in the agency's work force than could reasonably be expected, based on their availability in the relevant labor area.

Subp. 16. to 18. [Unchanged.]

Subp. 18a. Equal employment opportunity. "Equal employment opportunity" means the policy of basing all personnel activities solely on individual merit of applicants and employees in relation to job requirements, and without regard to race, color, creed, sex, age, marital status, national origin, disability, reliance on public assistance, religion, or political affiliation.

Subp. 18a-18b. Equitable compensation relationship. "Equitable compensation relationship" means that a primary consideration in establishing, recommending, and approving total compensation is comparable work value in relationship to other employee positions within the merit system.

Subp. 19. to 20a. [Unchanged.]

Subp. 21. **General adjustment.** "General adjustment" means ~~the an annual~~ an annual merit system recommended salary adjustment based on a ~~salary survey or a review of consumer price index changes.~~ adjustments to salaries by employers with similar and competing types of employment and trends in the Twin Cities consumer price index. The general adjustment applies to all employees on the professional, support, clerical, and maintenance and trades salary schedules whose positions are not covered by the terms and conditions of a collective bargaining agreement.

Subp. 22. to 34. [Unchanged.]

Subp. 34a. **Protected groups.** "Protected groups" means females, disabled persons, and members of the following minorities: Black, Hispanic, Asian, Pacific Islander, American Indian, or Alaskan native.

Subp. 35. to 49. [Unchanged.]

#### **9575.0020 OBJECTIVES OF COUNTY WELFARE MERIT SYSTEM.**

It is the aim of the Department of Human Services of the state of Minnesota, through the establishment of the county welfare merit system, to provide appointing authorities with an effective system of personnel administration based on merit principles. Specific objectives are:

A. to C. [Unchanged.]

D. equitable pay scales for the various classes established on the basis of equal pay for ~~equal~~ work of equal value; and

E. [Unchanged.]

#### **9575.0090 PROHIBITION AGAINST DISCRIMINATION.**

Subpart 1. **In general.** No person shall be discriminated for or against in recruitment, examination, appointment, tenure, compensation, classification, or promotion or in conditions, facilities, or privileges of employment because of race, color, political affiliation, creed, religion, national origin, ~~physical~~ disability when such disability does not interfere with the completion of assigned duties, age, marital status, status with regard to public assistance, or sex. Any person aggrieved by a violation of these prohibitions may file a complaint under the provisions of *Minnesota Statutes*, chapter 363, or may file a discrimination complaint under the county agency's internal complaint process.

Subp. 2. [See Repealer.]

Subp. 2a. **Affirmative action plan.** Each county agency shall have an affirmative action plan for employees covered by parts 9575.0010 to 9575.1580. The plan must contain:

A. a policy defining and prohibiting discriminatory harassment, including sexual harassment;

B. an internal discrimination complaint policy and procedure that includes notification of the Department of Human Services Affirmative Action Office of complaints that are brought and their resolution;

C. provision for appointment of a person to provide liaison between the county agency and the Department of Human Services Affirmative Action Office and to have responsibility for implementation of the local agency's plan; and

D. provision for participation by the county agency in an affirmative action committee and notification of the Department of Human Services Affirmative Action Office of periodic hiring goals established by the county agency, for expanded certification purposes.

These requirements may be incorporated as part of a county-wide affirmative action plan or provided as an addendum to the plan.

Subp. 3. [See Repealer.]

#### **9575.0380 WORK OUT OF CLASS.**

If an employee is expressly assigned in writing to perform all the duties of a position allocated to a higher classification that is temporarily unoccupied for reasons other than vacation or sick leave and that work exceeds 15 consecutive work days in duration, the employee so assigned shall be paid for all hours of the assignment at least at the minimum rate of pay of the salary range for the higher class or may be granted a one-step salary increase within the assigned employee's salary range. If the assignment is to a

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## Proposed Rules

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position in a classification at an equal or lower level, the employee shall be paid for all hours of the assignment at the employee's current rate of pay. A work out of class assignment ~~may be proposed only if the duration of the vacancy is anticipated to be less than six months.~~ is limited to no more than six months. An appointing authority may submit a written request to extend a work out of class assignment for up to an additional six months, specifying the reason why the extension is necessary. A request to extend a work out of class assignment must be initiated at least 15 days before the end of the initial six-month assignment. Approval of such assignments by the supervisor is required and must be received by the supervisor within five calendar days of the assignment. Upon completion of the work out of class assignment, the employee's salary shall be reduced to its previous level. This decrease is not subject to part 9575.0370 or part 9575.1180.

### **9575.0530 EXAMINATION RETESTING.**

Applicants may apply to retake a competitive or promotional examination that is open for application on a continuous basis but may not retake an examination within 60 days of the previous test date and more than three times in a calendar year.

### **9575.0620 CERTIFICATION METHODS.**

Subpart 1. to 4. [Unchanged.]

Subp. 5. **Too few names on a certification.** When the number of different names available for filling any vacancy by original appointment, promotion, or reinstatement is fewer than ~~15~~ seven on a all competitive certification ~~or seven on a~~ and promotional certification, ~~and there are fewer than three different names on all registers combined,~~ the appointing authority may decline certification for that vacancy and may request certification from a register, or registers, that the supervisor deems appropriate.

Subp. 6. [Unchanged.]

Subp. 7. **Expanded certification.** When the supervisor determines that a disparity exists between an agency's work force and its approved affirmative action plan, the supervisor shall ensure to the extent possible that available eligibles who are members of the protected group as defined in Minnesota Statutes, section 43A.02, subdivision 33 part 9575.0010, subpart 34a, for which the disparity exists are certified for appointment. When fewer than three protected group eligibles for which a disparity exists would be certified under subparts 1 and 2, the supervisor shall certify additional protected group eligibles for which a disparity exists to bring the number of eligibles certified to a total of three names from each protected group. Eligibles to be certified shall be determined by examination score.

### **9575.0720 PROBATION REQUIRED.**

A person employed by an appointing authority in any of the following ways shall serve a probationary period:

- A. appointment from an eligible register other than the layoff list; ~~and except appointment under 9575.1580;~~
- B. reinstatement of a former probationary employee or of a former permanent employee in an agency other than the last employing agency;
- C. transfer of an employee between counties except when specifically waived, in writing to the merit system supervisor, by the new employing county prior to the date on which the transfer of a permanent employee becomes effective; or
- D. transfer or reinstatement to a position on the basis of eligibility from a comparable position in a similar merit system jurisdiction.

An appointing authority may effect a probationary period in an employment action in which such period is not required as specified above by writing this condition of appointment on the appointment report submitted to the merit system. In no case, however, may a probationary period be required of a permanent employee who is appointed from the layoff list.

**REPEALER.** Minnesota Rules, part 9575.0090, subparts 2 and 3 are repealed.

## Department of Health

### Proposed Permanent Rules Relating to Merit System

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

NOTICE IS HEREBY GIVEN that the State Department of Health intends to adopt the above-entitled 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 144.071.

All persons have 30 days or until 4:30 p.m. on August 16, 1989 in which to submit comment in support of or in opposition to the proposed rule or 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.



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## Proposed Rules

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 person 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 agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to: Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

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

A free copy of the rule is available upon request from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

The Minnesota Merit System rules apply to all positions funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

If adopted, the proposed changes to part 4670.0100 would provide new definitions for several terms applicable to affirmative action and equal opportunity. Other proposals in this part include amendment of the definition of "general adjustment." Part 4670.0600 is amended to include "political affiliation" as a prohibited basis for discrimination, to broaden the meaning of the term "disability" to include both mental and physical impairments, and to add a reference to the internal discrimination complaint process. New language is being proposed to part 4670.0610 which requires that counties establish an affirmative action plan containing five requirements which would apply to all employees covered by Merit System rules, and outdated language on political affiliation in this same part is being deleted. Another proposal is to delete part 4670.0620, which has outdated language on complaint procedures. Amendments to part 4670.1600 provide for extensions of work out of class assignments of up to one year. An amendment to 4670.1980 provides for a policy on examination retesting. Amendments to part 4670.2300 clarify when an agency may request a related eligible list and substitute the rule definition for "protected groups" for the statutory definition.

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

Adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11. A fiscal note prepared according to the requirements of *Minnesota Statutes*, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

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 the 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 rule, must submit the written request to Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Dated: 26 June 1989

Sister Mary Madonna Ashton  
Commissioner of Health

### Rules as Proposed

#### 4670.0100 DEFINITIONS.

Subpart 1. [Unchanged.]

Subp. 1a. Affirmative action. "Affirmative action" means a management program designed to ensure equal employment

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## Proposed Rules

opportunity and correct past discrimination by identifying and removing barriers throughout a personnel system. Affirmative action includes special efforts to eliminate underuse of disabled persons, minorities, and women through recruitment, hiring, and advancement of these groups.

Subp. 2. to 12. [Unchanged.]

Subp. 12a. Disability. "Disability" means any condition or characteristic that renders a person a disabled person. A disabled person is any person who:

- A. has a physical, sensory, or mental impairment which substantially limits one or more major life activities;
- B. has a record of such an impairment; or
- C. is regarded as having such an impairment.

Subp. 13. [Unchanged.]

Subp. 13a. Discrimination. "Discrimination" means unequal treatment, intentional or unintentional, that is based on the following protected characteristics: race, color, creed, sex, age, marital status, national origin, disability, reliance on public assistance, religion, or political affiliation.

Subp. 14. [Unchanged.]

Subp. 14a. Disparity. "Disparity" means the employment of fewer disabled persons, minorities, or women in the agency's work force than could reasonably be expected, based on their availability in the relevant labor area.

Subp. 15. to 17. [Unchanged.]

Subp. 17a. Equal employment opportunity. "Equal employment opportunity" means the policy of basing all personnel activities solely on individual merit of applicants and employees in relation to job requirements, and without regard to race, color, creed, sex, age, marital status, national origin, disability, reliance on public assistance, religion, or political affiliation.

Subp. 17b. Equitable compensation relationship. "Equitable compensation relationship" means that a primary consideration in establishing, recommending, and approving total compensation is comparable work value in relationship to other employee positions within the merit system.

Subp. 18. to 20. [Unchanged.]

Subp. 21. General adjustment. "General adjustment" means the an annual merit system recommended salary adjustment based on a salary survey or a review of consumer price index changes under part 4670.1200 adjustments to salaries by employers with similar and competing types of employment and trends in the Twin Cities consumer price index. The general adjustment applies to all employees on the professional and administrative, health services support, clerical, and building maintenance salary schedules whose positions are not covered by the terms and conditions of a collective bargaining agreement.

Subp. 22. to 34. [Unchanged.]

Subp. 34a. Protected groups. "Protected groups" means females, disabled persons, and members of the following minorities: Black, Hispanic, Asian, Pacific Islander, American Indian, or Alaskan native.

Subp. 35. to 50. [Unchanged.]

### **4670.0600 PROHIBITION AGAINST DISCRIMINATION.**

No person shall be discriminated for or against in such matters as recruitment, examination, appointment, tenure, compensation, classification, or promotion, or in such matters as conditions, facilities, or privileges of employment because of race, color, political affiliation, creed, religion, national origin, physical disability where such disability does not interfere with the completion of assigned duties, age, marital status, status with regard to public assistance, or sex. Any person aggrieved by a violation of these prohibitions may file a complaint under the provisions of *Minnesota Statutes*, chapter 363, or may file a discrimination complaint under the local agency's internal complaint process.

### **4670.0610 POLITICAL OPINIONS; DISCRIMINATION AFFIRMATIVE ACTION PLAN.**

No person shall be discriminated for or against as provided in part 4670.0600 because of his political opinions or affiliations within the limitations imposed by part 4670.0500; nor shall discrimination occur because of any other nonmerit factor. Any person aggrieved by a violation of a prohibited discrimination that does not come within the jurisdiction of *Minnesota Statutes*, chapter 363 may file a complaint with the supervisor setting forth the basis of his belief that an act or threat or promise of an act of discrimination occurred and identifying by name and position the person alleged to have committed such act or threat or promise of an act of discrimination. Each local agency shall have an affirmative action plan for employees covered by parts 4670.0100 to 4670.4300. The plan must contain:

A. a policy defining and prohibiting discriminatory harassment, including sexual harassment;

B. an internal discrimination complaint policy and procedure that includes notification of the Department of Human Services Affirmative Action Office of complaints that are brought and their resolution;

C. provision for appointment of a person to provide liaison between the local agency and the Department of Human Services Affirmative Action Office and to have responsibility for implementation of the local agency's plan; and

D. provision for participation by the local agency in an affirmative action committee and notification of the Department of Human Services Affirmative Action Office of periodic hiring goals established by the local agency, for expanded certification purposes.

These requirements may be incorporated as part of a countywide affirmative action plan or provided as an addendum to the plan.

#### **4670.1600 WORK-OUT-OF-CLASS ASSIGNMENTS.**

If an employee is expressly assigned in writing to perform all the duties of a position allocated to a higher classification that is temporarily unoccupied for reasons other than vacation or sick leave and that work exceeds 15 consecutive work days in duration, the employee so assigned shall be paid for all hours of the assignment at least at the minimum rate of pay of the salary range for the higher class or may be granted a one step salary increase within the employee's salary range. If the assignment is to a position in a classification at an equal or lower level, the employee shall be paid for all hours of the assignment at the employee's current rate of pay. A work-out-of-class assignment ~~may be proposed only if the duration of the vacancy is anticipated to be less~~ is limited to no more than six months. An appointing authority may submit a written request to extend a work-out-of-class assignment for up to an additional six months, specifying the reason why the extension is necessary. A request to extend a work-out-of-class assignment must be initiated at least 15 days before the end of the initial six-month assignment. Approval of these assignments by the supervisor is required and requests for approval must be received by the supervisor within five calendar days of the assignment. Upon completion of the work-out-of-class assignment, the employee's salary shall be reduced to its previous level, notwithstanding the provisions of ~~part parts~~ 4670.1500, subpart 1, and ~~part~~ 4670.3530.

#### **4670.1980 EXAMINATION RETESTING.**

Applicants may apply to retake a competitive or promotional examination that is open for application on a continuous basis but may not retake an examination within 60 days of the previous test date and more than three times in a calendar year.

#### **4670.2300 CERTIFICATION METHODS.**

Subpart 1. to 4. [Unchanged.]

