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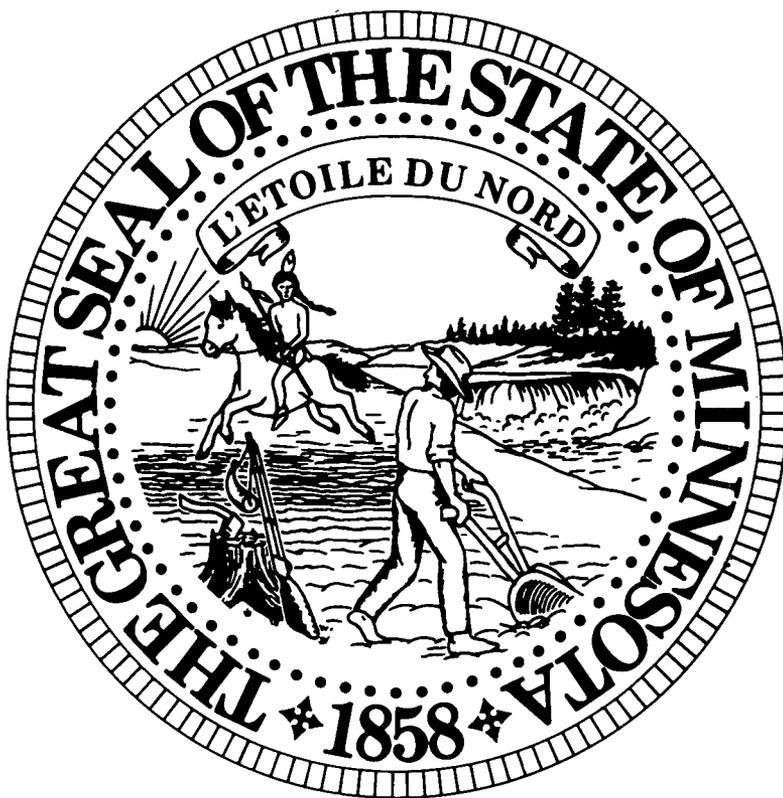
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State of Minnesota

STATE REGISTER

Department of Administration—Print Communications Division



Rules edition
Published every Monday

16 April 1990

Volume 14, Number 42

Pages 2447-2478

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
42	Monday 2 April	Monday 9 April	Monday 16 April
43	Monday 9 April	Monday 16 April	Monday 23 April
44	Monday 16 April	Monday 23 April	Monday 30 April
45	Monday 23 April	Monday 30 April	Monday 7 May

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

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

Instructions for submission of documents may be obtained from the *State Register* editorial offices, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-4273.

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.

Rudy Perpich, Governor
Sandra J. Hale, Commissioner
Department of Administration

Stephen A. Ordahl, Director
Print Communications Division
Robin PanLener, Editor

Paul Hoffman, Assistant Editor
Debbie George, Circulation Manager
Bonita Karels, Staff Assistant

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

Briefly-Preview—Senate news and committee calendar; published weekly during legislative sessions.

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

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

HOUSE

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

This Week—weekly interim bulletin of the House.

Session Summary—Summarizes all bills that both the Minnesota House of Representatives and Minnesota Senate passed during their regular and special sessions.

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 1-800-9747.

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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.

Board of Electricity

Proposed Permanent Rules Relating to Uniform Electrical Violation Citation

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Board of Electricity ("Board") proposes to adopt the above-entitled rule without a public hearing. The Board has determined that the proposed adoption of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes* § 14.22 to 14.28. Authority for the adopting of this rule is contained in *Minnesota Statutes* § 326.241, subd. 6. Additionally a statement of need and reasonableness that describes the need for and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Mr. Quinn upon request.

This rule has been withdrawn from consideration for approval by the Attorney General and the 30 day comment period is re-opened. All persons have 30 days 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 requests 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* §§ 14.13 to 14.20. If no hearing is requested, the agency will adopt the proposed rule effective five working days after final publication in the *State Register*.

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

MR. JOHN D. QUINN
Executive Secretary
State Board of Electricity
S-173 University Avenue
St. Paul, Minnesota 55104
Telephone: (612) 642-0800

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 noticed. The proposed rule was published at pages 1414 and 1415 of the *State Register* on Monday, December 18, 1989. Additional copies may be obtained by contacting Mr. Quinn.

You are hereby advised, pursuant to *Minnesota Statutes* § 14.115 (1986), "Small business considerations in rulemaking," that the proposed rule amendments will have no adverse effect on small businesses in that all licenses will be affected uniformly.

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

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

of the date of submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit a written request to the State Board of Electricity.

John D. Quinn
Executive Secretary
State Board of Electricity

Board of Medical Examiners

Proposed Permanent Rules Relating to Examinations

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Medical Examiners (hereinafter "Board") intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* §§ 14.22 to 14.28 (1988). The statutory authority to adopt the rules is *Minnesota Statutes* §§ 147.01, subd. 3, 147.02, subd. 1.(c), and 147.03(c) (1988).

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

Any person may make a written request for a public hearing on the rules 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 rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the Board will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1988).

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

H. Leonard Boche, Executive Director
Minnesota Board of Medical Examiners
2700 University Avenue West
Suite 106
St. Paul, MN 55114
(612) 642-0528

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

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

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from H. Leonard Boche upon request.

Pursuant to *Minnesota Statutes* § 14.115 the Board's Statement of Need and Reasonableness addresses the effect these rules may have on small businesses.

If no hearing is required, upon adoption of the rules, the rules 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 rules must submit the written request to H. Leonard Boche.

Dated: 2 April 1990

H. Leonard Boche
Executive Director

Rules as Proposed

5600.0400 GRADES EXAMINATION RETAKING, PASSING SCORES, AND SITTINGS.

~~A weighted average grade of 75 shall be the passing grade on all examinations prepared and graded by the Federation of State Medical Boards of the United States. If an applicant falls below a weighted average grade of 75, it shall constitute a failure. In order to be eligible for licensure, the applicant may repeat those parts of the examination on which he received a grade less than 75 or may repeat the entire examination. The latest grade received shall be the only one considered by the board.~~

Subpart 1. Federation licensing examination passing scores. For examinations taken before June 1, 1985, a Federation Licensing Examination weighted average score of 75.0 shall be the passing score on examinations prepared and graded by the Federation of State Medical Boards of the United States. The latest weighted average score shall be the only weighted average score considered by the board. For examinations taken after June 1, 1985, the passing score on examinations prepared and graded by the Federation of State Medical Boards of the United States shall be a score of 75.0 on each component of the examination. The latest score for each component shall be the only one considered by the board except as provided in subpart 4.

Subp. 2. Examination sittings. Except as provided in subpart 4, each administration of the Federation Licensing Examination constitutes a sitting by the applicant whether the applicant takes one or more examination components in the examination administration. An applicant may take the number of sittings allowed in items A and B.

A. After June 1, 1985, an applicant who has not received a passing score on one or both components of the Federation Licensing Examination, may complete up to five sittings of the examination before January 1, 1991, to obtain a passing score on both components of the examination. No additional sittings for the Federation Licensing Examination are permitted by the board after January 1, 1991, if the applicant has had three or more sittings as of January 1, 1991. After January 1, 1991, an applicant may take the Federation Licensing Examination components in separate sittings subject to subpart 3.

B. After January 1, 1991, an applicant not receiving a passing score on each component of the Federation Licensing Examination within three sittings shall not be eligible for licensure by the board nor permitted additional examination sittings.

Subp. 3. Retaking of examinations. An applicant who did not receive a passing weighted average score before June 1, 1985, must retake the entire Federation Licensing Examination.

An applicant who did not receive a passing score of 75.0 on a component of the Federation Licensing Examination after June 1, 1985, may either retake the entire examination and obtain passing scores on both components or retake the examination component for which the applicant did not receive a passing score and obtain a passing score on that examination component.

Subp. 4. Licensure eligibility exception. Applicants who were not eligible for licensure after June 1, 1985, because their Federation Licensing Examination passing scores were obtained in two but not more than five separate sittings may apply to the board after July 1, 1990, for licensure without retaking and passing an additional component or components of the Federation Licensing Examination.

The application shall be on forms prepared by the board and shall include the information required in part 5600.0200, subpart 2, items A to E, together with the fees described in part 5600.2500.

