

84 Apr. 2

# STATE REGISTER

STATE OF MINNESOTA

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VOLUME 8, NUMBER 40

April 2, 1984

Pages 2181-2204



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### Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
SCHEDULE FOR VOLUME 8			
41	Monday Mar 26	Monday Apr 2	Monday Apr 9
42	Monday Apr 2	Monday Apr 9	Monday Apr 16
43	Monday Apr 9	Monday Apr 16	Monday Apr 23
44	Monday Apr 16	Monday Apr 23	Monday Apr 30

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

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

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

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

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

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

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## NOTICE

### How to Follow State Agency Rulemaking Action in the *State Register*

State agencies must publish notice of their rulemaking action in the *State Register*. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a **NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION**. Such notices are published in the **OFFICIAL NOTICES** section. Proposed rules and adopted rules are published in separate sections of the magazine.

#### The **PROPOSED RULES** section contains:

- Calendar of Public Hearings on Proposed Rules.
- Proposed new rules (including Notice of Hearing and/or Notice of Intent to Adopt Rules without A Hearing).
- Proposed amendments to rules already in existence in the Minnesota Code of Agency Rules (MCAR).
- Proposed temporary rules.

#### The **ADOPTED RULES** section contains:

- Notice of adoption of new rules and rule amendments (those which were adopted without change from the proposed version previously published).
- Adopted amendments to new rules or rule amendments (changes made since the proposed version was published).
- Notice of adoption of temporary rules.
- Adopted amendments to temporary rules (changes made since the proposed version was published).

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

The *State Register* publishes partial and cumulative listings of rule action in the **MCAR AMENDMENTS AND ADDITIONS** list on the following schedule:

Issues 1-13, inclusive	Issue 39, cumulative for 1-39
Issues 14-25, inclusive	Issues 40-51, inclusive
Issue 26, cumulative for 1-26	Issue 52, cumulative for 1-52
Issue 27-38, inclusive	

The listings are arranged in the same order as the table of contents of the *MCAR 1982 Reprint*.

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# MINNESOTA RULES

## Office of the Revisor of Statutes State Register and Public Documents Division

### Announcement of New Minnesota Rules Format

Beginning with the March 19 issue of the *State Register*, proposed rules published in the *State Register* will be drafted in a new format and will use a new numbering system. This format and numbering system change was made by the Revisor of Statutes as part of the Revisor's recompilation of state administrative rules. This recompilation has been published and is known as *Minnesota Rules*.

The MCAR format will still appear when agencies publish changes to proposed rules that were published in the MCAR format. The changes will follow the MCAR format so that readers can easily compare the proposed and adopted rules. Also, rules that began at the proposal stage in the MCAR format before the changeover will still appear in the MCAR format in the *State Register*. After the rules have been adopted, the revisor will recompile them in the new format for inclusion in *Minnesota Rules*.

Copies of the *Minnesota Rules Drafting Manual*, which explains the new format, can be purchased from the State Register and Public Documents Division of the Department of Administration. The cost is \$11.00 plus 6% sales tax (Minnesota residents only) and \$1.50 handling charge (handling charge applicable to mail orders only). Prepayment is required.

Concordance tables for converting MCAR numbers into MR numbers and vice versa is also available. It is included in Volume 6 of the new set of *Minnesota Rules*, 1983. The entire six-volume set is available for \$115.00 plus tax (all orders prepaid; the seventh volume will be mailed out later). A limited number of individual volumes is available. The cost of Volume 6 of *Minnesota Rules* is \$17.00 plus sales tax and handling charge (\$1.50 for mail orders), and is available from the State Register and Public Documents. For questions about specific MCAR-MR conversions, call Barbara Moehrle, Revisor's Office, at 297-2958.

# ADOPTED RULES

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The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.13-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

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

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

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

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## Department of Labor and Industry Workers' Compensation Division

### Continuation of Temporary Rules Governing Reimbursement for Workers' Compensation Medical Services

Notice is hereby given that the temporary rules governing Reimbursement for Workers' Compensation Medical Services (4 MCAR §§ 1.0001-1.0032) are continued in effect for an additional 180 days. These rules became effective upon the approval of the Attorney General on October 7, 1983. Pursuant to this continuation authorized by Minn. Stat. § 14.35 (1982), they remain in effect until October 1, 1984.