Subp. 5. **Inadequate registers.** When the number of different names available for filling any vacancy by original appointment, promotion, or reinstatement is fewer than ~~15~~ seven on a ~~all~~ and promotional certification, ~~and there are fewer than three different names on all registers combined,~~ the appointing authority may decline certification for that vacancy and may request certification from a register, or registers, that the supervisor deems appropriate.

Subp. 6. [Unchanged.]

Subp. 7. **Expanded certification.** When the supervisor determines that a disparity exists between an agency's work force and its approved affirmative action plan, the supervisor shall ensure to the extent possible that available eligibles who are members of the protected group as defined in ~~Minnesota Statutes, section 43A.02, subdivision 33~~ part 4670.0100, subpart 34a, for which the disparity exists are certified for appointment. When fewer than three protected group eligibles for which a disparity exists would be certified under subparts 1 and 2, the supervisor shall certify additional protected group eligibles for which a disparity exists to bring the number of eligibles certified to a total of three names from each protected group. Eligibles to be certified shall be determined by examination score.

**REPEALER.** Minnesota Rules, part 4670.0620, is repealed.

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# Department of Public Safety

## Proposed Permanent Rules Relating to Merit System

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

NOTICE IS HEREBY GIVEN that the State Department of Public Safety intends to adopt the above-entitled 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 12.22, subd. 3.

All persons have 30 days or until 4:30 p.m. on August 16, 1989 in which to submit comment in support of or in opposition to the proposed rule or 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 person 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 agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to: Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

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

A free copy of the rule is available upon request from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

The Minnesota Merit System rules apply to positions in 22 local and county emergency management agencies funded in whole or in part by federal grants-in-aid requiring a merit system of personnel administration. The rules cover such areas as classification of positions, compensation, recruitment and examination, certification and appointment, leaves of absence, separation, tenure and reinstatement, and, in general, provide standards for agencies to follow so as to ensure compliance with the Federal Standards for a Merit System of Personnel Administration (5 CFR Part 900).

If adopted, the proposed changes to part 7520.0100 would provide new definitions for several terms applicable to affirmative action and equal opportunity. Amendments are also proposed to the definition of "general adjustment." Part 7520.0200 is amended to provide for the establishment of pay scales on the basis of equal pay for work of equal value. Part 7520.0350 is amended to include "political affiliation" as a prohibited basis for discrimination, to broaden the meaning of the term "disability" to include both mental and physical impairments, and to add a reference to the internal discrimination complaint process. In this same part, outdated language on political affiliation and complaint procedures is being deleted and new language is being added which requires that counties establish an affirmative action plan containing five requirements which would apply to all employees covered by Merit System rules. Amendments to part 7520.0680 provide for extensions of work out of class assignments of up to one year.

*Minnesota Rules*, part 7520.0200, subp. 2 makes *Minnesota Rules*, parts 9575.0400-9575.1300 which are the rules of the Department of Human Services Merit System applicable to county and local emergency management agencies. The proposed changes to *Minnesota Rules*, parts 9575.0530, 9575.0620, and 9575.0720 would then apply to local and county emergency management agencies. An amendment to 9575.0530 provides for a policy on examination retesting. Amendments to part 9575.0620 clarify when an agency may request a related eligible list and substitute the rule definition for "protected groups" for the statutory definition. An amendment to part 9575.0720 is proposed to make the language consistent with other rules relating to probationary periods. A copy of the Human Services Notice is attached.

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

Adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption under the requirements of *Minnesota Statutes*, section 14.11. A fiscal note prepared according to the requirements of *Minnesota Statutes*, section 3.98, subdivision 2, estimating the fiscal impact of the rule is available from Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

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 the 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

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## Proposed Rules

General, or who wish to receive a copy of the adopted rule, must submit the written request to Ralph W. Corey, Minnesota Merit System, Second Floor, Human Services Building, 444 Lafayette Road, St. Paul, Minnesota 55155-3822.

Dated: 26 June 1989

Rudy Perpich  
Governor

### Rules as Proposed

#### 7520.0100 DEFINITIONS.

Subpart 1. [Unchanged.]

Subp. 1a. Affirmative action. "Affirmative action" means a management program designed to ensure equal employment opportunity and correct past discrimination by identifying and removing barriers throughout a personnel system. Affirmative action includes special efforts to eliminate underuse of disabled persons, minorities, and women through recruitment, hiring, and advancement of these groups.

Subp. 2. to 12. [Unchanged.]

Subp. 12a. Disability. "Disability" means any condition or characteristic that renders a person a disabled person. A disabled person is any person who:

- A. has a physical, sensory, or mental impairment which substantially limits one or more major life activities;
- B. has a record of such an impairment; or
- C. is regarded as having such an impairment.

Subp. 13. [Unchanged.]

Subp. 13a. Discrimination. "Discrimination" means unequal treatment, intentional or unintentional, that is based on the following protected characteristics: race, color, creed, sex, age, marital status, national origin, disability, reliance on public assistance, religion, or political affiliation.

Subp. 14. [Unchanged.]

Subp. 14a. Disparity. "Disparity" means the employment of fewer disabled persons, minorities, or women in the agency's work force than could reasonably be expected, based on their availability in the relevant labor area.

Subp. 15. to 17. [Unchanged.]

Subp. 17a. Equal employment opportunity. "Equal employment opportunity" means the policy of basing all personnel activities solely on individual merit of applicants and employees in relation to job requirements, and without regard to race, color, creed, sex, age, marital status, national origin, disability, reliance on public assistance, religion, or political affiliation.

Subp. 17b. Equitable compensation relationship. "Equitable compensation relationship" means that a primary consideration in establishing, recommending, and approving total compensation is comparable work value in relationship to other employee positions within the merit system.

Subp. 18. to 19a. [Unchanged.]

Subp. 20. General adjustment. "General adjustment" means the an annual merit system recommended salary adjustment based on a salary survey adjustments to salaries by employers with similar and competing types of employment and trends in the Twin Cities Consumer Price Index. The general adjustment applies to all employees on the professional and clerical salary schedules whose positions are not covered by the terms and conditions of a collective bargaining agreement.

Subp. 21. to 35. [Unchanged.]

Subp. 35a. Protected groups. "Protected groups" means females, disabled persons, and members of the following minorities: Black, Hispanic, Asian, Pacific Islander, American Indian, or Alaskan Native.

Subp. 36. to 50. [Unchanged.]

**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

### 7520.0200 STATEMENT OF POLICY AND MEANS OF EFFECTING POLICY.

Subpart 1. **Objectives.** It is the declared aim of the governor and the state Department of Public Safety of the state of Minnesota to put into full force and effect the merit principles of personnel administration. To this end the merit system council, the merit system supervisor, and the Department of Public Safety shall work toward the objectives of:

A. to C. [Unchanged.]

D. equitable pay scales for the various classes established on the basis of equal pay for ~~equal~~ work of equal value; and

E. [Unchanged.]

Subp. 2. to 5. [Unchanged.]

### 7520.0350 PROHIBITION AGAINST DISCRIMINATION.

Subpart 1. **In general.** No person shall be discriminated for or against in such matters as recruitment, examination, appointment, tenure, compensation, classification, or promotion, or in such matters as conditions, facilities, or privileges of employment because of race, color, political affiliation, creed, religion, national origin, ~~physical~~ disability where the disability does not interfere with the completion of assigned duties, age, marital status, status with regard to public assistance, or sex. Any person aggrieved by a violation of these prohibitions may file a complaint under the provisions of *Minnesota Statutes*, chapter 363, or may file a discrimination complaint under the local agency's internal complaint process.

Subp. 2. [See Repealer.]

Subp. 2a. Affirmative action plan. Each local agency shall have an affirmative action plan for employees covered by parts 7520.0100 to 7520.1200. The plan must contain, at a minimum, the following:

A. a policy defining and prohibiting discriminatory harassment, including sexual harassment;

B. an internal discrimination complaint policy and procedure that includes notification of the Department of Human Services Affirmative Action Office of complaints that are brought and their resolution;

C. provision for appointment of a person to provide liaison between the local agency and the Department of Human Services Affirmative Action Office and to have responsibility for implementation of the local agency's plan; and

D. provision for participation by the local agency in an affirmative action committee and notification of the Department of Human Services Affirmative Action Office of periodic hiring goals established by the local agency, for expanded certification purposes.

These requirements may be incorporated as part of a county-wide affirmative action plan or provided as an addendum to the plan.

Subp. 3. [See Repealer.]

### 7520.0680 WORK OUT OF CLASS.

If an employee is expressly assigned in writing to perform all the duties of a position allocated to a higher classification that is temporarily unoccupied for reasons other than vacation or sick leave and the work exceeds 15 consecutive work days the employee so assigned shall be paid for all hours of the assignment at least at the minimum rate of pay of the salary range for the higher class or may be granted a one step salary increase within his salary range. If the assignment is to a position in a classification at an equal or lower level the employee shall be paid for all hours of the assignment at the employee's current rate of pay. A work out of class assignment ~~may be proposed only if the duration of the vacancy is anticipated to be less~~ is limited to no more than six months. An appointing authority may submit a written request to extend a work out of class assignment for up to an additional six months, specifying the reason why the extension is necessary. A request to extend a work out of class assignment must be initiated at least 15 days prior to the end of the initial six month assignment. Approval of the assignments by the supervisor is required and must be received by the supervisor within five calendar days of the assignment. Upon completion of the work out of class assignment the employee's salary shall be reduced to its previous level, notwithstanding the provisions of part 7520.0670 or 12 MCAR S 2.508 D.

**REPEALER.** Minnesota Rules, part 7520.0350, subparts 2 and 3, are repealed.

## Board of Teaching

### Proposed Permanent Rules Relating to Teacher Education

#### Notice of Withdrawal

The rules proposed at *State Register*, Volume 13, Number 43, pages 2603-2607, April 24, 1989 (13 S.R. 2603) are hereby withdrawn.

# 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.

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## Minnesota State Arts Board

### Notice of Annual Board Meeting

The annual meeting of the Minnesota State Arts Board will take place at 10:15 a.m. on Thursday, July 20, 1989 at the Sunwood Inn and Conference Center in Saint Cloud. The public is invited to attend. Open meeting law guidelines will be in effect.

Agenda items will include Artists in Education School Support grant awards, election of officers, and adoption of fiscal year 1990 strategies.

For more information on this meeting or other programs, contact the Arts Board at 432 Summit Avenue, Saint Paul, MN 55102.

## Department of Commerce

### Notice of Hearing In the Matter of the Merger of the Minnesota Liquor Liability Assigned Risk Plan with the Minnesota Joint Underwriting Association

NOTICE IS HEREBY GIVEN that a public hearing will be held pursuant to *Minnesota Statute* Section 621.20 (1989) in the above entitled matter in the Large Hearing Room, 500 Metro Square Building, St. Paul, Minnesota 55101 on August 3, 1989, at 9:00 a.m. and continuing until all persons and groups have had an opportunity to be heard concerning the merger of the Minnesota Liquor Liability Assigned Risk Plan with the Minnesota Joint Underwriting Association. Persons wishing to submit statements, briefs or other written materials should submit these, prior to the hearing date, to Administrative Law Judge Peter C. Erickson, Fifth Floor Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone (612) 341-7606. Questions regarding procedures may be directed to the Administrative Law Judge at the above listed address.

All interested or affected persons will have an opportunity to participate by presenting oral and/or written evidence at the hearing. Questioning of agency representatives or witnesses, and of interested persons making oral statements will be allowed in order to satisfy the requirements of 621.20.

Notice: Any person may request notification of the date on which the Administrative Law Judge's report will be available. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request a copy of the Commissioner's order in this matter. If you want to receive a copy you may so indicate at the hearing or by mailing a request to the Department of Commerce after the hearing.

*Minnesota Statutes* chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes* Section 10A.01, subdivision 11 as an individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or urging others to communicate with public officials.

(b) Who spends more than \$250, not including traveling expenses and membership dues, for the purpose attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101, telephone (612) 296-5148.

Questions of the Department pertaining to the matter should be referred to Richard G. Gomsrud, Department Counsel, Department of Commerce, 500 Metro Square Building, St. Paul, Minnesota 55101, telephone (612) 296-5689.

Dated: 10 July 1989

Michael A. Hatch  
Commissioner of Commerce

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## **Department of Health**

### **Outside Opinion Sought Concerning Proposed Rules Governing the Registration of Contact Lens Technicians and Respiratory Therapists.**

NOTICE IS HEREBY GIVEN that the Department of Health is seeking information or opinions from sources outside of the agency in preparing to promulgate rules governing two separate registration systems for the occupations of Contact Lens Technicians and Respiratory Therapists. The promulgation of these rules is authorized by *Minnesota Statutes*, Section 214.13, subdivision 1.

All interested or affected persons or groups are invited to submit statements of information in writing or comment orally to:

Jean M. Klosowski  
Rule Development Specialist  
Health Systems Development  
Department of Health  
P.O. Box 9441  
717 South East Delaware Street  
Minneapolis, Minnesota 55440  
Telephone: (612) 623-5751

All statements of information and comment shall be accepted until further notice. Any written materials received by the Department of Health shall be made part of the rulemaking record.

## **Department of Labor and Industry**

### **Notice of Correction to Prevailing Wage Determination and Truck Rental Rate**

The Prevailing Wage Rate for labor classification 307—Tandem Axle or Three Axle Unit certified June 1, 1989 in Scott County was determined in error as prevailing under *Minnesota Rule* 5200.1060.

The Truck Rental Rate for a Tandem Axle or Three Axle Unit certified June 1, 1989 in Scott County under *Minnesota Rule* 5200.1105 was determined in error.

The correct rates may be obtained by contacting the Minnesota Department of Labor and Industry, Labor Standards Division, 443 Lafayette Road, St. Paul, Minnesota 55155.

Ken Peterson, Commissioner  
Department of Labor and Industry

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

### **Notice of Vacancies in Multi-Member 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 from the Office of the Secretary of State, Open Appointments, 180 State Office Building, St. Paul, MN 55155-1299; (612) 296-2805, or in person at Room 174 of the State Office Building. More specific information about these vacancies may be obtained from the agencies listed below. The application deadline is August 8, 1989.

**METROPOLITAN TRANSIT COMMISSION**  
560 6th Ave. N., Mpls. 55411-4398. 612-349-7400  
*Minnesota Statutes* 473.404 as amended by *Laws of 1989*

APPOINTING AUTHORITY: Regional Transit Board; advice and consent of the senate. COMPENSATION: \$50 per diem plus expenses.