5600.0600 LICENSE BY RECIPROCITY TO PRACTICE MEDICINE AND SURGERY.

Subpart 1. Who may apply. An application for a license to practice medicine and surgery by reciprocity without a written examination according to *Minnesota Statutes*, section 147.03, may be made by a ~~physician licensed by an accredited state licensing board or agency~~ an applicant having a valid license to practice issued by the proper agency in another state who has received a passing score from the Federation of State Medical Boards of the United States pursuant to part 5600.0400 or who has passed a licensing examination of another state with a grade average score of 75 or higher.

[For text of subp 2, see M.R.]

Subp. 3. [See Repealer.]

REPEALER. *Minnesota Rules*, part 5600.0600, subpart 3, is repealed.

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Adopted Rules

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

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

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

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

Minnesota Racing Commission

Adopted Permanent Rules Relating to Trifecta and Twin Trifecta Wagering and Class C Licenses

The rules proposed and published at *State Register*, Volume 14, Number 31, pages 1922-1926, January 29, 1990 (14 S.R. 1922) are adopted as proposed.

Official Notices

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.

Department of Commerce

Bulletin of Pending Applications under the Reciprocal Interstate Banking Act *Minnesota Statutes § 48.98, Subdivision 2,(2)*

The following listing of applications are pending with the Commissioner of Commerce subject to criteria for approval as set out in *Minnesota Statutes § 48.93* and shall be disapproved if:

- (1) The financial condition of any acquiring person is such as might jeopardize the financial stability of the bank or prejudice the interests of the depositors of the bank;
- (2) The competence, experience, integrity of any acquiring person or if any of the proposed management personnel indicates that it would not be in the interest of the depositors of the bank, or in the interest of the public to permit the person to control the bank;
- (3) The acquisition will result in undue concentration of resources or substantial lessening of competition in this area;
- (4) The application failed to adequately demonstrate that the acquisition proposal would bring net new funds into Minnesota;
- (5) A subsidiary of the acquiring bank holding company has failed to meet the requirements set forth in the federal Community Reinvestment Act; or
- (6) The acquisition will result in over 30 percent of Minnesota's total deposits in financial institutions as defined in section 13A.01, subdivision 2, being held by banks located in this state owned by reciprocating state bank holding companies. This limitation does not apply to consideration for approval pursuant to section 48.99, special acquisitions.

In addition, the Commissioner has determined by rule that applicants must describe its plan of compliance in providing an acceptable level of development loans or development investments in the community affected.

Current List of Pending Applications:

- Firststar Corporation, 777 East Wisconsin Avenue, Milwaukee, Wisconsin 53202, proposes to acquire the First Western Company, 8800 Highway 7, St. Louis Park, Minnesota 55426, and thereby indirectly acquire control of the First Western Bank, 8800 Highway 7, St. Louis Park, Minnesota 55426. First Western Bank has detached banking facilities at the following locations:

- 8800 Knox Avenue South
Bloomington, Minnesota 55420
- 6200 Shingle Creek Parkway
Brooklyn Center, Minnesota 55430
- 11110 Greenbrier Road
Minnetonka, Minnesota 55343
- 6500 Nicollet Avenue South
Richfield, Minnesota 55423

NOTICE

The Commissioner shall accept public comment on an application for a period of not less than 30 days from the date of the final publication in a newspaper of general circulation within the county in which the bank to be acquired or a proposed new bank is located; or 30 days after the date of the availability of the bulletin of Pending Applications which includes the listing of the acquisition.

Public Information

Copies of bulletins of pending applications prepared and updated with each new application filed with the Commissioner are available without charge to any person upon request by writing to Department of Commerce, Bulletin of Pending Applications, Reciprocal Interstate Banking Act, 133 East Seventh Street, St. Paul, Minnesota 55101.

Dated: 9 April 1990

Thomas H. Borman
Commissioner of Commerce

Minnesota Comprehensive Health Association

Meeting of the Board of Directors

NOTICE IS HEREBY GIVEN that a meeting of the Board of Directors of the Minnesota Comprehensive Health Association will be held at 9:00 a.m. on Wednesday, April 25, 1990, at Blue Cross and Blue Shield of Minnesota, 3535 Blue Cross Road, Eagan, Minnesota. For additional information, please call (612) 456-8466.

Minnesota Comprehensive Health Association

Meeting of the Finance Committee

NOTICE IS HEREBY GIVEN that a meeting of the Finance Committee of the Minnesota Comprehensive Health Association will be held at 1:30 p.m. on Wednesday, April 18, 1990, at North American Life and Casualty Company, 1750 Hennepin Avenue, Minneapolis. For additional information, please call (612) 456-8466.

Ethical Practices Board

Advisory Opinion #104 re: Acquisition and Disposition of Committee Asset Issued 3-30-89 to Senator Joe Bertram, Sr.—SUMMARY—104

Donations-in-kind by a candidate to the candidate's principal campaign committee or payments by the candidate's principal campaign committee to lease or purchase a telephone for the candidate's automobile are reportable as campaign expenditures. Disposition of a committee asset must be at fair market value.

The full text of the opinion is available upon request from the Ethical Practices Board, 625 North Robert Street, St. Paul, MN 55101-2520; (612) 296-5148.

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Department of Labor and Industry

Workers' Compensation Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendments to Rule Governing Workers' Compensation Rehabilitation Services

NOTICE IS HEREBY GIVEN that the State Department of Labor and Industry is seeking information or opinions from sources outside the agency in preparing to propose the amendment of the rule governing Workers' Compensation Rehabilitation services. The adoption of the rule is authorized by *Minnesota Statutes*, section 176.83, subds. 2 and 15 which permit the agency to promulgate rules necessary to implement and administer workers' compensation rehabilitation services including:

- definitions for procedures, terms and services utilized in the rehabilitation process;
- procedure for a consultation where other rehabilitation services may not be required;
- qualifications necessary to be a qualified rehabilitation consultant or a registered vendor firm;
- clarification of the qualified rehabilitation consultant role;
- the documentation necessary for developing a rehabilitation plan which includes retraining or on the job training;
- a detailed description of prohibited conduct for rehabilitation providers.

The State Department of Labor and Industry requests information and opinions concerning the subject matter of the rule amendments. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

David Sherwood-Gabrielson
Rehabilitation and Medical Affairs
Workers' Compensation Division
443 Lafayette Road
St. Paul, Minnesota 55155-4316

Oral statements will be received during regular business hours over the telephone at (612) 297-4598 and in person at the above address.

It is preferred that comments be received by May 25, 1990. However, all statements of information and opinions shall be accepted until further notice is published in the *State Register* or the Notice of Hearing or Intent to Adopt Rules Without a Hearing is published in the *State Register*. Any written material received by the State Department of Labor and Industry, Workers' Compensation Division, Rehabilitation and Medical Affairs shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 9 April 1990

Ken Peterson, Commissioner
Department of Labor and Industry

Department of Labor & Industry

Labor Standards Division

Notice of Prevailing Wage Determinations for Commercial Construction Projects

On April 1, 1990 the commissioner certified prevailing wage rates for commercial construction projects in the following Minnesota counties: BLUE EARTH, BROWN, COTTONWOOD, DODGE, FARIBAULT, FILLMORE, FREEBORN, GOODHUE, HOUSTON, JACKSON, LAC QUI PARLE, LESUEUR, LINCOLN, LYON, MARTIN, MOWER, MURRAY, NICOLLET, NOBLES, OLMSTED, PIPESTONE, REDWOOD, RENVILLE, RICE, ROCK, SIBLEY, STEELE, WABASHA, WASECA, WATONWAN, WINONA, YELLOW MEDICINE.

A copy of the determined wage rates for Minnesota counties may be obtained by contacting the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155. The charges for the cost of copying and mailing are \$.50 for the first county and \$.30 for any subsequent copies of the same or other counties. The cost for a complete set of the above counties will be \$15.00. A sales tax of 6% must be added to all orders.

A check or money order payable to the State of Minnesota must accompany each request.