These temporary rules as proposed appeared in the September 5, 1983 issue of the *State Register* (8 S.R. 362-410). Modifications to the rules as proposed appeared in the October 31, 1983 issue of the *State Register* (8 S.R. 1006-1009).

March 22, 1984

Steve Keefe, Commissioner  
Department of Labor and Industry

## Department of Public Safety

### Rules Governing the Execution of Minn. Stat. 169.121 and 169.123 and the Amendment of Existing Rules Relating to the Administration and Interpretation of Chemical Tests for Intoxication

WHEREAS, Minn. Stat. 169.128 authorizes the Commissioner of Public Safety to promulgate rules for the administration of the provisions of Minn. Stat. 169.121 and 169.123; and

WHEREAS, rules promulgated pursuant to Minn. Stat. 169.128 exempt from the administrative procedure act pursuant to Minn. Stat. 14.02, Subd. 4; and

WHEREAS, rules were promulgated several years ago (11 MCAR 1.0096 to 1.0103), now codified as Minnesota Rules parts 7502.0100 to 7502.0700 pertaining to the administration of tests; and

WHEREAS, several amendments have since been made to the statutes, making certain provisions obsolete and making the amendment of other provisions desirable; and

WHEREAS, the Bureau of Criminal Apprehension Forensic Science Laboratory has approved and recommended a new breath-testing instrument which employs a new technology;

NOW, THEREFORE IT IS ORDERED that rules identified as Minnesota Rules parts 7502.0100 to 7502.0700 as amended are adopted this 5th day of March 1984.

Paul J. Tschida  
Commissioner

#### Rules as Proposed

##### 7502.0100 DEFINITIONS.

Subpart 1. Scope. ~~For the purposes of~~ The terms used in this chapter, the following terms shall have the meanings ~~ascribed to given them in this part.~~

Subp. 2. Administer. "Administer" means the collection of a specimen of blood, breath, or urine from a person for the purpose of analyzing ~~such~~ the specimen to determine the alcoholic content of the person's blood alcohol concentration.

**Subp. 3. Commissioner.** "Commissioner" means the commissioner of public safety of the state of Minnesota.

**Subp. 4. Interpret or evaluate.** "Interpret or evaluate" means to derive a ~~blood alcohol content~~ an alcohol concentration reading from analysis of a sample of blood, breath, or urine. For an Intoxilyzer 5000 test, "interpret or evaluate" means reading the reported numerical value resulting from analyses of the breath samples.

**Subp. 5. Peace officer.** "Peace officer" means a person described by ~~the provisions of~~ Minnesota Statutes ~~1974~~, section 169.123, subdivision 1.

#### **7502.0200 PURPOSE AND SCOPE.**

The purpose of parts 7502.0100 to 7502.0700 is to establish minimum standards of ~~training~~ for ~~persons~~ administering and interpreting a ~~chemical~~ test for intoxication at the direction of a peace officer, pursuant to the provisions of Minnesota Statutes, section 169.123, ~~subdivision 3.~~

#### **7502.0300 PERSONS WHO MAY ADMINISTER BLOOD TESTS.**

Only A person who has been trained ~~and is employed in the capacity of~~ as a physician, registered nurse, medical technologist, medical technician, physician's trained mobile intensive care paramedic, or laboratory assistant may administer a blood test.

#### **7502.0400 PERSONS WHO MAY ADMINISTER OR EVALUATE BREATH TESTS.**

Any person who has satisfactorily completed a course of ~~formal classroom instruction~~ given or approved by the commissioner or his acting agents in the use of an instrument specially manufactured to analyze a specimen of breath to ~~determine the alcoholic content of the blood~~ alcohol concentration may administer a breath test at the direction of a peace officer. ~~The course of instruction must be approved by the commissioner.~~ After completion of the described course such person may be required to periodically demonstrate, to the commissioner or his duly authorized and acting agents, his competence to satisfactorily operate ~~such~~ the instrument.