VACANCY: Three members, to have transit, governmental or management experience. One member may reside anywhere within the seven county metropolitan area, two members must reside outside the cities of Minneapolis and St. Paul but within the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington.

The commission provides transit services within the metropolitan area in conformance with the implementation plan of the Regional Transit Board. Five members include one resident of Minneapolis, one resident of St. Paul, two who reside in the service area of the



commission outside Minneapolis and St. Paul, and one who may reside anywhere in the metropolitan area. At least one of the members outside of St. Paul and Minneapolis must reside in the full-peak and off-peak service area. Each member must have transit, governmental, or management experience. Members may not, during term of office, be a member of the Metropolitan Council, the Regional Transit Board, the Metropolitan Waste Control Commission, the Metropolitan Airport Commission, the Metropolitan Sports Facilities Commission or any other independent regional commission, board or agency or hold any judicial office. Members must file with the Ethical Practices Board.

**MN ZOOLOGICAL BOARD****13000 Zoo Boulevard, Apple Valley 55124. 612-431-9200***Minnesota Statutes 85A.01*

APPOINTING AUTHORITY: Governor, Zoo board; Dakota county board. COMPENSATION: Per diem.

VACANCY: One public member to be appointed by the Minnesota Zoological Board.

The board operates and maintains the Minnesota Zoological Garden. Thirty members must have a background or interest in zoological societies or zoo management or an ability to generate community interest in the Minnesota Zoological Garden. Fifteen members are appointed by the governor, fourteen are appointed by the board, and one member is appointed by the Dakota county board. To the extent possible members will be appointed who are residents of the various geographic regions of the state. Members should have the ability to raise significant funds from the private sector. Monthly meetings at the Minnesota Zoological Garden.

**BOARD OF MINNESOTA SCHOOL AND RESOURCE CENTER FOR THE ARTS****17 W. Exchange, Suite 400, St. Paul 55102. 612-296-1302***Minnesota Statutes 129C.10*

APPOINTING AUTHORITY: Governor. Senate confirmation. COMPENSATION: Per diem plus expenses.

VACANCY: One at-large position.

The board shall have the powers necessary for the care, management, and control of the Minnesota School and Resource Center for the Arts. Fifteen members, including at least one member from each congressional district. A member may not serve more than two consecutive terms. Members must file with the Ethical Practices Board.

**CHILDREN'S TRUST FUND ADVISORY COUNCIL****333 Sibley St., Suite 567, St. Paul 55101. 612-296-5437***Minnesota Statutes 299.23 as amended by Laws of 1989*

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

VACANCY: Three members required by statute to possess knowledge of child abuse and neglect. Preference: One member who is representative of and/or knowledgeable of the needs of the Hispanic community, one member who possesses marketing and public relations skills, and one member who is representative of the medical community in Greater Minnesota.

The council recommends strategies to promote education, programs and services that support parents and families and thereby prevent child abuse and neglect; and makes recommendations regarding grants to be awarded to fund child maltreatment prevention programs. The governor appoints ten members who have a demonstrated knowledge in the area of child abuse and represent the demographic and geographic composition of the state, local government, parents, racial and ethnic minority communities, religious community, professionals and volunteers. The commissioners of human services, health, education and corrections each appoint one member. The legislature appoints two senators and two representatives, each with one member from both caucuses. Three hour meetings once a month for ten months of the year, and for two consecutive days in July.

**TRANSPORTATION REGULATION BOARD****254 Livestock Exchange Bldg., 100 Stockyards Rd., So. St. Paul 55075. 612-297-4360***Minnesota Statutes 174A.01*

APPOINTING AUTHORITY: Governor. Senate confirmation. COMPENSATION: None.

VACANCY: One member to be familiar with commercial transportation law.

The board regulates railroads and other common carriers of persons or property for hire. Members terms are staggered. No more than two members may belong to the same political party. Members must file with the Ethical Practices Board.

**MN JOB SKILLS PARTNERSHIP BOARD****406 Capitol Square Bldg., St. Paul 55101. 612-296-0388***Minnesota Statutes 116L.02*

APPOINTING AUTHORITY: Governor. COMPENSATION: None.

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VACANCY: Two members, must be Minnesota residents. Minorities and women encouraged to apply, Minnesota business persons encouraged to apply.

The board brings together employers with specific training needs with educational or other non-profit institutions which can design programs to meet those needs. It shall train and place workers, and assist in development of training programs. The board consists of eight members plus the commissioners of trade and economic development, jobs and training, and the director of vocational technical education. Chair appointed by the governor. Terms are staggered.

### **INDIAN ADVISORY COUNCIL ON CHEMICAL DEPENDENCY**

**Space Center, 444 Lafayette Rd., St. Paul 55101, 612-296-8941**

*Minnesota Statutes 254A.03*

APPOINTING AUTHORITY: Commissioner of Human Services. COMPENSATION: \$35 per diem plus expenses.

VACANCY: One member to represent the interests of the Upper Sioux Indian Community near Granite Falls to the Chemical Dependency Division of the Department of Human Services.

The council establishes policies and procedures for American Indian chemical dependency programs, and reviews and recommends proposals for funding. Members include one member from each of eleven reservations, two members from Mpls., two members from St. Paul, one member from Duluth, and one member from International Falls. Quarterly meetings.

### **GOVERNORS INTERAGENCY COORDINATING COUNCIL ON EARLY CHILDHOOD INTERVENTION**

**835 Capitol Square Bldg., 550 Cedar St., St. Paul 55101. 612-296-7032**

*Minnesota Statutes 120.17 as amended by Laws of 1989*

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

VACANCY: Four members, including two persons knowledgeable about children under age 5 with handicaps, one representative of a teacher preparation program in early childhood-special education, and one representative of a school district or school district cooperative.

The council addresses methods of implementing the state policy of developing and implementing comprehensive, coordinated, multidisciplinary interagency programs of early intervention services for children with handicaps and their families. Fifteen members include at least three parents of children under age 7 with handicaps, three representatives of public or private providers of services for children under age 5 with handicaps, one representative of teacher preparation programs in early childhood-special education, at least one representative of a school district or school district cooperative, at least one representative of advocacy organizations for children with handicaps, one member of the senate, one member of the house, and other members knowledgeable about children under age 5 with handicaps. Meetings held at least four times annually.

### **STATE ADVISORY COUNCIL ON MENTAL HEALTH**

**444 Lafayette Rd., St. Paul 55155-3828. 612-297-4164**

*Minnesota Statutes 245.697*

APPOINTING AUTHORITY: Governor. COMPENSATION: Reimbursed for expenses.

VACANCY: One member, must be a current or former consumer of mental health services. Family members and relations of such persons would not be eligible.

The council advises the governor, the legislature, and state agency heads about policy, programs, and services affecting people with mental illness. Thirty members include commissioner designees from the Departments of Education, Corrections, Vocational Rehabilitation, and the Housing Finance Agency, one representative from the state agency responsible for the state's Title XIV program, one member from each of the four core mental health professional disciplines (psychiatry, psychology, social work, nursing); one representative from each of the following advocacy groups: Mental Health Association of MN, MN Alliance for the Mentally Ill, MN Mental Health Law Projects; providers of mental health services, consumers of mental health services, family members of persons with mental illnesses, legislators, social service agency directors, county commissioners, and other members reflecting a broad range of community interest.

### **ELEMENTARY-SECONDARY-VOCATIONAL (ESV) COMPUTER COUNCIL**

**Board of Education, Capitol Square Bldg., 550 Cedar St., St. Paul 55101. 612-297-3752**

*Minnesota Statutes 121.934 as amended by Laws of 1989*

APPOINTING AUTHORITY: Governor. COMPENSATION: None.

VACANCY: Two members, one to be a teacher from an urban school district, one to be a teacher from a rural school district. Women and minorities are encouraged to apply.

The council advises and assists the Board of Education in the development of plans and standards for ESV-IS (elementary, secondary, and vocational education) and SDE-IS (State Department of Education) information systems. Fourteen members to include one administrator from a rural school district, one from an urban school district, one from a suburban school district; one teacher from a rural school district, one from an urban school district, one from a suburban school district; three private sector managers of whom at least two are data processing managers; three public sector managers of whom at least two are data processing managers; one person representing post-secondary vocational technical education, and one person from the Department of Education. Public and private sector managers shall not be employees or board members of school boards or the Department of Education.

**AMERICAN INDIAN ADVISORY TASK FORCE ON INDIAN CHILD WELFARE****Dept. of Human Services, 444 Lafayette Rd., 3rd Floor, St. Paul 55155-3832. 612-297-2710***Minnesota Statutes 257.3579*

APPOINTING AUTHORITY: Commissioner of Human Services. COMPENSATION: Limited expenses.

VACANCY: One member, from Minneapolis' Indian community.

The task force assists the commissioner in formulating policies and procedures relating to Indian child welfare services and to make the recommendations regarding approval of Indian child welfare grants. Six representatives from the urban Indian communities include one member from Duluth, two members from St. Paul and three members from Mpls. Approximately six to eight meetings per year held in various statewide locations.

**STATE CURRICULUM ADVISORY COMMITTEE****647 Capitol Square Bldg., St. Paul 55101. 612-296-7834***Minnesota Statutes 126.67*

APPOINTING AUTHORITY: Commissioner of Education. COMPENSATION: None.

VACANCY: One member from 10th Education Cooperative Service Unit region, (Southeast) must be former or current member of a local curriculum advisory committee; parent, teacher, school administrator or a member of a local board of education.

The committee advises the state board and Department of Education on the planning, evaluation, and reporting process. Eleven members include nine members, one appointed from each educational cooperative service unit and two at-large members.

**MN WORKERS COMPENSATION ASSIGNED RISK PLAN REVIEW BOARD****500 Metro Square Bldg., St. Paul 55101. 612-297-4017***Minnesota Statutes 79.251*

APPOINTING AUTHORITY: Commissioner of Commerce. COMPENSATION: None.

VACANCY: Three members, to be insureds holding workers compensation policies issued by the assigned risk plan.

The board will audit the reserves established for individual cases and the total book of business arising under workers' compensation policies and contracts of coverage issued pursuant to *Minnesota Statutes 79.25* and *79.252*. Six members includes three insureds holding workers' compensation policies issued by the assigned risk plan and two representatives of licensed workers' compensation insurance companies. The sixth member is the commissioner of Commerce. Term of office is three years. Meetings held at variable times in St. Paul.

## Public Utilities Commission

### Notice of Intent to Solicit Outside Information Regarding Proposed Rule Governing Intervenor Compensation, Docket No. U-999/R-89-1.

NOTICE IS HEREBY GIVEN that the Minnesota Public Utilities Commission (Commission) is seeking information or opinions from outside sources in preparing to propose the adoption of a rule governing intervenor compensation. The draft rule is published below.

The adoption of the rule is authorized by *Minnesota Statutes* §§ 216B.16, subd. 10 and 237.075, subd. 10 (1988), which allow the Commission to award compensation to intervenors in telephone company general rate cases and in gas and electric utility proceedings. To be awarded compensation, the intervenor must materially assist the Commission's deliberation and have insufficient financial resources to afford the costs of intervention.

The Commission requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views in writing or orally. Written statements or comments should be directed to:

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

Oral statements or comments will be received during regular business hours, 8:00 a.m. to 4:30 p.m., Monday through Friday.

All statements of information and opinion will be accepted until 4:30 p.m. on August 16, 1989. Any written materials received by the Commission shall become part of the rulemaking record in the event that the rule is adopted. **PLEASE USE DOCKET NO. U-999/R-89-1 ON ALL CORRESPONDENCE.**

Staff has prepared a Report that explains the draft rules. One free copy is available upon request from the Commission by contacting the Commission's receptionist, Tamiko Jackson, at the above address or by calling (612) 296-7124.

The Commission is especially interested in receiving comment on the following issues:

1. Part 7831.0100, subparts 11 and 16. Should the definition of intervenor costs include costs, fees, or charges incurred for judicial appeal or judicial review? Should the definition of proceeding include matters considered during judicial appeal or review?
2. Part 7831.0800, subpart 2. Should the rule governing material assistance state that:
  - Intervenor compensation cannot be denied solely on the basis that the intervenor did not prevail?
  - Compensation cannot be denied solely on the basis that the intervenor prevailed?
  - No one rule criterion for determining material assistance is dispositive?

Mary Ellen Hennen  
Executive Secretary

### Working Draft Relating to Intervenor Compensation

#### 7831.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. **Attorney fees.** "Attorney fees" means the reasonable, itemized billings and costs incurred by an intervenor for the services of an attorney in a proceeding before the commission. The costs for services of the attorney are reasonable when computed at the rate normally charged by that attorney for comparable services, or at the prevailing market rate or fair market value to obtain comparable and available services of an attorney of comparable training and experience, whichever rate is lower.

Subp. 3. **Attorney General.** "Attorney General" means the Minnesota Residential and Small Business Utilities Division of the Office of the Attorney General.

Subp. 4. **Commission.** "Commission" means the Minnesota Public Utilities Commission.

Subp. 5. **Compensation.** "Compensation" means reimbursement or payment to an eligible intervenor for all or part of the intervenor costs, as determined by the commission under this chapter, for participation in a proceeding.

Subp. 6. **Department.** "Department" means the Minnesota Department of Public Service.

Subp. 7. **Expert witness fees.** "Expert witness fees" means the reasonable, itemized billings and costs incurred by an intervenor for the services of an expert witness in a proceeding before the commission. The costs for services of the expert witness are reasonable when computed at the rate normally charged by that witness for comparable services, or at the prevailing market rate or fair market value to obtain comparable and available services of an expert witness of comparable training and experience, whichever rate is lower.

Subp. 8. **Final determination.** "Final determination" has the meaning given it in Minnesota Statutes, sections 216B.16, subdivision 2, paragraph (c), and 237.075, subdivision 2, paragraph (c).

Subp. 9. **Insufficient financial resources.** "Insufficient financial resources" means that but for the reimbursement of all or part of its intervenor costs, the intervenor is financially unable to afford intervenor costs incurred to participate effectively in the proceeding as determined by the commission under part 7831.0800, subpart 3.

Subp. 10. **Intervenor.** "Intervenor" means a person who is entitled or permitted by law, or permitted under rule of the commission or by order of the presiding officer, to intervene in a proceeding. For purposes of awarding compensation for intervenor costs under this chapter, intervenor does not include (1) a provider of telephone services of any kind, or its representative, agent, or affiliate, nor (2) an agency, representative, employee, authority, or political subdivision of a federal, state, county, home rule charter or statutory city, or town government or combination of them.