Ken Peterson, Commissioner
Department of Labor and Industry

Minnesota Pollution Control Agency

Division of Hazardous Waste

Notice of Intent to Solicit Outside Information Regarding Proposed Revision of Rule Governing Aboveground Storage of Products Capable of Polluting the Waters of the State

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (Agency) is seeking information or opinions from outside sources in preparing to propose the amendment of rules governing aboveground liquid storage facilities in the state of Minnesota. The amendment of the rule is authorized by *Minnesota Statutes* sec. 115.03, subd. 1(e)(3), which allows the Agency to adopt or modify rules relating to the manner of storing liquid or solid substances. The existing rules under consideration for revision are found under *Minnesota Rules* pts. 7100.0010 to 7100.0090, entitled "Storage or Keeping of Oil and Other Liquid Substances". Among the revisions under consideration are clarification of the existing rules, exemption of certain classes of tanks from permitting requirements, and establishment of more specific requirements in technical areas.

The Agency 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 or oral comments should be directed to:

Joan deMeurisse
Minnesota Pollution Control Agency
Division of Hazardous Waste
Tanks and Spills Section
520 Lafayette Road North
St. Paul, Minnesota 55155
(612) 643-3448

Oral statements will be received during regular business hours, 8:30 a.m. to 5:00 p.m., Monday through Friday.

All statements of information and opinion will be accepted until May 15, 1990. Any written material received by the Agency shall become part of the rulemaking record in the event that the rule is amended.

Gerald L. Willet
Commissioner

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) 297-5845, 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 May 8, 1990.

GOVERNOR'S ADVISORY COUNCIL ON TECHNOLOGY & PERSONS WITH DISABILITIES

MN State Council on Disability, 145 Metro Square Bldg., 7th St. & Jackson Pl., St. Paul 55101. 612-297-1554
Executive Order 86-12.

APPOINTING AUTHORITY: Governor. **COMPENSATION:** None.

VACANCY: One member.

The council will coordinate, support and advance technology uses for persons with disabilities through implementation and training, information dissemination, technical services, research and development and technology. Fifteen members represent the private sector, consumers, service agencies, third party funding sources, education and library systems.

INTERGOVERNMENTAL INFORMATION SYSTEMS ADVISORY COUNCIL (IISAC)

50 Sherburne Ave., 309 Administration Bldg., St. Paul 55155. 612-297-5530
Minnesota Statutes 16B.42

APPOINTING AUTHORITY: Commissioner of Administration. **COMPENSATION:** \$35 per diem plus expenses for public members. **VACANCY:** Three members: one member at large; one member to represent a Regional Development Commission from outside the metropolitan area; one member to represent a school district from outside the metropolitan area. All terms will end December 30, 1990.

Official Notices

The council promotes the use and exchange of information between state and local governments through a grant program and also acts as a liaison in the area of information systems. Twenty-five members (fourteen elected or appointed government officials, seven representatives of state agencies and four public members) include two each from counties outside of the metro area, 2nd and 3rd class cities within and outside of metro area, and 4th class cities; one member each from Metropolitan Council, outstate regional body, counties within metro area, 1st class cities, school districts within and outside metro area, state dept. officials, and four from state community at large. Appointed by the commissioner of administration for four year terms.

SOCIAL WORK LICENSING BOARD

2700 University Ave. W. #225., St. Paul 55114. 612-643-2580

Minnesota Statutes 148B.19

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

VACANCY: One public member.

The board adopts and enforces rules for licensure of social workers and for regulation of their professional conduct. Ten members include six licensed social workers, (two licensed independent clinical social workers, two licensed independent social workers, and two licensed social workers). Social work members include two public agencies, two private agencies, one member in private practice, and one educator engaged in regular teaching duties at an accredited program of social work; three public members, one school social worker licensed by the board of teaching, two members of color, and four members residing outside the seven-county metropolitan area. Members must file with the Ethical Practices Board.

GAMBLING CONTROL BOARD

Dept. of Gaming, Gambling Control Division, 10 River Pk. Plaza, M.S. 3315, St. Paul 55146. 612-297-5300

Laws of 1989, HF 66, Article 2, Sec. 17.

APPOINTING AUTHORITY: Governor, with advice and consent of the senate. COMPENSATION: \$48 per diem plus expenses.

VACANCY: One member: to be Independent-Republican or independent.

The board issues, suspends and revokes licenses of organizations, bingo halls, distributors and manufacturers of gambling equipment, registers gambling equipment, collects license fees and inspects records, conducts hearings to insure integrity of operations and compliance with all applicable laws and rules. Six members, no more than three members from the same political party. Meeting schedule and location not determined.

Minnesota State Retirement System

Board of Directors, Regular Meeting

A meeting of the Board of Directors, Minnesota State Retirement System, will be held on Friday, April 20, 1990 at 9:00 a.m. in the office of the System, 529 Jackson Street, St. Paul, Minnesota.

Minnesota Office of Waste Management

Solid Waste Grants and Market Development Unit

Notice of Intent to Solicit Outside Information Regarding Proposed Rule Governing Solid Waste Grants Programs

NOTICE IS HEREBY GIVEN that the Minnesota Office of Waste Management (Office) is seeking information or opinions from outside sources in preparing to propose the amendment of *Minnesota Rules* ch. 9210, governing the Office's solid waste capital assistance (CAP), environmental testing (TEST), and waste separation (LOW-TECH) grant programs. The Office is considering amending the rules to establish criteria and procedures for awarding solid waste grants when there is insufficient resources to fund all grant applications. Amendment of the rules is authorized by *Minnesota Statutes* § 15A.06, subd. 2 (1989), which authorizes the Office to promulgate rules governing its activities.

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

Thomas Osdoba
Minnesota Office of Waste Management
1350 Energy Lane
St. Paul, MN 55108
Telephone: (612) 649-5773

Professional, Technical & Consulting Contracts

certified audit, audit consulting, EDP audit, and game drawing audits. A Vendor may submit a proposal for all services or for only game drawing audits.

Qualified proposals must be submitted to the Minnesota State Lottery by May 4, 1990.

Any person interested in receiving a copy of the RFP may call or write:

Dale L. McDonnell
Legal Counsel
Minnesota State Lottery
2645 Long Lake Road
Roseville, MN 55113
Phone: (612) 635-8213
Fax: (612) 297-7496.

Minnesota Department of Health

Division of Environmental Health

Notice of Request for Proposals for Contract for Consultant's Services to Provide Dose Assessment and Protective Action Guidance

The Minnesota Department of Health is requesting proposals from qualified Health Physicists for consulting services to provide assistance and training in radiation dose assessment, protective action determination, and other related emergency planning activities, for accidents involving radioactive materials (particularly at nuclear power reactors) and for emergency response drills, exercises, and meetings in preparation for such accidents.

Qualifications for the consultants are: Master's degree in Health Physics or equivalent field, three years of experience in a radiation safety program, and familiarity with the "Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants" (NUREG-0654, FEMA REP-1, Rev. 1).

The consultants must be able to respond during emergencies and be available for drills, exercises, training classes, and meetings. In addition, the consultants must also be available to provide occasional on-call support to ensure that the Department's 24-hour notifications emergency response capabilities are maintained.

It is estimated that approximately 50 hours of consulting services and 10 days of on-call duty will be required from July 1, 1990 to June 30, 1991. Up to \$1,500 each of two consultants is available. The deadline for submission of proposals is May 4, 1990.

Proposals and inquiries should be directed to:

Alice T. Dolezal Hennigan, Chief
Section of Radiation Control
Minnesota Department of Health
925 S.E. Delaware Street
P.O. Box 59040
Minneapolis, MN 55459-0040
(612) 627-5071

Minnesota Historical Society

Advertisement for Bids for the LeDuc-Simmons House Restoration Phase III

1. BIDS

Sealed bid proposals for Restoration Work at the LeDuc-Simmons House, 1629 Vermillion Street; Hastings, Minnesota, in accordance with bidding documents dated 16 April 1990 and prepared by MacDonald and Mack Architects, Ltd., will be received in the office of the Contract Officer, Minnesota Historical Society, 1500 Mississippi Street, Saint Paul, Minnesota 55101 until 2:00 p.m., Central Daylight Time on 3 May 1990, at which time the bid proposals will be publicly opened and read aloud. Bids received after 2:00 p.m., 3 May 1990 will be returned unopened. A pre-bid conference will be held Thursday, 26 April 1990, at 1:00 p.m. Central Daylight Time, at the project site.

2. BID SECURITY

Each proposal must be accompanied by a cash deposit, cashier's check, or corporate surety bond of a surety company duly authorized

Professional, Technical & Consulting Contracts

to do business in Minnesota, for the sum of not less than 5% of the total bid, which is submitted as bid security to guarantee that the bidder, if awarded the contract, will promptly execute such contract in accordance with the bid proposal and will furnish the required Payment and Performance bond.