Subp. 11. **Intervenor costs.** "Intervenor costs" means attorney fees, expert witness fees, and other reasonable costs incurred in a proceeding. Intervenor costs do not include costs, fees, or charges incurred for judicial appeal or judicial review.

Subp. 12. **Issue.** "Issue" means a question, dispute, or controversy to be resolved in a proceeding held under Minnesota Statutes, section 216B.16 or 237.075.

Subp. 13. **Materially assisted.** "Materially assisted" means that the intervenor's participation and presentation was useful and seriously considered, or otherwise substantially contributed to the commission's deliberations in the proceeding, following consideration by the commission of the factors listed in part 7831.0800, subpart 2.

Subp. 14. **Other reasonable costs.** "Other reasonable costs" means reasonable fees and charges actually incurred by an intervenor in a proceeding before the commission, such as the costs for:

A. the services of a consultant or an employee of the intervenor computed at the rate normally charged by that person for comparable services, or at the prevailing market rate or fair market value to obtain comparable, available services of persons of comparable training and experience, whichever is lower; and

B. out-of-pocket expenses directly related to and necessary for participation in the proceeding, for example, costs of filing, copying, travel, travel-related expenses, and preparation of studies, displays, or exhibits.

Subp. 15. **Position.** "Position" means a factual contention, legal contention, or specific policy or procedural recommendation made by an intervenor relating to an issue addressed and decided in a proceeding.

Subp. 16. **Proceeding.** "Proceeding" means a proceeding conducted under Minnesota Statutes, section 216B.16 or a general rate case conducted under Minnesota Statutes, section 237.075. For purposes of this chapter, a procedural or supplemental matter is considered part of the main proceeding under Minnesota Statutes, section 216B.16 or 237.075 if it is decided or conducted by the commission or an administrative law judge on an issue or position considered in, related to, or supplemental to the main proceeding, or on the issue of intervenor compensation awarded. Procedural or supplemental matters include, for example: motions; orders; settlements; stipulations; prehearing conferences, determinations, or procedures; contested case hearings; reconsiderations or rehearings; and remanded hearings. Proceeding does not include matters considered during judicial appeal or review.

Subp. 17. **Telephone company.** "Telephone company" has the meaning given it in Minnesota Statutes, sections 237.01, subdivision 2; 237.01, subdivision 3, if the company is subject to general rate regulation by the commission; and 237.075, subdivision 9, if the company has made the election provided in that subdivision.

Subp. 18. **Utility.** "Utility" has the meaning given "public utility" in Minnesota Statutes, section 216B.02, subdivision 4.

#### **7831.0200 PURPOSE.**

The purpose of this chapter is to establish procedural and substantive criteria for reimbursing an intervenor for its intervenor costs incurred in a proceeding or general rate case under Minnesota Statutes, section 216B.16, subdivision 10, or 237.075, subdivision 10, when the intervenor has insufficient financial resources to afford its intervenor costs and has materially assisted the commission in its deliberations in the proceeding.

#### **7831.0300 REQUEST FOR COMPENSATION.**

Subpart 1. **Request filing and notice.** An applicant for an award of compensation shall file with the commission a request for compensation. The applicant shall also serve a copy of the request on each known party to the proceeding and shall file with the request a copy of the affidavit of service. The request must be filed as soon after notice of a filing, proceeding, or prehearing conference as is reasonably possible, but at least 75 days after the notice or 30 days before the beginning of evidentiary hearings in the proceeding, whichever occurs later. The request must satisfy the requirements of subparts 2 to 5.

Subp. 2. **General information.** The request for compensation must contain the following information, as applicable:

A. the name and address of the applicant or representative of an organization;

B. for an organization, the names, addresses, and titles of the members of its governing body, a description of the organization's general purposes, size, and structure, and whether it is a nonprofit organization incorporated under Minnesota Statutes, chapter 317; and

C. the proceeding for which the compensation is requested.

Subp. 3. **Insufficient financial resources.** The applicant shall show as part of the request that, but for an award of compensation for its intervenor costs under this chapter, the applicant has insufficient financial resources to intervene and participate effectively in the proceeding. The request must address the factors set forth in part 7831.0800, subpart 3. The applicant shall provide a summary description of finances, distinguishing between grant funds committed to specific projects, if applicable, and discretionary funds, showing the financial status of the applicant, including at least:

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- (1) a listing of actual annual revenues and expenses for the previous year, projected revenues and expenses for the current year, and principal revenue sources;
  - (2) a listing of actual assets and liabilities or balance sheet for the previous year and projected assets and liabilities or balance sheet for the current year;
  - (3) the amount of assets and revenues that are firmly committed to other expenditures and how intervention, but for an award, may constrain programs of public benefit;
  - (4) the amount of its own funds the applicant will spend on its participation;
  - (5) an explanation of why the applicant cannot use the excess of assets over liabilities, if any, to cover its intervenor costs;
- and
- (6) if the applicant is an organization, the scope or amount of benefit in comparison to the organization's estimated intervenor costs.

If available, the applicant shall file a copy of its audited financial statements. The applicant may reference its audited financial statements to satisfy items (1) to (6).

If the commission has determined within the previous year before receiving the request that the applicant has met its burden of showing insufficient financial resources and if the applicant can attest that there has been no substantial change in available discretionary resources, the applicant may refer to that decision to satisfy the requirement of this subpart.

**Subp. 4. Budget.** The applicant shall file as part of the request an estimate of its intervenor costs, the basis for the estimate, the extent of financial commitment to participation, and a specific budget showing the total compensation, not to exceed the maximum amount allowed by Minnesota Statutes, section 216B.16, subdivision 10, or 237.075, subdivision 10, to which the applicant believes it may be entitled.

**Subp. 5. Statement of participation.** The applicant shall file as part of the request a statement of the nature and extent of planned participation in the proceeding as far as it is possible to set it out when the request is filed. The statement must include a list of positions and issues that the applicant intends to present, raise, or respond to in the proceeding, an explanation of how an issue affects the applicant's interest in the proceeding, and a clear indication of which viewpoints or ideas the applicant believes are substantive, novel, or significant and why their presentation would contribute to a fair determination of an issue in the proceeding.

### 7831.0400 STATEMENT IN RESPONSE.

The department, attorney general, or other party to the proceeding may file a statement within 15 days after an applicant has filed a request under part 7831.0300, commenting on any part of the request and on duplications of positions, issues, or presentations, and make recommendations to the commission. The statement must be served on the applicant and known parties to the proceeding. Filings under this part must be accompanied by an affidavit of service on the applicant and known parties.

### 7831.0500 PRELIMINARY DETERMINATION ON ELIGIBILITY.

**Subpart 1. Required determinations.** Within 45 days of receiving a request under part 7831.0300, the commission shall issue a preliminary determination addressing whether the applicant is eligible for an award of compensation of intervenor costs. The determination must address:

- A. whether the commission considers the applicant to be an intervenor as defined in part 7831.0100, subpart 9; and
- B. whether the applicant has made a sufficient showing that, but for an award of compensation for all or part of its intervenor costs, it has insufficient financial resources to intervene and participate fully and effectively in the proceeding, assuming all information in the request filing is true and accurate pending an audit that may be required under part 7831.0700, and pending a decision awarding or denying compensation under part 7831.0800.

**Subp. 2. Discretionary determinations.** The determination on eligibility may also, but is not required to:

- A. address whether the applicant has demonstrated its ability to materially assist the commission in its proposed statement of participation, assuming its accuracy, under part 7831.0300, subpart 5;
- B. address whether the application lists duplicate positions taken or presentations made by intervenors, or whether they may be more economically or efficiently presented under common representation;
- C. recommend use of common legal representation or expert witnesses in cooperation with other applicants or participants;
- D. provide a listing of other known applicants and participants advocating or proposing substantially similar positions or presentations;
- E. point out any unrealistic expectations for compensation; or

F. address any other information that may affect an applicant's claim for an award of compensation for intervenor costs.

Subp. 3. **Effect of preliminary determination on eligibility.** A preliminary determination on eligibility does not guarantee either a grant or a denial of an award of compensation for intervenor costs.

A. After a preliminary determination granting compensation for intervenor costs, the commission must overcome in an applicant's claim for compensation a presumption, for the reasons stated in the preliminary determination, that the applicant should be granted an award of compensation for intervenor costs.

B. After a preliminary determination denying compensation, an applicant may elect to intervene and may intervene if granted permission by the commission or presiding officer. If, however, the applicant does intervene, the applicant must overcome in the claim for compensation a presumption, for the reasons stated in the preliminary determination, that the applicant should be denied an award of compensation for intervenor costs.

#### **7831.0600 CLAIM FOR COMPENSATION.**

Subpart 1. **Filing claim.** An intervenor shall file a claim for an award of compensation of its intervenor costs within 90 days after the later of:

A. the date the commission issues its final determination and the time for petitioning for reconsideration or rehearing has elapsed; or

B. the date the commission issues its order following reconsideration or rehearing.

Subp. 2. **Required information.** The claim must include, at a minimum:

A. adoption or amendment by the intervenor of the information submitted in the request filed under part 7831.0300;

B. a detailed, itemized description of services and intervenor costs related to specific issues addressed in the proceeding, for which an award of compensation is sought; and

C. a description of how the intervenor's contribution to the proceeding may have materially assisted the commission in its deliberations.

A copy of the claim must be served on all parties to the proceeding and the claim must have attached to it an affidavit of service on all parties.

Subp. 3. **Response.** Within 30 days after service of the claim, a party may file a response to the claim. A copy of the statement must be served on the claiming intervenor and other parties and the statement must be accompanied by an affidavit of service.

Subp. 4. **Reply.** The claiming intervenor may file a reply to a response under subpart 2 within 15 days after the response is filed.

Subp. 5. **Amended claim.** When additional costs are incurred as a result of a remanded hearing, the intervenor may file an amended claim within 30 days after the commission issues its order following remand. Subparts 1 to 4 apply also to an amended claim.

#### **7831.0700 AUDIT.**

At any time after a request for compensation is filed, an applicant for compensation shall grant the staff of the commission and the department access to audit and examine pertinent books, documents, papers, and records, to the extent necessary to verify that the intervenor has insufficient financial resources to afford its intervenor costs and to verify the basis for the amount claimed. The commission and staff of the commission and the department shall preserve the confidentiality of any information in the intervenor's records and books obtained in making the audit, that is not necessary to make findings in the commission's award or denial of compensation. Instead of or in addition to an audit, the commission may request additional information from the intervenor to clarify or substantiate the claim, including records, receipts, invoices, and other documents showing expenses incurred.

Approved applicants shall retain all relevant records supporting a claim for three years after receipt of compensation.

#### **7831.0800 AWARD OF COMPENSATION.**

Subpart 1. **Decision.** Within 120 days of the filing of a claim or amended claim for an award of compensation for intervenor costs, or within 45 days of the filing of an audit or additional information, whichever is later, the commission shall issue a decision awarding or denying compensation.

Subp. 2. **Materially assisted.** To be granted an award of compensation, in whole or in part, for intervenor costs, the intervenor must have materially assisted the commission in its deliberations. The commission shall consider the following factors, as applicable, in making its decision awarding or denying compensation:

A. whether the intervenor represented an interest that would not otherwise have been adequately represented in the proceeding;

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B. whether the intervenor's position or presentation on an issue was relevant or important for a fair decision in the proceeding;

C. the intervenor's ability to clarify complex information, to simplify complex issues, to make timely and appropriate procedural recommendations, or to otherwise contribute to the efficiency or progress of the proceeding;

D. whether the intervenor's position or presentation promoted a public purpose or policy;

E. whether the intervenor raised new or different arguments in support of a position, provided materially useful information not of common knowledge, raised a different issue, presented or elicited new or different facts or evidence, or took a different position from that of another party; and

F. whether the commission adopted, in whole or in part, a position advocated by the intervenor.

Subp. 3. **Insufficient financial resources.** To be granted an award of compensation for intervenor costs, the intervenor must show that it has insufficient financial resources, but for the award, to afford all or part of its intervenor costs necessarily incurred to participate effectively in a proceeding. The commission shall consider the following factors, as applicable, in making its decision awarding or denying compensation, in whole or in part, for intervenor costs:

A. whether the intervenor's financial status, following examinations of the audit and the financial information provided in the intervenor's request and claim, indicate the intervenor can afford, in whole or in part, its intervenor costs;

B. whether the intervenor made use of common legal representation, or otherwise consolidated positions or presentations, when appropriate;

C. whether the intervenor costs alleged in the intervenor's claim reflect reasonable attorney fees, expert witness fees, and other reasonable costs, as defined in part 7831.0100; and

D. whether a partial award of compensation may be appropriate.

Subp. 4. **Bases for commission decision.** For each issue addressed by the intervenor and decided in the proceeding:

A. On finding that an intervenor materially assisted the commission and has insufficient financial resources to afford its intervenor costs, the commission shall issue its decision awarding compensation. The decision must describe the bases for assistance found and for the amount of compensation awarded.

B. On finding that an intervenor either did not materially assist the commission or has sufficient financial resources to afford all of its intervenor costs, the commission shall issue its decision denying compensation. The decision must describe the bases for denying compensation.

Subp. 5. **Maximum amount awarded.** The total amount of the award for a proceeding may be all or part of the amount claimed, but must not exceed the maximum allowed under Minnesota Statutes, section 216B.16, subdivision 10, or 237.075, subdivision 10.

Subp. 6. **Payment.** The utility or telephone company that was the subject of the proceeding shall pay the award of compensation to the intervenor within 30 days after the commission issues its decision awarding compensation. The utility or telephone company shall file with the commission proof that it paid the amount of compensation awarded to the intervenor.

When an award of compensation is made in a proceeding involving more than one utility or telephone company, payment must be made by each utility or telephone company in a proportion determined by the commission in its decision awarding compensation under this part.



# 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.

Awards of contracts and advertised bids for commodities and printing, as well as awards of professional, technical and consulting contracts, appear in the midweek **STATE REGISTER Contracts Supplement**, published every Thursday. Call (612) 296-0931 for subscription information. Thank you.