3. PLANS AND SPECIFICATIONS

Copies of Contract Documents for preparation of bids will be available for inspection at the offices of MacDonald and Mack Architects, Ltd., 712 Grain Exchange Building, Minneapolis, Minnesota 55415; at the Builders Exchanges in Saint Paul and Minneapolis, Minnesota; and at the F. W. Dodge Corporation Plan Room, Edina, Minnesota. Copies of the Contract Documents for use by contractors submitting a bid may be obtained from the Architects upon deposit of \$50. Checks are to be made out to MacDonald and Mack Architects, Ltd. Deposits will be returned to bidders who return Contract Documents in good condition within ten (10) days following the scheduled closing time for the receipt of bids.

4. 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 the thirty (30) days after the scheduled closing time for the receipt of bids.

Minnesota Historical Society

Advertisement for Rebidding the Manufacturing of a Book

BIDS

Sealed bids for the manufacturing of a book entitled, *Blue Ribbon. A History of the Minnesota State Fair*, 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 April 25, 1990, at which time the bids will be publicly opened and read aloud. Bids received after 2:00 p.m., April 25, 1990, 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.

SPECIFICATIONS

Copies of bidding documents for preparation of bids may be obtained by contacting 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.

Department of Human Services

Family Support Programs

MAXIS Division

Request for Proposals for Low Voltage Data Cabling and Line Voltage Electrical Service Upgrades

Due May 3, 1990 at 3:00 p.m., Room 112 Administration

This Request for Proposals (RFP) describes a relationship to be established between the State of Minnesota, Department of Human Services (MDHS), MAXIS Division and a prime contractor(s). There are two Requests for Proposal and separate color-coded responses are required for each. Responses will be accepted for either of the RFP's, individually; both of the RFP's, individually; and/or a combined response to both RFP's. The description of the two Requests for Proposal are as follows:

Proposal 1: Provide Low Voltage Data Cable Installation and Associated Hardware.

Proposal 1 is divided into two distinct parts. The first part will be to provide the installation of low voltage and supporting equipment necessary to enable local network connectivity as specified by the MAXIS Installation Unit.

Professional, Technical & Consulting Contracts

The second part of Proposal 1 will provide the necessary cable, faceplates, terminations, distribution panels, and racks for installation. A vendor must respond to both parts of Proposal 1 (as described above) to be considered for award on Proposal 1.

Proposal 2: Provide Workstation Electrical Service (Line Voltage) Upgrades and Associated Hardware.

Proposal 2 is divided into two distinct parts. The first part will be to provide workstation electrical service improvements. This includes installation of line voltage wire and associated hardware, documentation and labelling, and provision of all necessary line voltage wire and associated hardware.

The second part of Proposal 2 will provide electrical service problem diagnosis and solutions. This includes professional diagnostic and troubleshooting services, line voltage wire and associated hardware installation, documentation, and provision of line voltage wire and associated hardware.

A vendor must respond to both parts of Proposal 2 (as described above) to be considered for award on Proposal 2.

The prime contractor for each proposal may have, and are encouraged to have, one or more subcontractors. The prime contractor will, however, remain responsible for the performance of the subcontractor(s). Because the prime contractor arrangement allows for subcontracting, vendors as a whole will enjoy greater flexibility in offering service to the State.

The MDHS Advanced Planning Document and the contents of this RFP have been approved by, and resulting contract must be approved by, the U.S. Department of Health and Human Services, Family Support Administration and U.S. Department of Health and Human Services, Health Care Financing Agency; and the U.S. Department of Agriculture, Food and Nutrition Service.

Organizations interested in receiving a copy of this Request for Proposal contact:

Ms. Joyce Dehn, Contract Administrator
Department of Administration
Administration Building
50 Sherburne Avenue
St. Paul, MN 55155

For other information regarding this RFP contact:

Mr. Thomas A. Houle
Minnesota Department of Human Services
MAXIS Division
444 Lafayette Road
St. Paul, MN 55155-3835

Late proposals will not be accepted. Submit the original plus ten (10) copies of the proposals. Proposals must be sealed in a mailing envelope or package with the responder's name and address clearly written on the outside and identified as: "RFP: Low Voltage Cabling and Electrical Service Upgrades".

Each proposal must be signed by an authorized member of the firm. Prices and terms of the proposal, as stated, must be valid for the duration of the project.

Minnesota Housing Finance Agency

Notice of Request for Proposals for the Minnesota Rural and Urban Homestead Program

The Minnesota Housing Finance Agency (MHFA) is seeking proposals from eligible organizations interested in participating in the Minnesota Rural and Urban Homestead Program (MURL).

The Minnesota Rural and Urban Homestead Program is a homeownership program under which MHFA will award a grant of funds totaling \$375,000 to two separate eligible organizations. The eligible organizations will designate areas or neighborhoods within their general service area where they will administer the MURL program. The grant funds will be used by those eligible organizations to acquire single-family residences within those designated areas which are vacant, condemned or abandoned, rehabilitate those properties and then sell them by way of a contract for deed to first-time homebuyers who are "at risk" with regard to homeownership. The program is designed to arrest or prevent the spread of blight and preserve the existing housing stock by providing a financing mechanism through which properties may be purchased and rehabilitated and then sold to homebuyers who will stabilize the neighborhood by following a "good neighbor" policy. Further information regarding the program may be obtained by calling MHFA at the number listed below.

Eligible Organizations:

An eligible organization is a political subdivision, nonprofit or cooperative organization, housing and redevelopment authority, or

Professional, Technical & Consulting Contracts

other organization which must have as a primary purpose the providing or development of affordable housing to low and moderate income homebuyers.

Application Process:

Application packets should be requested from MHFA. Completed applications are due at MHFA offices by 4:30 p.m. on Friday, May 11, 1990.

Applicants are encouraged to contact Minnesota Housing Finance Agency to discuss their proposal prior to submission of their application.

Upon review of the proposals, MHFA will select the two eligible organizations and cause contracts to be executed between MHFA and the selected eligible organizations by early June, 1990.

For further information you may contact:

Bruce Strong
Housing Development Officer
Minnesota Housing Finance Agency
400 Sibley Street, Suite 300
St. Paul, Minnesota 55101-1998
(612) 297-3131

MHFA reserves the right to modify or withdraw this request for proposal at any time and is not able to reimburse any applicant for cost incurred in the preparation or submission of proposals.

Department of Human Services

Deaf Services Division

Contract Available for Interpreter Referral Services

The State of Minnesota, Department of Human Services, Deaf Services Division is soliciting proposals for the provision of statewide interpreter referral services used by hearing impaired individuals and a variety of public and private human service agencies.

Activities of the interpreter referral service must include the following:

1. development and maintenance of a comprehensive statewide directory of interpreters who use American Sign Language, Manually Coded English, speechreading, or other visual-gestural/tactile systems to facilitate communication;
2. filling of interpreter referral requests generated in the public, private, and non-profit human service sector, with priority given to state and county human service agencies when coordinating requests;
3. filling of interpreter referral requests by hearing impaired consumers who request interpreters to attend meetings, cultural events, social events, political events, workshops, training, or media events;
4. continued development of a statewide interpreter referral system which operates in conjunction with, and in support of, the Deaf Services Division Regional Service Centers for Hearing Impaired People.

Contract activities must also include monitoring of interpreter services, provision of reports in the format specified, and participation in quarterly evaluations of the interpreter referral service.

The Deaf Services Division reserves the right to award the entire amount to one responder. The total amount expended for this activity will not exceed \$101,100.00* for Fiscal Year 1991 (July 1, 1990 through June 30, 1991).

The full text of the Request for Proposals is available on request. Inquiries and responses should be directed to:

JoLynn Blaeser, Program Planner
Deaf Services Division
Human Services Building
444 Lafayette Road
St. Paul, Minnesota 55155-3814
612/296-6353 (Voice) 612/297-1506 (TDD)

Responses must be received no later than 4:00 p.m. on Monday, May 14, 1990.

Late proposals will not be accepted. Award date for the FY 1991 contract will be May 31, 1990.

*Pending approval of the 1990 Minnesota State Legislature

State Contracts and Advertised Bids

Oral statements will be received during regular business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday.