## 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.

**Commodity:** Grilles  
**Contact:** Doug Thompson 296-3775  
**Bid due date at 2pm:** July 19  
**Agency:** Natural Resources  
**Deliver to:** Marine on the St. Croix  
**Requisition #:** 29000 52168

**Commodity:** Windbreaker jackets—  
rebid  
**Contact:** Linda Parkos 296-3725  
**Bid due date at 2pm:** July 17  
**Agency:** Natural Resources  
**Deliver to:** St. Paul  
**Requisition #:** 29000 52259

**Commodity:** Maintenance—Talaris  
Printers  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 2pm:** July 19  
**Agency:** Pollution Control  
**Deliver to:** St. Paul  
**Requisition #:** 32300 20007

**Commodity:** Sharp Scanner  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 2pm:** July 21  
**Agency:** Pollution Control  
**Deliver to:** St. Paul  
**Requisition #:** 32400 19808

**Commodity:** Ceramic Wall Tile  
**Contact:** Pam Anderson 296-1053  
**Bid due date at 2pm:** July 21  
**Agency:** Regional Treatment Center  
**Deliver to:** Willmar  
**Requisition #:** 55106 07208

**Commodity:** Rivertier shelving  
**Contact:** John Bauer 296-2621  
**Bid due date at 2pm:** July 21  
**Agency:** Labor & Industry  
**Deliver to:** St. Paul  
**Requisition #:** 42207 13232

**Commodity:** Display & storage cabinet  
with electrophesis module tank and  
power supply  
**Contact:** Joseph Gibbs 296-3750  
**Bid due date at 2pm:** July 24  
**Agency:** Inver Hills Community College  
**Deliver to:** Inver Grove Heights  
**Requisition #:** 27157 48142

**Commodity:** Two drawer file  
**Contact:** John Bauer 296-2621  
**Bid due date at 2pm:** July 24  
**Agency:** Health Department  
**Deliver to:** St. Paul  
**Requisition #:** 11220 01060

**Commodity:** Tablet arm chair—lecturns  
**Contact:** John Bauer 296-2621  
**Bid due date at 2pm:** July 24  
**Agency:** State University  
**Deliver to:** Bemidji  
**Requisition #:** 26070 14517  
**Commodity:**

**Commodity:** Used Bush Hog Model  
146HD  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** July 24  
**Agency:** Natural Resources

**Deliver to:** Roosevelt  
**Requisition #:** 29001 14857

**Commodity:** Mail Service  
**Contact:** Pam Anderson 296-1053  
**Bid due date at 2pm:** July 21  
**Agency:** Trade & Economic  
Development  
**Deliver to:** St. Paul  
**Requisition #:** 22400 03002

**Commodity:** Aerial Work Platform  
**Contact:** Doug Thompson 296-3775  
**Bid due date at 2pm:** July 21  
**Agency:** Transportation  
**Deliver to:** St. Paul  
**Requisition #:** 79382 01703

**Commodity:** Mail Opener  
**Contact:** John Bauer 296-2621  
**Bid due date at 2pm:** July 21  
**Agency:** Revenue  
**Deliver to:** St. Paul  
**Requisition #:** 67130 10659

**Commodity:** Misc. Hospital/Clinic  
Supplies—Volume purchase plan  
**Contact:** Donnalee Kutchera 296-3776  
**Bid due date at 2pm:** July 21  
**Agency:** Various  
**Deliver to:** Various  
**Requisition #:** Price Contract

**Commodity:** Slide-in box type tank  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** July 24

## State Contracts and Advertised Bids

**Agency:** Transportation  
**Deliver to:** Duluth & Golden Valley  
**Requisition #:** 79382 01696

**Commodity:** IBM AT clone  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 2pm:** July 25  
**Agency:** Labor & Industry  
**Deliver to:** St. Paul  
**Requisition #:** 42650 13250

**Commodity:** Chair—Rebid  
**Contact:** John Bauer 296-2621  
**Bid due date at 2pm:** July 21  
**Agency:** Revenue  
**Deliver to:** St. Paul  
**Requisition #:** 67350 10587 2

**Commodity:** Lektriever  
**Contact:** John Bauer 296-2621  
**Bid due date at 2pm:** July 24  
**Agency:** Human Services  
**Deliver to:** St. Paul  
**Requisition #:** 55000 96610

**Commodity:** Traffic Signal Cabinets & Controls  
**Contact:** Pam Anderson  
**Bid due date at 2pm:** July 24  
**Agency:** Transportation  
**Deliver to:** Ft. Snelling, St. Paul  
**Requisition #:** 79000 95148

**Commodity:** Exercise Equipment  
**Contact:** Linda Parkos 296-3725  
**Bid due date at 2pm:** July 24  
**Agency:** State University  
**Deliver to:** Bemidji  
**Requisition #:** 26070 14513

**Commodity:** Used John Deere  
AMT-600 All Terrain Vehicle  
**Contact:** Mary Jo Bruski 296-3772  
**Bid due date at 2pm:** July 24  
**Agency:** Natural Resources  
**Deliver to:** Grand Rapids  
**Requisition #:** 29000 42210

**Commodity:** Lumber  
**Contact:** Pam Anderson 296-1053  
**Bid due date at 2pm:** July 24  
**Agency:** Transportation  
**Deliver to:** Rochester  
**Requisition #:** 79050 23851

**Commodity:** Rubbish Disposal—St. Cloud—Rebid  
**Contact:** Joyce Dehn 297-3830  
**Bid due date at 2pm:** July 24  
**Agency:** Corrections  
**Deliver to:** St. Cloud  
**Requisition #:** Price Contract

**Commodity:** Tanks-waste oil  
**Contact:** Doug Thompson 296-3775  
**Bid due date at 2pm:** July 25  
**Agency:** Transportation  
**Deliver to:** St. Paul  
**Requisition #:** 79000 95042

**Commodity:** Laptop computer/printers  
**Contact:** Joan Breisler 296-9071  
**Bid due date at 2pm:** July 25  
**Agency:** Health  
**Deliver to:** St. Paul  
**Requisition #:** 12300 32942

**Commodity:** Ambulance service  
**Contact:** Barb Jolly 296-9070  
**Bid due date at 2pm:** July 25  
**Agency:** Regional Treatment Center  
**Deliver to:** St. Peter  
**Requisition #:** Price Contract

**Commodity:** Vinyl flooring  
**Contact:** Pam Anderson 296-1053  
**Bid due date at 2pm:** July 21  
**Agency:** Regional Treatment Center  
**Deliver to:** Ah Gwah Ching  
**Requisition #:** 55510 03378

**Commodity:** Zoom lens for CCTU  
**Contact:** Pam Anderson 296-1053  
**Bid due date at 2pm:** July 21  
**Agency:** Transportation  
**Deliver to:** St. Paul  
**Requisition #:** 79000 95128

**Commodity:** Plywood  
**Contact:** Pam Anderson 296-1053  
**Bid due date at 2pm:** July 21  
**Agency:** Regional Treatment Center  
**Deliver to:** Anoka-Metro  
**Requisition #:** 55100 04318

**Commodity:** Strain indicator  
**Contact:** Pam Anderson 296-1053  
**Bid due date at 2pm:** July 21  
**Agency:** Transportation  
**Deliver to:** St. Paul  
**Requisition #:** 79000 95116

**Commodity:** DOS software  
**Contact:** Joe Gibbs 296-3750  
**Bid due date at 2pm:** July 25  
**Agency:** Transportation  
**Deliver to:** St. Paul  
**Requisition #:** 79000 95202

## Department of Administration: Print Communications Division

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

**Commodity:** Nordic News, tabloid newspaper, 50M per issue (3 issues), 20 pages 24"x16" 2-folds to 12"x8", 30# newsprint, type to set, 2-sided  
**Contact:** Printing Buyer's Office  
**Bids are due:** July 19  
**Agency:** Giants Ridge  
**Deliver to:** Biwabik  
**Requisition #:** 7795

**Commodity:** Form IC-437, 20M 4-part continuous sets, negs furnished, 1-sided parts 3,4; 2-sided parts 1,2; 9½"x11" overall  
**Contact:** Printing Buyer's Office  
**Bids are due:** July 19  
**Agency:** Revenue  
**Deliver to:** St. Paul  
**Requisition #:** 0055

**Commodity:** Ethanol decals (3 different sizes in 3 different colors) 3M total, camera ready  
**Contact:** Printing Buyer's Office  
**Bids are due:** July 20  
**Agency:** Agriculture  
**Deliver to:** St. Paul  
**Requisition #:** 7987

## State Contracts and Advertised Bids

**Commodity:** Driver License Appl. & Voter Reg. Card, 300M 8"x8", type to set, 2-sided

**Contact:** Printing Buyer's Office

**Bids are due:** July 20

**Agency:** Public Safety

**Deliver to:** St. Paul

**Requisition #:** 1070

**Commodity:** Tabloid newspaper, 325M total in 3 issues various quantities, 8 pages total, 11¼"x17" folded to 11¼"x8½", 35# white newsprint premium 70, 2-sided

**Contact:** Printing Buyer's Office

**Bids are due:** July 24

**Agency:** Minneapolis Community College

**Deliver to:** Minneapolis

**Requisition #:** 8028

**Commodity:** Education Update 1989-90 tabloid newspaper, 50M per issue, 8 issues, 17x22 folded to 8½"x11", 8-16 pages, type to set

**Contact:** Printing Buyer's Office

**Bids are due:** July 24

**Agency:** Education Dept.

**Deliver to:** St. Paul

**Requisition #:** 8191

**Commodity:** Diplomas—Printing & lettering & diploma covers, 3,200 per year, type to set, 1-sided

**Contact:** Printing Buyer's Office

**Bids are due:** July 25

**Agency:** State University

**Deliver to:** Mankato

**Requisition #:** 7906 & 0015

**Commodity:** Student recruitment publication package for 1989-90 (41M), campus visit folder (5.5M), mailing envelope—reprint (15M), information catalog (10M)

**Contact:** Printing Buyer's Office

**Bids are due:** July 25

**Agency:** Southwest State University

**Deliver to:** Marshall

**Requisition #:** 7797 7798 7799 8000

**Commodity:** Sales & Use Tax instruction book, 229M books, 20 pgs. 8¼"x10¾", camera ready, 2-sided, 30# newsprint

**Contact:** Printing Buyer's Office

**Bids are due:** July 20

**Agency:** Revenue

**Deliver to:** St. Paul

**Requisition #:** 8052

**Commodity:** Two tabloids FOCUS newspaper (48M—12M per issue—8 pages, 22¾"x16" folded to 11¾"x8") and Continuing Education Bulletin (84M—28M per issue—same size and fold) both camera ready

**Contact:** Printing Buyer's Office

**Bids are due:** July 24

**Agency:** Southwest State University

**Deliver to:** Marshall

**Requisition #:** 8145 and 8146

**Commodity:** Ironworld brochure, 50M, 147⁄8"x17¼" folded to 35⁄8"x8½", negs furnished

**Contact:** Printing Buyer's Office

**Bids are due:** July 24

**Agency:** Ironworld USA

**Deliver to:** Chisholm

**Requisition #:** 8152

**Commodity:** Supplemental annual statement, 7M 147⁄8"x11", fanfold, type to set

**Contact:** Printing Buyer's Office

**Bids are due:** July 24

**Agency:** Teachers Retirement Association

**Deliver to:** St. Paul

**Requisition #:** 8210

**Commodity:** Graduate Studies posters and reply cards, 3M 16"x20" folded to 8"x10", camera ready, 1-sided poster, 2-sided reply cards

**Contact:** Printing Buyer's Office

**Bids are due:** July 24

**Agency:** State University

**Deliver to:** Mankato

**Requisition #:** 0207

**Commodity:** Fish scale envelope, 100M 2¼"x3½", camera ready, 1-sided

**Contact:** Printing Buyer's Office

**Bids are due:** July 24

**Agency:** Natural Resources

**Deliver to:** St. Paul

**Requisition #:** 8062

**Commodity:** Mailing labels, 10M 4¾"x3½", type to set, 1-sided, union label desirable

**Contact:** Printing Buyer's Office

**Bids are due:** July 24

**Agency:** Secretary of State

**Deliver to:** St. Paul

**Requisition #:** 8085

**Commodity:** Portfolios, 1M 9¾"x11¾", camera ready

**Contact:** Printing Buyer's Office

**Bids are due:** July 24

**Agency:** Higher Education Coordinating Board

**Deliver to:** St. Paul

**Requisition #:** 8211

**Commodity:** Window envelope, 5M 7¾"x3¾", type to set, 1-sided

**Contact:** Printing Buyer's Office

**Bids are due:** July 24

**Agency:** Jobs & Training

**Deliver to:** St. Paul

**Requisition #:** 0221

**Commodity:** Fall, Winter, & Spring 1989-90 Continuing Education Schedules, 98M 8½"x11", 16 pp, camera ready, glue or saddle

**Contact:** Printing Buyer's Office

**Bids are due:** July 25

**Agency:** Lakewood Community College

**Deliver to:** White Bear Lake

**Requisition #:** 8154

**Commodity:** Don't Smoke Posters: Bulldog (24M 18"x24") Breathment (24M 26"x36") and Locker (24M 21½"x38") camera ready and negs, 1-sided

**Contact:** Printing Buyer's Office

**Bids are due:** July 26

**Agency:** Health

**Deliver to:** Minneapolis

**Requisition #:** 8160, 8161, 8162

# Professional, Technical & Consulting Contracts

## State Designer Selection Board

### Request for Proposal for Two Projects

#### To Registered Professional in Minnesota:

The State Designer Selection Board has been requested to select designer for two projects. Design firms who wish to be considered for this project should submit proposals on or before 4:00 P.M., August 8, 1989, to George Iwan, Executive Secretary, State Designer Selection Board, Room G-10, Administration Building, St. Paul, Minnesota 55155-1495.

#### The proposal must conform to the following:

- 1) Six copies of the proposal will be required.
- 2) All data must be on 8½" × 11" sheets, soft bound.
- 3) The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 8 below, together with the designer's firm name, address, telephone number, and the name of the contact person.
- 4) *Mandatory Proposal contents in sequence:*
  - a) Identity of firm and an indication of its legal status, i.e. corporation, partnership, etc. If the response is from a joint venture, this information must be provided for firms comprising the joint venture.
  - b) Names of the persons who would be directly responsible for the major elements of the work, including consultants, together with brief descriptions of their qualifications. If desired, identify roles that such persons played in projects which are relevant to the project at hand.
  - c) A commitment to enter the work promptly, if selected, by engaging the consultants, and assigning the persons named 4b above along with adequate staff to meet the requirements of work.
  - d) A list of State and University of Minnesota current and past commissions under contract or awarded to the prime firm(s) submitting this proposal during the three (3) years immediately preceding the date of this request for proposal. The prime firm(s) shall *list and total* all fees associated with these projects whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects listed pursuant to the above.
  - e) A section containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualification for the work. The graphic material must be identified. It must be work in which the personnel listed in "c" have had significant participation and their roles must be clearly described. It must be noted if the personnel named were, at the time of the work, employed by other than their present firms.