All statements of information and opinion will be accepted until May 1, 1990. Any written materials received by the Office shall become part of the rulemaking record in the event that the rule is amended.

Michael Robertson
Director

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.

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: 4 door large station wagon
Contact: Brenda Thielen 296-9075
Bid due date at 2pm: April 18
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 79382-01911-01

Commodity: Purchase of Risograph
Contact: Teresa Ryan 296-7556
Bid due date at 4:30pm: April 18
Agency: Itasca Community College
Deliver to: Grand Rapids
Requisition #: 27144-44242

Commodity: Pneumatic riveting hammer
Contact: Steve Burgstahler 296-3775
Bid due date at 4:30pm: April 19
Agency: Transportation Department
Deliver to: Bemidji
Requisition #: 79000-05234

Commodity: 80386 Computers
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: April 17
Agency: Vermillion Community College
Deliver to: Ely
Requisition #: 27147-47238

Commodity: Bed type precision mill
Contact: Steve Burgstahler 296-3775
Bid due date at 2pm: April 19
Agency: State University
Deliver to: St. Cloud
Requisition #: 26073-21709

Commodity: DTK 286-12
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: April 19
Agency: Trade & Economic Development Department
Deliver to: St. Paul
Requisition #: 22300-03760

Commodity: 80286 personal computer
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: April 18
Agency: Natural Resources Department
Deliver to: St. Paul
Requisition #: 29000-53963

Commodity: Control booth
Contact: Joan Breisler 296-9071
Bid due date at 4:30pm: April 19
Agency: Natural Resources Department
Deliver to: Two Harbors
Requisition #: 29002-19425

Commodity: Sheet reader
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: April 19
Agency: State University
Deliver to: Moorhead
Requisition #: 26072-02188

Commodity: DOS Software
Contact: Joan Breisler 296-9071
Bid due date at 4:30pm: April 18
Agency: Transportation Department
Deliver to: Golden Valley
Requisition #: 79500-03271

State Contracts and Advertised Bids

Commodity: Bed type precision mill
Contact: Steve Burgstahler 296-3775
Bid due date at 2pm: April 19
Agency: State University
Deliver to: St. Cloud
Requisition #: 26073-21709

Commodity: V-3L-89 2 door med. sedan
Contact: Brenda Thielen 296-9075
Bid due date at 2pm: April 19
Agency: Central Motor Pool
Deliver to: St. Paul
Requisition #: 02514-00404

Commodity: Refurbished Iektriever
Contact: John Bauer 296-2621
Bid due date at 2pm: April 23
Agency: Human Services Department
Deliver to: St. Paul
Requisition #: 55000-03265

Commodity: Chairs
Contact: John Bauer 296-2621
Bid due date at 2pm: April 23
Agency: Housing Finance Agency
Deliver to: St. Paul
Requisition #: 34000-06188

Commodity: Alden Difax printer system
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: April 23
Agency: State University
Deliver to: St. Cloud
Requisition #: 26073-21744

Commodity: Ultra high purity gas supply system
Contact: Joseph Gibbs 296-3750
Bid due date at 2pm: April 30
Agency: Agriculture Department
Deliver to: St. Paul
Requisition #: 04661-03518

Commodity: Folders/Labels
Contact: John Bauer 296-2621
Bid due date at 2pm: April 24
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 79000-05477

Commodity: Tables/Chairs
Contact: John Bauer 296-2621
Bid due date at 4:30pm: April 24
Agency: Iron Range Resources & Rehabilitation Board
Deliver to: Chisholm
Requisition #: 43000-11739

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.

Printing vendors NOTE: Other printing contracts can be found in the Materials Management Division listing above, and in the Professional, Technical & Consulting Contracts section immediately following this section.

Commodity: Central Office manila envelope, 10M 12" x 9" + 3½" flap, camera ready, 2-sided, union label required
Contact: Printing Buyer's Office
Bids are due: April 18
Agency: Jobs & Training Department
Deliver to: St. Paul
Requisition #: 6420

Commodity: Blank Invitation w/gold embossed state seal and Response Card, 5M each, type to set, 1-sided, no envelopes, must see sample
Contact: Printing Buyer's Office
Bids are due: April 18
Agency: Governor's Residence
Deliver to: St. Paul
Requisition #: 6413

Good Business Decisions are Made with Good Information

Minnesota Manufacturer's Directory. More than 7,000 entries that include name, address, phone number, staff size, sales volume, market area, year of establishment, type of firm, C.E.O., Sales or Marketing Manager, Purchasing Manager and four major manufactured products. Code #40-2, \$78.50 plus tax.

Business and NonProfit Corporation Act 1989. A handy reference that contains all the state laws governing the establishment and conduct of corporations in Minnesota. Includes *Minnesota Statutes* Chapters 80B, 302, 302A and 317. Code #2-87, \$15.00 plus tax.

Minnesota Guidebook to State Agency Services 1987-1990. Packed with information to help you cut through red tape for easy and fast dealing with state agencies, this treasure of information opens state government to you. Its 640 pages describe agencies, how they work, listing contacts, addresses, phones, and license requirements, grants, forms, reports, maps, publications and much more. Gives historical, statistical and important data useful in hundreds of ways. Code #1-4, \$15.00 plus tax. FAX: (612) 296-2265.



Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Resolve Bargaining Disputes and Grievances

Public Employment Labor Relations Act 1989. The collective bargaining rights and responsibilities of public employers and public employees. Details employees' right to organize and the legislature's authority. Code #2-90, \$6.00 plus tax.

Public Sector Labor Relations in Minnesota. A practical resource and training guide analyzing public sector labor relations in Minnesota. A special emphasis on contract administration, grievance handling and the arbitration process. 286 pages, paperbound. Code #10-51, \$12.50.

Minnesota Guidebook to State Agency Services 1987-1990. A treasure of helpful, useful, and interesting information about Minnesota state government. This important resource guides you through applications, fees, licenses, reports, history and travel highlights. Describes agencies in detail, giving addresses, phones and contact people. Code #1-4, \$15.00 plus tax. FAX: (612) 296-2265.



Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

A Wise Investment—the rules of the game

Securities Laws, 1989. Governs the activities of broker/dealers, agents and investment advisors. *Minnesota Statutes* Chapter 80A. Code #2-12, \$7.00 plus tax.

Securities Rules, 1988. Rules implementing the legislative mandate. Subjects include equity securities and investment companies. *Minnesota Rules* Chapter 2875. Code #3-5, \$14.00 plus tax.

Minnesota Guidebook to State Agency Services, 1987-1990. Packed with information to help you, this 640-page resource guides you through license requirements, forms, fees, reports, services, grants, and more. Its listing of addresses, phones, and agency descriptions cut red tape for easy and fast service from state agencies. Code #1-4, \$15.00 plus tax.

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 \$2.00 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. **Prices are subject to change.** FAX: (612) 296-2265.



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Professional, Technical & Consulting Contracts ---

Department of Employee Relations

Employee Health and Benefits Division

Request for Proposal (RFP) for Benefits Communication/Design/Production Services

I. Background Information

The Employee Health and Benefits Division in the Department of Employee Relations administers the State Group Insurance Program for more than 50,000 state and university employees. Benefits offered through the program include seven health plans, three dental plans, basic and optional life insurance, disability insurance, accidental death and dismemberment insurance, and a dependent care expense account.

II. Required Services

The division seeks to establish a two-year contract with a copywriting/design/production firm to assist in carrying out its health and benefits communication plan and to provide services ranging from design, editing and copywriting, to production and distribution. When design/layout services are required, vendors must be able to generate design templates that can be transferred to the division via diskette. All design work will also be required to incorporate the department logo and internal design standards.

The selected organization will have the following responsibilities:

- Coordinate design, layout and keylining of designated benefits publications
- Design templates for health and benefits publications to be produced by Benefits staff members on PC-Pagemaker
- Create camera-ready illustrations and artwork for publications
- Create computer-generated artwork that can be imported into PC-Pagemaker
- Provide copywriting, editing and proofreading services for projects as needed including, but not limited to, health and benefit brochures, videos, newsletters, scripts, manuals and posters
- Coordinate production services for the division, including preparation of final camera-ready art.

III. Budget

We anticipate we will spend \$175,000 on communications during the next two-year period. This includes *all stages* of production for division communications projects. The Department of Employee Relations reserves the right to spend all or none of this amount of money should a contract be awarded as a result of this request for proposals.