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

#### 5) *Statutory Proposal Requirements:*

In accordance with the provisions of *Minnesota Statutes*, 1981 Supplement, Section 363.073; for all contracts estimated to be in excess of \$50,000.00, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted.

#### The proposal will not be accepted unless it includes one of the following:

- a) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
  - b) A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights;
- or
- c) A statement certifying that the firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months; or
  - d) A statement certifying that the firm has an application pending for a certificate of compliance.
- 6) Design firms wishing to have their proposals returned after the Board's review must follow one of the following procedures:
    - a) Enclose a self-addressed stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded; or
    - b) Enclose a self-addressed stamped mailing envelope with the proposals. When the Board has completed its review, proposals will be returned using this envelope.

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## Professional, Technical & Consulting Contracts

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

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

### 7a) PROJECT—25-89

Pine Hall Apartments  
Bemidji State University  
Bemidji, Minnesota

**APPROPRIATION:** \$1.1 million for preparation of the facility program; including schematic design, design development, construction documents, bidding, construction, and furnishings.

**SCOPE OF PROJECT:** Plan, remodel, and furnish 32 apartments from a wing of an existing center loaded dormitory building.

**PROJECT GROSS SQUARE FEET (GSF):** The wing to be remodeled is four floors with 32,320 GSF (total) and 23,280 net assignable square feet.

### PROJECT SUMMARY:

Bemidji State University will renovate A Wing of Pine Hall into two and three bedroom apartment; a total of 28 two-bedroom apartments and one three-bedroom apartment; a total of 28 two-bedroom units and 4 three-bedroom units are projected for the four floors. Each unit will contain a living room, kitchen, bath, and either two or three bedrooms. These apartments will be designed to accommodate single parent families; University child care facilities, located in Pine Hall, will be available. Common areas can be incorporated into the plan using basement space currently designated for this purpose. The design is to provide for a total family living/support program to encourage and assist single parents to complete their education and become economically self-sufficient.

Remodeling will include the following: metal stud walls with plaster, entry doors, floor covering, textured ceilings, closet doors, kitchen appliances, cabinets, fixtures, heating units, and related demolition.

Additions to the exterior of the building will be a u-shape drive to be used as a pickup/drop service drive. No parking spaces shall be provided with this drive. Also, a fenced in play area will have to be included since the present day care facility is closed after school hours.

Architectural firms that plan to submit a proposal should make an on-site visit in order to understand the integration of the project with the existing campus facilities. Advance arrangements can be made by contacting Thomas Faecke, Vice President for Administrative Affairs, Bemidji State University.

**SITE:** The building is located on the north end of the campus.

**PURPOSE OF THE PROJECT:** To provide on-campus student housing which will accommodate single parent students.

**ARCHITECTURAL RESPONSIBILITIES:** The architect shall be responsible for, but not limited to, such tasks as: review of the University's space program, preparation of preliminary schematics and cost estimates, project design, preparation of final working drawings and specifications required for bidding, and project administration during construction, including but not limited to preparation of construction change orders, review and approval of shop drawings and payment requests, oversight of project construction for owner (including on-site observation), and project acceptance. Prior experience with the design and construction of housing facilities is desirable.

Consultant's fee shall be fixed, and shall be computed as a percentage of the amount budgeted by the State for construction. Consultant's proposal shall state Consultant's policy concerning additional Consultant services resulting from acceptable low bid exceeding or falling short of the construction budget.

**ARCHITECTURAL FEE:** 6% of the Allocated Construction Cost.

### UNIVERSITY CONTACT:

Mr. Thomas A. Faecke  
Vice President for Administrative Affairs  
Deputy Hall 349  
Bemidji State University  
Bemidji, Minnesota 56601  
(218) 755-2012

# Professional, Technical & Consulting Contracts

## STATE UNIVERSITY SYSTEM CONTACT:

Mr. David Hardin  
Coordinator of Facilities Management  
Minnesota State University System  
555 Park Street, Suite 230  
St. Paul, Minnesota 55103  
(612) 296-6624

### 7b) PROJECT—26-89

Atwood Memorial Center  
Addition and Remodeling  
St. Cloud State University  
St. Cloud, Minnesota

**APPROPRIATION:** \$5.6 million for preparation of the facility program: including schematic design, design development, construction documents, bidding, construction, and equipment.

**SCOPE OF PROJECT:** Plan, construct, equip, and furnish an expansion to the existing student union. The project will include new construction and remodeling.

**PROJECT GROSS SQUARE FEET (GSF):** The building is expected to have an addition of approximately 41,000 GSF with exact dimensions to be determined following the program review phase. The remodeling will involve about 17,000 GSF of the existing building.

**PROGRAM SUMMARY:** This project would include approximately the following space and activity requirements:

<u>TYPE</u>	<u>TOTAL EST. NASF</u>	<u>PRIORITY*</u>
<b><u>Meeting Rooms</u></b>		
1—Max. seating 300	3,200	1
2—Max. seating 75	1,500	1
2—Max. seating 60	1,200	2
1—Max. seating 20	600	3
<b><u>Dining Areas</u></b>		
Alternative Night Club/Eating Area, Seat 200	3,500	1
Expand Vahalla Seating 75	1,500	2
General Eating Area, Seat 300	4,500	1
Serving/Preparation—Expand Present Capacity	2,000	1
Student Activities Area—Double Present Capacity	4,350	1
Main Lounge—Expand Present Capacity	3,200	2
Typing/Print Shop	600	3
Retail Type Service Space	1,000	3
Secured Gallery	1,500	2
Employee Lounge/Showers	1,500	2
Storage Space	3,000	2

\*Level of importance: (1) essential (2) important (3) desirable

Architectural firms that plan to submit a proposal should make an on-site visit in order to understand the integration of the project with the existing campus facilities. Advance arrangements can be made by contacting William Radovich, Vice President for Administrative Affairs, St. Cloud State University.

**SITE:** Atwood Memorial Center is located in the center of campus. It is in an area where the transition is made from residence hall use to academic use.

### **PURPOSE OF PROJECT:**

Construct new addition; renovate existing kitchen area, make such changes to the existing building as necessary to integrate the new addition.

Expand, reorganize and relocate all food service functions on lower level. Move Deli to lower level. Expand food service and production areas; add space for pizzeria and nonalcoholic club including stage and adequate toilet facilities. Increase capacity to provide for 600 additional persons.

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## Professional, Technical & Consulting Contracts

Reorganize circulation on main level including expansion of the lobby. Centralize office and administrative functions. Provide adequate space for Outings Center, and provide for a secured gallery and lounge area.

Provide expanded conferencing facilities and related catering areas.

**BUILDING CONSTRUCTION:** It is necessary that the new addition work with the exterior design of the existing structure. The addition will cover approximately 30%-50% of the existing building exterior. The Atwood site is quite constricted and the relationship of the new addition to surrounding buildings will be a significant consideration.

**ARCHITECTURAL RESPONSIBILITIES:** The architect shall be responsible for, but not limited to, such tasks as: review of the University's space program, preparation of preliminary schematics and cost estimates, project design, preparation of final working drawings and specifications required for bidding, and project administration during construction, including but not limited to preparation of construction change orders, review and approval of shop drawings and payment requests, oversight of project construction for owner (including on-site observation), and project acceptance. Prior experience with the design and construction of large group facilities is desirable. Food service consultant will be required; must be approved by Minnesota State University System.

Consultant's fee shall be fixed, and shall be computed as a percentage of the amount budgeted by the State for construction. Consultant's proposal shall state Consultant's policy concerning additional Consultant services resulting from acceptable low bid exceeding or falling short of the construction budget.

**ARCHITECTURAL FEE:** 6% of the Allocated Construction Cost.

### UNIVERSITY CONTACT:

William Radovich  
Vice President for Administrative Affairs  
720 Fourth Avenue South  
St. Cloud State University  
St. Cloud, Minnesota 56301-4498  
(612) 255-2286

### STATE UNIVERSITY SYSTEM CONTACT:

David Hardin  
Coordinator of Facilities Management  
Minnesota State University System  
555 Park Street, Suite 230  
St. Paul, Minnesota 55103  
(612) 296-6624

Bernard Jacob, Chairman  
State Designer Selection Board

## Department of Employee Relations

### Notice of Request for Proposals from Insurance Organizations, Health Care & Dental Care Organizations, Communications/Advertising Agencies and Marketing/Sales Organizations for the Public Employees Insurance Plan

#### I. Overview

The Department of Employee Relations requests proposals for providing a statewide insurance plan to public employees of school districts, cities, counties and towns. The plan will offer medical, dental and life insurance benefits. Retirees and dependents will also be eligible to participate in the Public Employees Insurance Plan under certain conditions. The Department of Employee Relations is requesting proposals for providing the following technical and professional services:

- Life Insurance and Accidental Death and Dismemberment Plans.
- Health Insurance including a managed care network.
- Dental Insurance including preventive and comprehensive coverages.
- Plan administration services including enrollment, billing, recordkeeping and COBRA administration.

# Professional, Technical & Consulting Contracts

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- Communications/Advertising services, including creative preparation, design, layout, keylining and production of all related materials, as well as assistance in planning, writing and editing.
- Marketing/Sales services.

## II. Scope and Timing of Project

The total number of Minnesota local government employees (full and part-time) is approximately 183,000. There are over 3000 jurisdictions including cities, counties, school districts, townships and other types of government. The plan is expected to be announced in October of 1989, with the first participants enrolling in January of 1990. Communications and sales efforts will be heavy in late 1989; efforts will be phased according to each jurisdiction's insurance contract renewal dates. Key months for contract renewals are January, March, April, July, September and October.

## III. Objectives

The objectives of the Public Employees Insurance Plan are:

- To provide quality, cost effective insurance coverage to public employees regardless of their geographic location or size of their jurisdiction.
- To include all minimum mandated benefits.
- To provide pooling arrangements advantageous to public employees.
- To maximize purchasing power.
- To provide opportunities for retired employees to participate in a group insurance program as long as the group from which they retired participates.

## IV. Department Contacts

A copy of the request for proposal is available upon request. Inquiries and requests should be directed to:

Mary Illies, Benefits Manager  
Public Employees Insurance Plan  
(612) 297-1933

Specific questions on Communications/Advertising and/or Sales should be directed to:

Ricka Stenerson, Marketing Director  
Public Employees Insurance Plan  
(612) 296-5244

## V. Submission of Proposal

All proposals must be received no later than 4:00 p.m. on Monday, August 14, 1989. Send the proposals to:

Mary Illies, Benefits Manager  
Public Employees Insurance Plan  
Department of Employee Relations  
Third Floor, 520 Lafayette Road  
St. Paul, MN 55155

Submit five copies of the proposals. Proposals are to be sealed in envelopes or packages with the proposer's name and address clearly written on the outside. Each copy of the proposal must be signed in ink by an executive officer of the proposing company.

## VI. Informational Session for Interested Organizations

A conference for companies interested in submitting a proposal will be held at 2:00 p.m., July 27, 1989 in Training Room 2, Lower Level, 520 Lafayette Road, St. Paul, MN 55155 for the purpose of answering questions on the material contained in the request for proposal.

## VII. Project Costs

A detailed description of funding arrangements and program expenses can be found in the Request for Proposal document. Payments to organizations providing services to develop an administered plan will be included as a percentage of the premium rates. Communications/advertising services will not exceed \$175,000 during the period of August, 1989 to July, 1990.



**VIII. Project Completion Date**

The Benefit Plans must be announced by October 1, 1989. Communications/advertising and sales efforts will begin in August of 1989.

**IX. Proposal Content**

Proposers are asked to respond to any or all of the Requests for Proposal.

**X. Evaluation**

All proposals received by the deadline will be evaluated by representatives of the Department of Employee Relations with the assistance of outside consulting services. Factors upon which proposals will be judged include, but are not limited to, the following:

- The competitiveness and level of premium rates.
- The cost, extent and quality of services.
- Experience in handling the multi-employer plans.

This request for proposal does not commit the Department of Employee Relations to award a contract, to pay any cost incurred in preparing a proposal for this request or to procure a contract for services or supplies.

**Department of Health****Division of Health Promotion and Education****Request for Bids for a Conference Site**

The Division of Health Promotion and Education, Minnesota Department of Health, is seeking proposals from qualified establishments to host a two-day conference in Spring 1990. Requirements are meeting space for 150 people, on-site meal functions with customized menu and adequate sleeping rooms for one or two nights. For a detailed request for proposal contact:

Shelly Heck  
Conference Coordinator  
Minnesota Department of Health  
Division of Health Promotion and Education  
P.O. Box 9441  
717 S.E. Delaware Street  
Minneapolis, MN 55414  
612/623-5701

Proposals must be received no later than August 15, 1989.

**Minnesota Historical Society****Advertisement for Bids for Printing of 1989-90 Education Catalog****BIDS**

Sealed bids for the printing of the Minnesota Historical Society's 1989-90 Education Catalog, in accordance with specifications prepared by the Minnesota Historical Society, will be received in the office of the Contract Officer, Minnesota Historical Society, 1500 Mississippi Street, St. Paul, MN 55101 until 2:00 p.m., Central Daylight Time, on August 1, 1989, at which time the bids will be publicly opened and read aloud. Bids received after 2:00 p.m., August 1, 1989, will be returned unopened.

**BID SECURITY**

Each proposal must be accompanied by a cash deposit, cashier's check, certified check, or corporate surety bond of a surety company duly authorized to do business in Minnesota, in the sum of not less than 5% of the total bid, payable without condition to the Minnesota Historical Society, which is submitted as bid security.

## Professional, Technical & Consulting Contracts

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### SPECIFICATIONS

Copies of bidding documents for preparation of bids may be obtained by contacting Mark Schwartz, Contract Officer, Minnesota Historical Society, 1500 Mississippi St., St. Paul, MN 55101, (612) 296-2155.

### 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.

## Minnesota Historical Society

### Notice of Availability of Contract for Education Workshop Presenter

The Minnesota Historical Society seeks independent contractor to conduct educational workshops and presentations introducing teachers to a new curriculum of Minnesota history written for use in upper elementary grades; approx 1/2 time 8/20/89-6/10/90; \$11/hr. Some travel required. Teaching experience and familiarity with state history preferred. Letter of application & resume must be received by Mark Schwartz, 1500 Mississippi St., St. Paul, MN 55101, 612/296-2155, not later than July 31, 1989.

## Department of Jobs and Training

### State Job Training Office

### Notice of Request for Proposals for Operations of Displaced Homemaker Programs

The Minnesota Department of Jobs and Training, State Job Training Office, is requesting proposals from appropriate organizations and units of government to operate employment and support service programs to serve displaced homemakers in two areas: The Willmar area counties of Kandiyohi/Meeker/Renville and McLeod and in the southeast counties of Rice/Goodhue/Wabasha/Steele/Dodge/Olmstead/Winona/Freeborn/Mower/Fillmore/Houston.

A maximum of \$130,000 is available to fund the Willmar area program, and a maximum of \$170,000 is available to fund the southeast area program to operate between Jan. 1, 1990-and June 30, 1991. Proposals must be received no later than 4:30, Sept. 30, 1989.

RFP application materials are available upon request from:

Laura Turner, State Coordinator  
State Job Training Office  
150 E. Kellogg Blvd.  
690 American Center Bldg.  
St. Paul, MN 55101  
612/296-5325

## Department of Transportation

### Request for Proposal to Conduct Highway User Cost Allocation Study

The State of Minnesota, Department of Transportation, is seeking proposals from qualified, experienced consultants to conduct a Minnesota Highway User Cost Allocation Study.

The scope of the study includes state and local roads and all levels of revenue contribution. Based on study analysis results, the final report shall contain recommendation for changes in Minnesota's present highway financing structure which will help address any inequities that may have been found between a user group's (vehicle class) cost responsibility allocated and the revenue contributions made. Approximately \$300,000 will be available to fund the study. Responders subject to requirements of Minnesota Human Rights Act, Section 363.073.

Proposals must be received by 5:00 P.M., August 22, 1989. It is expected that a consultant will be hired by mid-September, 1989.

The Study must be completed and the final report, with all deliverables submitted by September 25, 1990.

For a complete RFP or other information contact:

Charles Sanft, Director  
Truck and Economic Studies Section  
Room 820, Transportation Building  
John Ireland Boulevard  
St. Paul, MN 55155

This request does not obligate the State and the State reserves the right to cancel this solicitation.

All expenses incurred in responding to this request shall be borne by the responder.

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## Non-State Public Contracts

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

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

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## Metropolitan Council

### Notice of Request for Proposals for Aviation Consulting Services for the Metropolitan Council of the Twin Cities

NOTICE IS HEREBY GIVEN that the Metropolitan Council is requesting two proposals for technical and professional planning services to: 1) prepare an Annual Major Airport Contingency Plan, and 2) select a search area for siting of a new major airport.

The purpose of the first RFP is to establish a methodology for monitoring and evaluation of national/international aviation trends and local activities at MSP International Airport and to conduct a first assessment for 1989. This assessment will establish the type, timing and level of development recommended for MSP and/or site selection, land banking and development of a new replacement airport. The overall process is known as the dual-track major airport planning strategy, and is required by state legislation. It is a multi-year program (1989-1996), and Council application for first year program funding by FAA is in process. In addition to the annual contingency plan assessment, two separate reports included in the first RFP are due to the legislature by March 1, 1990—one deals with forecast methodology and assumptions, the other with long-range aviation service and facility development goals, for the major airport.

The purpose of the second RFP is to initiate Phase I activities for identifying and selecting a search area for a potential new replacement major airport. Tasks involve: development of evaluation criteria including policy, technical and planning parameters; analyze and recommend methods to protect a search area (report due to legislature by February 1, 1990; prepare case-studies comparing several hub airports/metropolitan areas to provide a perspective on siting issues for a new major airport in the Twin Cities Area. Phase II (1990-1991), which is to be funded at a later date, would deal with evaluating and selection of a search area location.

Both RFPs will involve extensive coordination activities including use of advisory task forces, an interagency management review committee, expert panels, and public information/communications plan.

Proposals can be made for either one or both RFPs. Due to the scope of the program, a firm or firms with multi-disciplinary capabilities is desirable. The Council reserves the right to establish its own consulting team from these proposals if necessary. A disadvantaged business enterprise (DBE) participation goal will be set for this project.

The overall project should commence about September 1, 1989 and be completed by June 30, 1990 (note specific legislative reporting dates mentioned earlier). All proposals must be *received* no later than 5:00 p.m. on August 4, 1989 to the attention of Chauncey Case, Transportation Division.

Copies of the Requests for Proposals may be obtained from the Metropolitan Council, Mears Park Centre, 230 E. Fifth Street, St. Paul, Minnesota 55101. Inquiries should be directed to Chauncey Case at (612) 291-6342.

# State Grants

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In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

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## Department of Corrections

### Request for Proposals for Wilderness Experience for Women Offenders

The Minnesota Department of Corrections' Office of Planning for Women Offenders is requesting proposals for a \$10,000 grant to be used to provide adult women convicted of felonies with a wilderness experience. This grant-in-aid is for forty per cent of the total project. Actual or soft match in the amount of \$15,000 will be required. A copy of the REQUEST FOR PROPOSALS may be obtained by calling Mary Scully Whitaker, Director, Planning for Women Offenders, at the number listed below.

Proposals must be submitted by *NOON* on SEPTEMBER 1, 1989 to:

Mary Scully Whitaker  
(612) 642-0212  
Minnesota Department of Corrections  
Office of Planning for Women Offenders  
300 Bigelow Building  
450 North Syndicate Street  
St. Paul, Minnesota 55104

## Department of Labor and Industry

### Notice of Availability of Labor Education Advancement Program Grants

The Commissioner of the Department of Labor and Industry announces the availability of state grant funds for the operation of Labor Education Advancement Programs in the State of Minnesota.

Approximately \$200,000 will be available during each of the state's fiscal years beginning July 1, 1989 and July 1, 1990.

#### I. PURPOSE

The purpose of the grants will be to provide for the operation of Labor Education Advancement Programs.

#### II. OBJECTIVE

The basic objective is to increase the participation of minorities and females in apprenticeable occupations.

#### III. PROCESS

The Commissioner will accept proposals for the operation of Labor Education Advancement Programs for the fiscal years beginning July 1, 1989 and July 1, 1990.

#### IV. ELIGIBLE GRANT APPLICANTS

Proposals will be accepted from not-for-profit community-based organizations.

#### V. PROPOSAL CONTENTS

Additional information on the organization, format and content of proposals will be mailed on August 14, 1989 to all parties that submit a letter of intent:

At a minimum, the proposals will be expected to contain at least the following information:

##### A. Program Administration/Management

1. Administrative Structure
2. Qualifications of Personnel
3. Makeup of Advisory Council or Advisory Committee

**B. Budget**

1. Line item breakdown
2. Narrative
3. Source of non-state matching resources

**C. Demographic Data**

1. Minority, non-minority & female population ratio to community served
2. Percent of minority, non-minority & female unemployment in community served
3. Target population to be served.

**D. Evidence of ability to deliver services**

1. Previous experience in operating Labor Education Advancement Programs.
2. Previous experience providing service to individuals from diverse ethnic and/or minority groups.

**E. Long-term Objectives**

1. Document ability to develop effective working relationships with employer & labor organizations.
2. Written proposals for coping with youth unemployment.

**VI. NOTICES OF INTENT**

Interested parties must submit a notice of intent to apply for funds no later than July 31, 1989. The notice of intent must include: 1) Name of applicant organization; 2) type of organization; 3) name, address and telephone number of a contact person.

Notices of Intent must be submitted to:

Ken Peterson, Commissioner  
Minnesota Department of Labor and Industry  
443 Lafayette Road  
St. Paul, MN 55155

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**Tax Court**

Pursuant to Minn. Stat. § 271.06, subd. 1, an appeal to the tax court may be taken from any official order of the Commissioner of Revenue regarding any tax, fee or assessment, or any matter concerning the tax laws listed in § 271.01, subd. 5, by an interested or affected person, by any political subdivision of the state, by the Attorney General in behalf of the state, or by any resident taxpayer of the state in behalf of the state in case the Attorney General, upon request, shall refuse to appeal. Decisions of the tax court are printed in the *State Register*, except in the case of appeals dealing with property valuation, assessment, or taxation for property tax purposes.

**A subscription service to all decisions of the Minnesota Tax Court is available through Minnesota's Bookstore. An annual subscription for a full 12 months costs \$275, renewable on the subscription's anniversary. Individual decisions may be purchased for \$2.25 plus 6% sales tax and \$1.50 postage/handling per order. Decisions printed below do not include the written memorandums attached to each decision. The memorandums explain the court's reasons for its decisions and can be very lengthy. To subscribe, or order individual decisions, use the handy order form at the back of this magazine, or call (612) 296-0931 for more information.**

**Tax Court—Regular Division****Docket No. 5111—Dated: 23 June 1989****Robert J. Healy and Marilyn Murray, Appellants, vs. Commissioner of Revenue, Appellee.**

The above-entitled matter came on for hearing before the Honorable Arthur C. Roemer, Judge of the Minnesota Tax Court, on January 10, 1989, at the Courtroom of the Tax Court, 520 Lafayette Road, St. Paul, Minnesota.

Robert J. Healy, Attorney at Law, appeared pro se for the appellants.

Thomas M. O'Hern, Jr., Special Assistant Attorney General, appeared on behalf of the appellee.

The sole issue is the deductibility of certain employee business expenses and itemized deductions for the tax years 1983, 1984 and 1985.

Post-trial briefs were filed by both parties and the matter was submitted to the Court for decision on March 31, 1989.

The Court, having heard and considered the evidence adduced at the hearing and upon all of the files and records herein, now makes the following:

### FINDINGS OF FACT

1. Robert J. Healy and Marilyn Murray are husband and wife.
2. Robert Healy is an attorney with the law firm of Murrin Metropolitan.
3. Marilyn Murray is a volunteer actress in several community theaters. Mr. Healy also assisted as part of the crew of several productions. Their children frequently participated in community theater presentations as members of either the cast or the crew.
4. Appellants timely filed joint income tax returns for the years 1983, 1984 and 1985.
5. In early 1987 the appellee commenced a field audit of the tax returns for the three years at issue. On April 13, 1987, the appellants were requested to provide documentation to substantiate certain itemized deductions and employee business expenses.
6. On May 15, 1987, documents were presented relating to tax year 1985.
7. Mr. Healy refused to supply documentation for tax years 1983 and 1984. On June 17, 1987, the appellee issued a subpoena requiring him to produce the documents for 1983 and 1984 on or before July 15, 1987. Mr. Healy failed to comply, indicating whatever adjustments were made in certain categories of expenses (such as business travel) with respect to the 1985 tax year should be made to the 1983 and 1984 tax years.
8. By Order dated October 28, 1987, the appellee adjusted the appellants' 1985 tax return by disallowing employee business expenses of \$6,617.47, medical and dental expenses of \$4,461.73, taxes and interest of \$3,494.05, and contributions of \$3,082.65 (totalling \$17,655.90). The Order also imposed a 5% negligence penalty.
9. By Order dated October 28, 1987, the commissioner adjusted appellants' 1983 and 1984 tax returns by disallowing in full the claimed itemized deductions and business expenses of \$29,853.00 for the year 1983 and \$34,778.00 for the year 1984, for lack of substantiation. The Order also imposed a 5% negligence penalty.
10. Mr. Healy protested the additional tax orders and submitted checks, invoices and other data in support of their claimed deductions for 1983 and 1984.

11. Based upon the data submitted, amended audit reports dated April 15, 1988 were issued allowing the following deductions:

1983 Employee Business Expenses	\$ 2,812.00
1983 Itemized Deductions	12,753.00
1984 Employee Business Expenses	6,335.00
1984 Itemized Deductions	8,015.00

12. The charitable contributions claimed on the returns and the amounts allowed on audit are as follows:

Year	Claimed Per Return	Amounts Allowed
1983	\$11,425.00	\$4,617.00
1984	7,012.00	2,808.00
1985	6,340.00	3,257.00

13. An Order dated April 15, 1988 was issued reflecting no change in liability for tax year 1985. This Order was issued to provide a new 60-day appeal period for the appellants.

14. As a result of the audit and protest, the appellants tax returns were adjusted as follows:

Year	Income Per Return	Deductions Disallowed	Income As Adjusted
1983	\$18,672.00	\$14,288.10	\$32,960.10
1984	38,243.00	20,428.00	58,671.00
1985	33,400.00	17,656.00	51,056.00

15. The adjustments related to a multitude of deductions including business expense, charitable contributions, medical and dental expenses, taxes, interest and other itemized deductions.

16. At trial appellants specifically contested three categories of adjustments. These categories and the amounts at issue are as follows:

YEAR	FEDERAL TAX DEDUCTION			
	Claimed	Allowed	Claimed	Allowed
1984	\$1,821.00	\$-0-		
YEAR	BUSINESS EXPENSES		CHARITABLE CONTRIBUTIONS	
	Claimed	Allowed	Claimed	Allowed
1983	\$ 8,746.00	\$2,811.65	\$11,425.00	\$4,617.00
1984	14,365.00	6,335.00	7,012.00	2,808.00
1985	14,178.00	7,560.53	6,340.00	3,257.35

17. The appellants have failed to substantiate the claimed deductions at issue.

**CONCLUSIONS OF LAW**

1. The appellants have failed to substantiate the deductions disallowed by the Commissioner.
2. The Commissioner's Orders of April 15, 1988 are hereby affirmed.

LET JUDGMENT BE ENTERED ACCORDINGLY. A STAY OF 15 DAYS IS HEREBY ORDERED.

BY THE COURT,  
Arthur C. Roemer, Judge  
Minnesota Tax Court

## Supreme Court Decisions

### Decisions filed 14 July 1989

**C5-88-1145 Merle's Construction Company, Inc., petitioner, Appellant v. James E. Berg and City of St. Paul by the Housing and Redevelopment Authority of the City of St. Paul. Court of Appeals.**

Genuine issues of material fact exist as to whether plaintiff contractor seeking a mechanic's lien complied with the prelien notice requirement or came within a statutory exception to the prelien notice requirement.

Reversed and remanded. Simonett, J.

**CX-88-1125 Countryside Village v. City of North Branch, petitioner, Appellant. Court of Appeals.**

(1) The notice and appeal procedures of *Minnesota Statutes* §§ 429.031-.081 (1988) apply to proceedings instituted by municipalities to construct storm sewers financed by levy of ad valorem taxes pursuant to *Minnesota Statutes* §§ 444.16-.21 (1988).