IV. General Information

For a copy of the RFP, please contact:

Ricka Stenerson, Marketing Director, 612/296-5444

The deadline for submitting proposals is May 7, 1990.

Finalists will be asked to make an oral presentation for Health and Benefits staff members and to submit an extensive portfolio for review.

Proposers will be evaluated on the following criteria:

- Cost of services
- Experience in employee benefits and health care communications
- Quality of past work
- Ability to provide good customer service
- Experience in working with government agencies
- Experience in developing/designing communications materials for public employees

Department of Gaming

Minnesota State Lottery

Notice of Request for Proposals for Professional Audit Services

The Minnesota State Lottery issued a Request for Proposal (RFP) on April 13, 1990 to provide the following audit services: annual

Department of Human Services

Deaf Services Division

Contract Available for Service Provision to Persons with Deaf-Blindness

The State of Minnesota, Department of Human Services, Deaf Services Division is soliciting proposals for service delivery to deaf-blind persons in the areas of: 1) provision of independent living skills and related services, 2) provision of technical assistance and training to statewide human service providers regarding service provision, 3) interagency collaboration of service provision, and 4) continuum of service provision to families and individuals.

Priority funding will be given to those agencies or organizations that demonstrate the following: 1) interagency collaboration, 2) evaluation instruments quantifying outcomes of each project, 3) incorporation of persons with deaf-blindness and/or their families in the planning and evaluation of service delivery, 4) timelines for all projects as specified in the proposal, 5) measurement of client/member's progress, 6) utilization of community resources, 7) training components for staff and community members, and 8) willingness to participation to overall evaluation.

Contract activities also include monitoring of service delivery, provision of reports utilizing a specified format participation in quarterly evaluations of the services provided with all vendors, and regular meetings to review pertinent financial reports.

The Department of Human Services anticipates contracting for this activity in the amount of \$200,000.00* for fiscal year 1991 (July 1, 1990 through June 30, 1991).

For a copy of the full text of the Request for Proposal, contact:

Amy McQuaid, Program Planner
Department of Human Services
Deaf Services Division
444 Lafayette Road
St. Paul, Minnesota 55155-3814
612/296-8978 VOICE
612/297-1506 TDD

Responses must be received no later than 4:00 P.M. on May 14, 1990. Late proposals will not be accepted. Award date for the contract(s) will be May 31, 1990.

*Pending approval of the 1990 Minnesota State Legislature

Department of Human Services

Moose Lake Regional Treatment Center

Notice of Request for Proposal for Medical Services

NOTICE IS HEREBY GIVEN that the Moose Lake Regional Treatment Center, Mental Health Bureau, Department of Human Services, is seeking the services for the period July 1, 1990 through June 30, 1991.

These services are to be performed as requested by the Administration of the Moose Lake Regional Treatment Center.

(1) **Services of a Psychiatrist** to perform consultation services in Psychiatry for the Moose Lake Regional Treatment Center five days each week and the consultant will serve in an "On Call" capacity one night each week as agreed to by himself and the Medical Director of the Moose Lake Regional Treatment Center. Other consultations will occur via phone or mail as needed and as deemed appropriate. The estimated amount of the contract is \$177,450.00.

(2) **The services of a Radiologist** to interpret X-Ray films taken by the hospital's X-Ray Technician. The estimated amount of contract is \$41,042.00.

(3) **Physical Therapy services** performed by a Registered Physical Therapist. Services include consultation, evaluation, direct therapy inservice, and program writing as needed. The estimated amount of contract is \$36,400.00. Contract is for twenty hours per week.

(4) **Services of a Psychiatrist** to perform consultation services in Psychiatry two days each month at the Moose Lake Regional Treatment Center. Other consultations will occur via phone or mail as needed and as deemed appropriate. The estimated amount of contract is \$31,122.00.

Professional, Technical & Consulting Contracts

(5) **Services of a Psychiatrist** to perform services in Psychiatry one day each week at the Moose Lake Regional Treatment Center. Other consultations will occur via phone or mail as needed and as deemed appropriate. The estimated amount of contract is \$26,208.00.

(6) **Services of a specialist in Physical and Internal Medicine** to perform consultation services at the Moose Lake Regional Treatment Center. The estimated amount of the contract is \$30,328.00.

(7) **Anesthesiology Services** performed by a Registered Nurse Anesthetist for dental work performed on unmanageable Mentally Retarded clients, and for Electroconvulsive Therapy. The estimated amount of the contract is \$57,920.00.

(8) **Services of a Psychiatrist** to perform consultation services in Psychiatry four days per month and the consultant will serve in an "On Call" capacity twice monthly as agreed by himself and the Medical Director of the Moose Lake Regional Treatment Center. Other consultations will occur via phone or mail as needed and as deemed appropriate. The estimated amount of contract is \$150,150.00.

(9) **Services of consultants** who are trained and experienced in the specialty of Gerontology and in consultations in this field. The estimated amount of the contract is \$12,040.00.

Responses to the above services must be received by May 9, 1990.

Direct inquiries to:

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

Department of Human Services

St. Peter Regional Treatment Center

Notice of Request for Proposal for Psychology Services

NOTICE IS HEREBY GIVEN that the St. Peter Regional Treatment Center, Residential Facilities Administration, Department of Human Services, is seeking services which are to be performed as requested by the Administration of the St. Peter Regional Treatment Center. The following contract is proposed for the period July 1, 1990 through June 30, 1991.

1. Services of a psychologist fluent in American sign language to serve the needs of the hearing impaired.

Responses must be received by May 4, 1990. Direct inquiries to:

Gloria Duffus, Contract Coordinator
St. Peter Regional Treatment Center
100 Freeman Drive
St. Peter, MN 56082
Phone: (507) 931-7714

Department of Transportation

Technical Services Division

Availability of a Contract for Bridge Design

The Minnesota Department of Transportation intends to engage a consultant to prepare final reconstruction plans for Bridge 4190 (the Mendota Bridge) which carries T.H. 55 over the Minnesota River, Railroad and Streets at Mendota.

Work is proposed to start after September 1, 1990.

Technical inquiries should be directed to:

Mr. G. D. Peterson
Bridge Consultant Agreements Engineer
Transportation Building
St. Paul, MN 55115
(612) 296-3187

Firms desiring consideration should submit their expressions of interests, along with three copies of their Federal Forms 254 and 255 to:

Mr. B. S. Bodoczy
Consultant Agreements Engineer
Room 720S
Transportation Building
St. Paul, MN 55155

Response deadline 12:00 P.M., May 1, 1990.

Non-State Public Contracts

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.

Metropolitan Council

Notice of Request for Proposal (RFP) for an Analysis of Property Value Impacts Associated with Candidate Landfill Sites

NOTICE IS HEREBY GIVEN that the Metropolitan Council is requesting proposals for consulting services to prepare a third party analysis of property value impacts associated with candidate landfill sites.

Environmental impact statements (EISs) are being prepared by Anoka, Hennepin and Washington Counties on eight candidate landfill sites. Minnesota Environmental Quality Board (EQB) rules identify the Metropolitan Council as a required distribution point for the draft EISs in order to provide review comments. A preliminary draft report has been prepared as part of the Anoka County draft EIS. The County's subconsultant has calculated the dollar losses to existing and potential new housing around each of three candidate sites for the 1990-2010 period. Similarly, the subconsultant has prepared property value loss assessments as part of the Hennepin County draft landfill EIS, and will be preparing this type of assessment for the Washington County EIS as a subcontractor.

The subconsultant used the Hedonic Model of Value approach to arrive at the above figures in both cases. It is proposed that a consultant, with experience in real estate appraisals and land value modelling, evaluate the subconsultant work prepared for the Anoka County candidate landfill sites. This would include review of the existing data inputs, County assessor data and the Hedonic Model approach, and would include an assessment of whether the figures are reasonable, or if not, what would be a more reasonable range. The consultant would not collect new data nor replicate the Hedonic Model approach, but would use the existing work and assessor data to verify the reasonableness of the assumptions and outcome.

The consultant's product, a short technical report, would be used by staff preparing the Anoka and Washington County draft EISs and the Hennepin County final EIS.