(2) A municipality which fails to provide a property owner with notice of appeal rights lacks jurisdiction to levy ad valorem taxes to finance a storm sewer project under *Minnesota Statutes* §§ 444.16-.21 (1988).

Affirmed. Kelley, J.

**C1-88-1160 Chester Hubred, et. al., petitioners, Appellant v. Control Data Corporation, as a corporation, and as Trustees of the Control Data Health Care Plan. Court of Appeals.**

1. Policy exclusion as it appears in health care plan summary is not ambiguous.
2. No facts or circumstances justify a reasonable expectation of coverage under the instant health care plan.

Affirmed. Keith, J.

**C9-88-2332 In Re Petition for Disciplinary Action against Diana Smith Logan, an Attorney at Law of the State of Minnesota. Supreme Court.**

Indefinite suspension. Per Curiam.

### Orders

**C0-89-396 In Re Petition for Disciplinary Action against Mary F. Wertz, and Attorney at Law of the State of Minnesota.**

Suspended. Kelley, J.

**C5-88-2263 In Re Petition for Disciplinary Action against Alton J. Olson, an Attorney at Law of the State of Minnesota.**

Suspended. Kelley, J.

# Announcements

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**Environmental Quality Board (EQB):** Comments are due August 9 on the environmental assessment worksheets (EAWs) for the following projects at their listed regional governing unit: **Minneapolis AT&T Tower**, City of Minneapolis (612) 348-6578; **McGowen Development Amphitheater**, City of Burnsville (612) 339-3300; **Lake Prairie Egg #8 & #9**, Minnesota Pollution Control Agency (612) 296-7275. • Petitions for environmental review have been received for the following projects: **Bass Lake Cove**, St. Louis County (218) 727-8068; **Bassett/Cadotte Lakes Gravel Mine**, St. Louis County (218) 727-8068; **Petroleum Contaminated Soil Treatment at Tower Asphalt Facility**, Minnesota Pollution Control Agency (612) 296-7799. • An environmental impact statement will be prepared for **Runway 4/22 Extension**, Minnesota Dept. of Transportation (612) 296-2552 or (612) 725-4367.

**Appointments:** Governor Rudy Perpich has named six members to the new **Gambling Control Board** created by the 1989 Legislature. Appointed to the new board are: Ray Potami of Side Lake and Rozann Prich of Golden Valley to terms expiring June 30, 1992; Lorraine Berman of Edina to a term expiring June 30, 1990; Ray Joachim, Sr., of Jordan and Barbara Grove of Emily to terms expiring on June 30, 1991; and Robert Fragnito of Nashwauk to a term expiring June 30, 1993. All of the appointees previously served on the 13-member Charitable Gambling Control Board, which the Legislature replaced with the new six-member board. The new commissioner of gaming, Tony Bouza, also will serve as a voting member on the board, which will elect its own chair. Under the 1989 legislation, the Governor will appoint a director of the board from names submitted to him by the board. The Governor's appointment is subject to consent of the Minnesota Senate. The responsibilities of the new board, which are similar to those of the defunct Charitable Gambling Control Board, include the licensing and regulating gambling organizations, distributors, bingo halls and manufacturers. • Marcia Keller of Hastings has been appointed by Governor Rudy Perpich as an additional member on the citizens committee that will advise the Minnesota Future Resources Commission on projects to receive funding from the Environmental Trust Fund. Keller will fill one of three new positions created by the 1989 Legislature. The other two appointments will be made by the Speaker of the House and the Senate Majority Leader. Keller, a former assistant commissioner for energy within the Department of Energy and Economic Development, was a member of the Select Committee on Recycling and the Environment, which was appointed by Governor Perpich and made recommendations to the 1989 Legislature. She is employed as executive director of The Minnesota Project, a center for rural community development and public policy.

**Forum to Discuss Consumer Health Care Costs:** "Impact of the Changing Health Care Environment on Twin Cities Consumers" will be held from 8:15 to 10:45 a.m. on July 26 at the Earle Brown Center, St. Paul Campus, University of Minnesota. The forum will present results from a three-year survey on out-of-pocket health care costs to Metro Area residents from 1985 through January 1988. It will cover health care trends, consumer spending and satisfaction, and coverage by health plans. Guest speakers will be: Rep. Lee Greenfield, chair, Health Division of the House Appropriations Committee; Curt Johnson, executive director of the Citizens League; and Dr. Alvin Schultz, senior vice president, HealthOne Corp. The forum is sponsored by the Metropolitan Council Health Planning Board and the Division of Health Services Research and Policy, School of Public Health, University of Minnesota, who jointly conducted the survey. Copies of the report on the survey, *How Much Are Twin Cities Consumers Paying for Health Care?*, will be available free at the forum. For more information on the study, call Gale White Nyseth of the Metropolitan Council at 291-6354 or Janet Shapiro of the University of Minnesota at 624-9432. To register for the forum call Bernadine Scott of the Council at 291-6500.

**Arts Board to Meet in Saint Cloud:** Each year the Minnesota State Arts Board holds one of its regular meetings outside the Twin Cities metro area. This year the board will meet on Thursday, July 20 at the Sunwood Inn and Conference Center in Saint Cloud. The evening prior to the meeting the board plans to attend an arts event and reception at the County Stearns Theatrical Company. The day of meetings on July 20 will begin with a special breakfast for Arts Board grantees, arts leaders, and arts professionals from the Saint Cloud area. Over the last three years the board has held similar annual gatherings in Duluth, Rochester, and Moorhead. The public is invited to attend the board business meetings, scheduled for 10:15 a.m. at the Sunwood Inn. Agenda items will include Artists in Education School Support grant awards, election of officers, and adoption of fiscal year 1990 strategies. Open meeting law guidelines will be in effect. For more information on this meeting or other programs, contact the Arts Board at 432 Summit Avenue, Saint Paul, MN 55102, (612) 297-2603 or toll-free from greater Minnesota at (800) 652-9747.



## Murder: Minnesota style

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

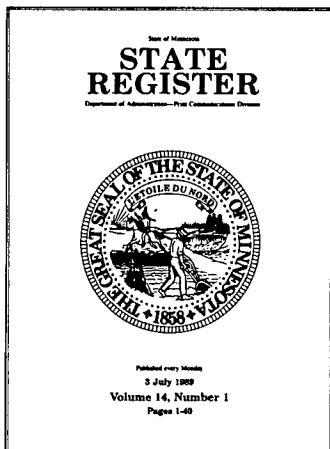
**Robber and Hero:** On September 7, 1876 six members of the James-Younger gang blasted their way out of Northfield, Minnesota. George Huntington's classic account of the Northfield Bank raid is as fascinating today as it was when first published 19 years after the attempted robbery. 125 pp., charts,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

**Secrets of the Congdon Mansion:** The prosecutor called it a crime of greed. A complex, intriguing murder case, set in one of Minnesota's most spectacular mansions, and now a top Minnesota tourist attraction on Duluth's famous Lake Superior North Shore Drive. By Joe Kimball, 64 pp., drawings. Code 19-56, \$4.95.

**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. **Prices are subject to change.**

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An annual subscription is \$195 for both the Monday and Thursday editions, or \$130 for just the Monday edition if you're only interested in state agency rulemaking information. A 13-week trial subscription for \$60 includes both the Monday and Thursday editions. MasterCard/VISA and American Express orders can be taken over the phone, otherwise prepayment is required. Send, or FAX (612/296-2265), your orders to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Let us bring you the business of state government. Subscribe to the **STATE REGISTER** today, or call (612) 296-0931 for more information.

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## NOTARY PUBLIC LAWS

Statutory requirements regarding the oath of office, necessary bond, and taking of depositions. Includes an explanation of the term of office and procedures for removal from office. Code No. 2-13. \$4.00.



Jane Smith

NOTARY PUBLIC-MINNESOTA

RAMSEY COUNTY

My Commission Expires January 1, 1994

### U.S. SMALL BUSINESS ADMINISTRATION PUBLICATIONS:

Guides for Profit Planning	Stock #:16-41, \$4.50 + tax
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**TO ORDER:** Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. **Prices are subject to change.**

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## Catching criminals is only one part of law enforcement.

**Police Report Writing Style Manual 1986**—A common framework for report writing throughout the state. Discusses the general purpose of police reports, reviews field notetaking, offers instructions on completing common report forms, and introduces the Data Practices Law. Code No. 14-13. \$14.00

**Background Investigation Manual 1986**—A guide to conducting effective thorough background investigations of peace officer candidates. Included are various criteria for use in the selection process: experience, education, and past behavior. Sample forms. Code No. 14-15. \$10.00.

**Motor Vehicle Traffic Laws 1988**—Includes laws governing motor carriers, motor vehicle registration and no-fault auto insurance. Code No. 2-85. \$14.00.

**Criminal Code & Selected Statutes 1988**—Governs the conduct of peace officers. Includes continuing education requirements, sentencing standards, and more. Code No. 2-68. \$16.00.

**Blue Binder**—3 ring, 2" capacity. Criminal Code and Motor Vehicle Traffic Laws require 1 binder each. Code No. 10-21. \$4.25.



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## Human Services Laws and Rules

### Human Services Laws 1988

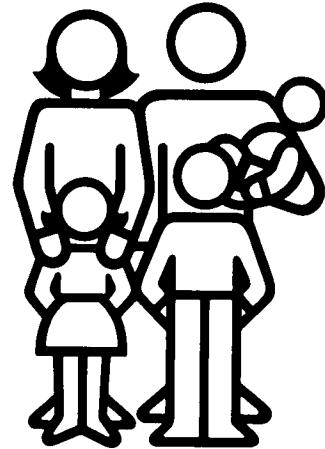
An extract from the statutes. Includes legislative amendments and additions from the most recent session. Code No. 2-56. \$21.95

### Human Services Rules 1988

Rules governing assistance programs, eligibility grant amounts, AFDC and residence requirements. MN Rules Chapter 9500-9580. Code No. 3-95. \$29.95.

**3 ring binder.** 2" capacity. 1 required for each of above listed publications. Code No. 10-21. \$4.25.

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## Woodworking for Wildlife

**Woodworking for Wildlife**, delightfully written and carefully illustrated with a variety of game bird and mammal box designs. Includes important information on the placement of nests in proper habitat areas and maintenance requirements. Diagrams, 48 pp. Code #9-14, \$3.95.

**Help Minnesota's Wildlife**, feed the birds and give to the Nongame Wildlife Checkoff on your Minnesota Tax Forms. Poster. 22" x 17", full color. Code #9-2, \$4.00.

**Mammals of Minnesota**, discusses wild mammals that inhabit Minnesota today, or in the recent past. Tells how to identify them, their distribution in the state, and their natural history. U of M Press, 1977, illustrated, index, bibliography, paperbound, 290 pp. Code #19-35, \$16.95.

**Bird Portraits in Color**, a total of 295 species of birds are depicted through magnificent illustrations, reproduced in seven-color lithography, accompanied by authoritative information about birds' activities, habitats, songs, and other characteristics, U of M Press, 1980, index, 92 color plates, hardbound. Code #19-41, \$12.95.

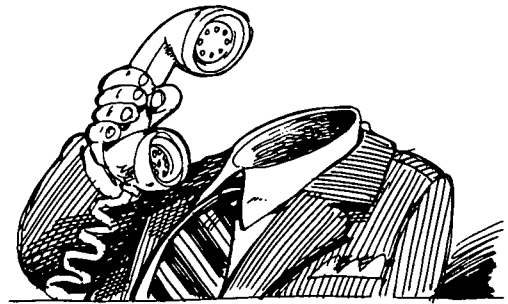
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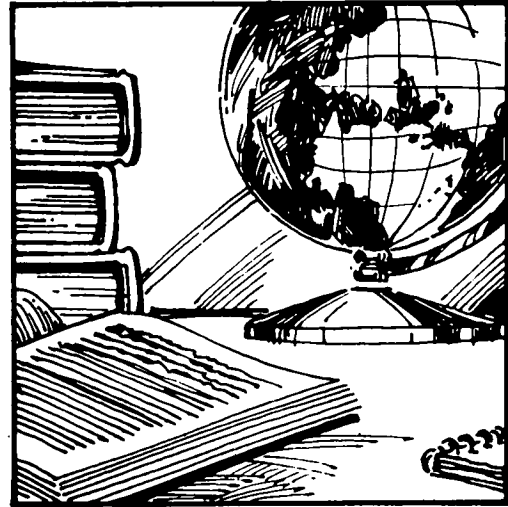
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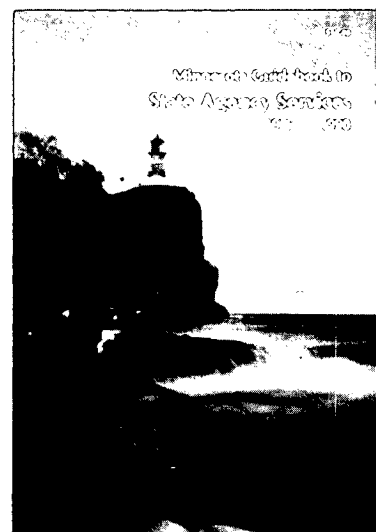
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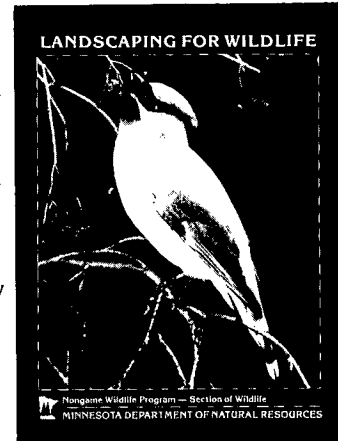
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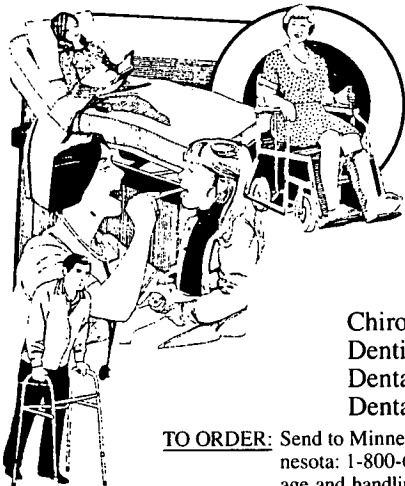
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