The project should commence about May 21, 1990 and should be completed about June 8, 1990. All proposals must be received no later than 4:00 p.m. on May 7, 1990 to the attention of Paul Smith, Solid Waste Division.

Copies of the Request for Proposal (RFP) may be obtained from the Metropolitan Council, Mears Park Centre, 230 E. Fifth St., St. Paul, Minnesota 55101. Inquiries should be directed to Paul Smith (612) 291-6408.

Metropolitan Transit Commission

Request for Proposals for Integral Systems' On-Line Payroll/Personnel System

NOTICE IS HEREBY GIVEN that the Metropolitan Transit Commission will receive proposals at the office of the Metropolitan Transit Commission, 560 Sixth Avenue North, Minneapolis, Minnesota 55411-4398, until 2:00 p.m. on Friday, April 20, 1990, for professional services for Integral Systems' on-line Payroll/Personnel System, upgrading to the current release and implementing the applicant tracking system.

Non-State Public Contracts

All plans, specifications, and proposals are available from the Metropolitan Transit Commission at the above noted address or phone (612) 349-7651.

The Metropolitan Transit Commission reserves the right to reject all proposals.

This project is subject to the financial assistance contract between the Metropolitan Transit Commission and the United States Department of Transportation.

Contractor will be required to comply with all applicable Equal Employment Opportunity laws and regulations.

All proposers will be required to certify that they are not on the Comptroller General's List of Ineligible Contractors.

The Metropolitan Transit Commission hereby notifies all proposers that in regard to any contract entered into pursuant to this request for proposals, economically disadvantaged businesses will be afforded full opportunity to submit proposals in response, and will not be subject to discrimination on the basis of race, color, sex or national origin in consideration for an award.

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. 5168—Dated: March 13, 1990

Segal Wholesale, Inc., Appellant, vs. Commissioner of Revenue, Appellee.

The above-entitled matter was submitted to the Honorable M. Jean Stepan, Chief Judge of the Minnesota Tax Court, on the basis of a written Stipulation of Facts and briefs filed by both parties.

Don G. Paterick, Attorney at Law, represents the appellant.

Barry R. Greller, Special Assistant Attorney General, represents the appellee.

The Court, having considered the stipulation, the briefs of counsel, and upon all of the files and records herein, now makes the following:

FINDINGS OF FACT

1. Appellant, Segal Wholesale, Inc., a Minnesota corporation, has been a licensed wholesale distributor of cigarettes, tobacco products, and candy since 1899. Appellant's sole place of business is located at 531 Rice Street, St. Paul, Minnesota 55103.

2. Appellant is subject to the requirements of the Minnesota Cigarette Tax Act. As such, appellant is required to purchase stamps to be affixed to packages of cigarettes distributed by appellant in Minnesota. Appellant is also required to file monthly returns showing the quantity of cigarettes manufactured, purchased, or brought into Minnesota, and the quantity of cigarettes sold in Minnesota.

3. Appellant's cigarette tax returns for the months September, 1986 through November, 1987 were timely filed and subsequently audited and adjusted by the Commissioner of Revenue.

4. The Commissioner, prior to June, 1987, netted overages and shortages over the time period covered by the audit. As a result of *Laws of 1987*, ch. 268, art. 13, § 17, codified as *Minnesota Statutes* § 297.07, subd. 5 (1988), the Commissioner changed his methodology of applying overages and shortages in cigarette tax liability on a month to month basis. The audit and its adjustments are divided into two time periods due to the statutory change. The adjusted monthly totals are summarized as follows:

<u>MONTH</u>	<u>UNDERPAYMENT</u>	<u>OVERPAYMENT</u>
9/86		\$ 2,438.86
10/86		3,453.92
11/86		9,672.01
12/86	\$ 5.52	
1/87	17,046.75	
2/87		6,474.01
3/87		211.02
4/87	1,732.30	
5/87		620.00
6/87		821.75
7/87	1,409.32	
8/87		816.05
9/87		715.54
10/87	5,390.49	
11/87		1,712.47

5. For the months September, 1986 through May, 1987, the Commissioner determined that appellant's adjusted return reflected an overpayment of \$2,734.56 after charging interest on the underpayments. The Commissioner determined that no tax was due and owing. Therefore, the appellant was assessed no tax, penalty or interest for the months September, 1986 through May, 1987.

6. For the months June, 1987 through November, 1987, the Commissioner determined that appellant's adjusted return reflected an underpayment of \$4,265.59 as follows:

July underpayment	\$ 1,409.32	
June overpayment	821.75	
	<u>\$ 587.57</u>	net underpayment
October underpayment	\$ 5,390.49	
November overpayment	1,712.47	
	<u>\$ 3,678.02</u>	net underpayment
Total Underpayment	\$ 4,265.59	

The Commissioner assessed interest of \$264.63 on this unpaid tax liability. The Commissioner, in an Order dated June 13, 1988, assessed appellant for a total tax deficiency of \$4,530.22 for the taxable period September, 1986 to November, 1987.

7. The Court finds that an overpayment in both the month immediately before and after an underpayment may be applied to offset an underpayment in a given month.

CONCLUSIONS OF LAW

1. Both the June, 1987 (\$821.75) and August, 1987 (\$815.05) overpayments shall be applied as offsets to the July, 1987 (\$1,409.32) underpayment.

2. Both the September, 1987 (\$715.54) and November, 1987 (\$1,712.47) overpayments shall be applied as offsets to the October, 1987 (\$5,380.49) underpayment.

3. The proper assessment of appellant's tax liability for the period September, 1986 through November, 1987 is \$2,952.48 plus interest. The Commissioner's Order shall be so modified.

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

BY THE COURT,
M. Jean Stepan, Chief Judge
Minnesota Tax Court

Tax Court—Regular Division

Docket No. 5401—Dated: March 15, 1990

Villaume Steel Co. and Stott Warehousing Company, Appellants, vs. Commissioner of Revenue, Appellee.

The above-entitled matter came on for hearing before the Honorable Earl B. Gustafson, Judge of the Minnesota Tax Court, on February 12, 1990, at the Courtroom of the Tax Court, 520 Lafayette Road, St. Paul, Minnesota.

Tax Court

George W. Fulford, Jr., President of both Villaume Steel Co. and Stott Warehousing Company, appeared *pro se* for appellants and with Mr. Jerry A. Bremer, C.P.A.

Thomas K. Overton, Special Assistant Attorney General, appeared on behalf of the appellee.

The appellants are contesting the Commissioner's assessment of corporate income taxes for the calendar years 1985 and 1986.

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. Appellants Villaume Steel Co. and Stott Warehousing Company are related corporations that conduct all of their business in the State of Minnesota.
2. For the taxable years ending December 31, 1985 and 1986, the two appellant corporations filed Minnesota income tax returns as members of a unitary group.
3. To allocate Minnesota income attributable to the individual corporations in a unitary group, a three-factor formula is used. The three factors are sales, payroll and property.
4. Appellant Villaume Steel Co. had no sales, no property and no payroll during 1985 and 1986.
5. Appellant Stott Warehousing Company had sales and property but no payroll during 1985 and 1986.
6. Appellants' returns allocated 100 percent of the payroll factor to Villaume Steel Co. even though neither corporation had any payroll.
7. The appellee rejected the allocation of any income to Villaume Steel Co. and attributed all of the income to Stott Warehousing. Appellants appeal this determination by appellee.
8. The attached Memorandum is hereby made a part of these Findings of Fact.

CONCLUSIONS OF LAW

1. The Commissioner of Revenue has authority to apportion all income to appellant Stott Warehousing Company and no income to appellant Villaume Steel Co., pursuant to *Minnesota Statutes* § 290.171, Art. IV, § 13, and *Minnesota Statutes* § 290.19, subd. 2(b) (1984).
2. The Order of the Commissioner of Revenue dated July 7, 1989, relating to appellants' income tax liability for years 1985 and 1986, is hereby affirmed.

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

BY THE COURT,

Earl B. Gustafson, Judge
Minnesota Tax Court

Tax Court—Regular Division

Docket No. 5184—Dated: March 20, 1990

Richard J. Courts (Courts Machinery Company), Appellant, 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 October 4, 1989, at the Cottonwood County Courthouse in Windom, Minnesota.

Daniel McDonald, Attorney at Law, appeared on behalf of the appellant.

James W. Neher, Special Assistant Attorney General, appeared on behalf of the appellee.

The sole issue at trial was whether the selling price of equipment involved in 16 out-of-state transactions is subject to the Minnesota sales or use tax. Subsequent to trial this Court was advised that the parties reached agreement on all but one of the transactions at issue.

Post-trial briefs were filed by both parties and the matter was submitted to the Court for decision on December 27, 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. The appellant, Richard J. Courts, is the sole owner of Courts Machinery Company, and has been engaged since 1981 in the purchase and sale of used construction machinery.

2. The business is transacted from appellant's home at Rural Route 2, Windom, Minnesota. Appellant owns a 35 acre parcel on which his home is located. Vacant land adjacent to his home is used for storage of bulldozers, scrapers, cranes, loaders and other construction machinery for sale. Most of his sales occur in southwestern Minnesota and South Dakota.

3. There are no employees. The appellant's spouse assists in taking phone calls and doing the accounting.

4. Appellant regularly calls on contractors to buy or sell used equipment, which he purchases directly from contractors or sells to contractors. Appellant regularly attends auctions of used construction machinery to purchase machinery for resale.

5. Appellant holds an exemption certificate permitting him to purchase items for resale without payment of the state sales tax.

6. During the period August 16, 1982 through October 5, 1985, appellant on 16 occasions was asked by contractors to purchase equipment held for sale by private contractors or sold at auction.

7. Appellant has never had a brokerage agreement with respect to his purchases and sales of construction equipment.

8. In the case of each purchase, appellant paid for the equipment with his own personal check and was reimbursed (usually the next day) by the purchaser.

9. Except in one instance where the machinery was picked up by the purchaser, appellant arranged with "common carriers for the transportation of the equipment to the purchaser or the site designated by the purchaser." The purchaser then paid the common carrier for the cost of the transportation.

10. When requested by the seller, an agent, or an auctioneer, appellant provided his resale exemption certificate.

11. Appellant and the purchaser agreed in each case on the portion of the appellant's travel expenses that the purchaser would defray the commission to be paid appellant. These negotiations occurred after the sale.

12. None of the equipment involved in the 16 transactions was delivered to the appellant's storage lot nor to a site selected by the appellant.

13. By Stipulation dated November, 1989, the parties reached agreement as to the taxable status of all but one of the transactions at issue. Subsequent findings refer to the one transaction remaining for determination.

14. In May 1985, appellant knew that Lundin Crane Service (hereinafter "Lundin") was looking for a used crane. Appellant also had a listing on 3 used cranes owned by Clark Taylor Made Structures, Inc., located in Hartford, South Dakota.

15. An agent for Lundin inspected the subject crane which was located in a yard in Worthington, Minnesota, and agreed to purchase the crane for \$75,000.

16. Courts Machinery Company purchased the crane and on May 4, 1985 executed a "Product Purchase Agreement" on a standard form used by Courts Machinery Company. It was signed by Dick Courts on behalf of Courts Machinery Company and by Richard C. Lundin, President, on behalf of Lundin. The agreement included the truck crane, identified by number and spare parts totaling \$80,500. It contained the statement, "Unit sold for Clark Taylor Made Co."

17. Lundin's finance company issued a check payable to Courts Machinery Co. Rather than accept this properly endorsed check, the bank that held the mortgage on the crane preferred a check written by Courts Machinery for the purchase price less commission.

18. A bill of sale was executed on May 23, 1985 between an agent of Lundin (signing as buyer) and Philip Clark on behalf of Clark Taylor Made Co. (signing as seller); the terms being cash, as is (no warranty), with the buyer assuming all responsibility for the crane and liability on delivery in Worthington.

19. Appellant did not transport the crane, nor was it ever placed in his lot. Transportation from Worthington to Mankato (Lundin's headquarters) was arranged by Lundin, probably driven by one of Lundin's employees.

20. The attached Memorandum is hereby made a part of these Findings of Fact.

CONCLUSIONS OF LAW

1. The appellant acted as a broker in the transaction at issue.

2. The appellant did not buy or sell the truck crane at issue, and did not take possession or acquire title thereto.

3. The Order of the Commissioner of Revenue dated August 9, 1988 is hereby modified to exclude from the gross receipts upon which the additional tax was imposed, the gross receipts arising from the sale of the truck crane at issue (exhibits 13 and 14) and the gross receipts from the sales described in the stipulation (evidenced by exhibits 1, 3, 5, 6, 7, 8, 10, 11, 12, 15, 16, 17 and 18) which the appellee agreed to exclude from the Order assessing additional tax.

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, Opinions & Rules

Decisions Filed 13 April 1990

C2-89-2196 In the Matter of the Welfare of: J.E.K. Court of Appeals.

Juvenile appealing pre-trial order referring him for prosecution as an adult properly filed notice of appeal with clerk of district court; however, effective March 1, 1990, *Minn. R. Juv. P. 31* requires party seeking review of juvenile court order to file notice of appeal with the clerk of the appellate courts.

Reversed and remanded. Kelley, J.

CX-89-762 State of Minnesota v. Anthony Bernard Hale, Sr., Appellant. Dakota County.

1. Evidence was sufficient to support conviction of first degree premeditated murder.
2. Trial court did not err in concluding that various statements defendant made to police following his arrest were not "involuntary" and not obtained in violation of defendant's *Miranda* rights.

Affirmed. Coyne, J.

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. \$15.00.

Motor Vehicle Traffic Laws 1989—Includes laws governing motor carriers, motor vehicle registration and no-fault auto insurance. Code No. 2-85. \$15.95.

Criminal Code & Selected Statutes 1989—Governs the conduct of peace officers. Includes continuing education requirements, sentencing standards, and more. Code No. 2-68. \$18.00.

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



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 \$2.00 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. **Prices are subject to change.** FAX: (612) 296-2265.

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Human Services Laws and Rules

Human Services Laws 1989

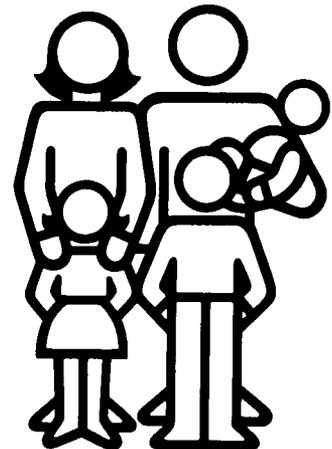
An extract from the statutes. Includes legislative amendments and additions from the most recent session. Code No. 2-56. \$29.95.

Human Services Rules 1989

Rules governing assistance programs, eligibility grant amounts, AFDC and residence requirements. MN Rules Chapter 9500-9580. Code No. 3-95. \$34.95.

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

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 \$2.00 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. **Prices are subject to change.** FAX: (612) 296-2265.



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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.

Minnesota's Favorite Winter Birds Poster, 22" x 17", full color. Code #9-2, \$5.00.

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.

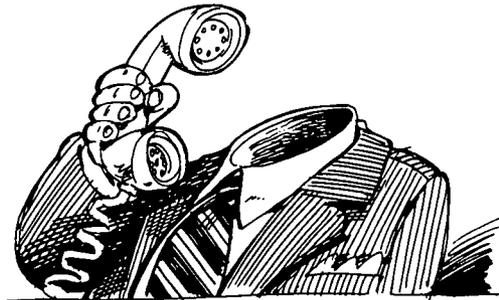
TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add \$2.00 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard and American Express orders accepted over phone and through mail. **Prices are subject to change.** FAX: (612) 296-2265.

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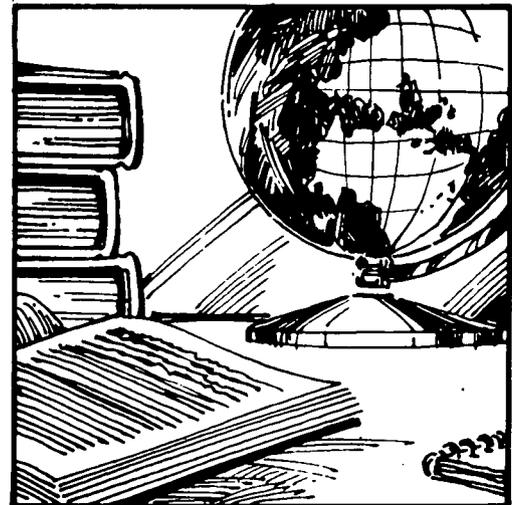
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