#### **7502.0410 METHODS OF ANALYZING BREATH SAMPLES**

Breath samples must be tested for alcohol concentration using procedures approved and certified to be valid and reliable testing procedures by the director, Forensic Science Laboratory, Bureau of Criminal Apprehension, Department of Public Safety and the state of Minnesota.

#### **7502.0420 INSTRUMENTS FOR ANALYZING BREATH SAMPLES.**

**Subpart 1. Breathalyzers.** The Breathalyzer 900 and Breathalyzer 900A instruments, which use a wet chemical method, are approved for use in this state for the purpose of determining the alcohol concentration of a breath sample.

**Subp. 2. Intoxilyzer 5000.** The Intoxilyzer 5000 instrument, which uses infrared technology, is approved for use in this state for the purpose of determining the alcohol concentration of a breath sample.

#### **7502.0430 INTOXILYZER 5000.**

**Subpart 1. Breath test.** In the case of a test administered using the Intoxilyzer 5000, a breath test consists of two separate, adequate breath samples, each of which is analyzed separately in the sequence: breath, standard, breath. Failure of a person to provide two separate, adequate breath samples constitutes a refusal, unless the failure is the result of physical inability to provide a sample, in which case a sample of blood or urine must be provided by the person.

**Subp. 2. Adequate sample.** In the case of a test administered using the Intoxilyzer 5000, a sample accepted as valid by the instrument is considered adequate.

#### **7502.0500 PERSONS WHO MAY ADMINISTER URINE TESTS.**

Any person may administer a urine test.

#### **7502.0600 PERSONS WHO MAY INTERPRET BLOOD OR URINE TESTS.**

Any person who meets the educational and occupational standards set forth in items A and B may interpret blood or urine tests:

**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.

## ADOPTED RULES

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A. educational qualifications: a bachelor's or higher degree in chemistry, biochemistry, biology, biological sciences, pharmacology, criminalistics, toxicology, or medical technology;

B. occupational qualifications: full-time employment or self-employment as a criminalist, crime laboratory analyst, toxicologist, pathologist, chemist, biochemist, medical technologist, medical laboratory technician, or medical laboratory assistant.

### 7502.0700 METHODS OF ANALYZING BLOOD OR URINE SAMPLES.

Blood and urine samples ~~shall~~ must be tested for alcohol using only procedures approved and certified to be a valid and reliable testing ~~procedure~~ procedures by the ~~laboratory~~ director, Forensic ~~Toxicology Services~~ Science Laboratory, Bureau of Criminal Apprehension, Minnesota Department of Public Safety, based upon one of the following quantitative methods:

- A. gas chromatography;
- B. alcohol dehydrogenase reaction;
- C. microdiffusion; or
- D. oxidation of distillate with potassium dichromate ~~or other approved oxidizing agents~~.

## OFFICIAL NOTICES

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Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

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

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## Department of Commerce Board of Accountancy

### Outside Opinion Sought Concerning Proposed New Rules and Amendment to Existing Rules Governing Fees, Examinations, Continuing Education, Licensure, Code of Professional Conduct and All Other Existing Rules Including Impact on Small Businesses

Notice is hereby given that the Board of Accountancy is seeking information or opinions from persons outside of the agency in preparing to promulgate new rules and amend existing rules governing fees, examinations, continuing education, licensure, the Code of Professional Conduct, and any other matters within the scope of the Board's existing rules or rulemaking authority. Promulgation of these rules and amendments is authorized by Minn. Stat. §§ 214.06, 214.12 and 326.18 (1982 and Supp. 1983).

Outside opinion is also being solicited as to how these rules will affect small businesses as defined by Minn. Stat. § 14.115, subd. 1 (Supp. 1983).

The Board of Accountancy hereby requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing to: Pamela Azer, Executive Secretary, Minnesota Board of Accountancy, 500 Metro Square Building, Seventh Place at Robert Street, St. Paul, Minnesota 55101, telephone (612) 296-7937.

All statements of information and comment will be accepted until April 30, 1984. Any written material received by the Board of Accountancy will become part of the record in the event that rules or amendments are promulgated.

Pamela Azer  
Executive Secretary  
Board of Accountancy



## **Department of Finance Debt Management**

### **Maximum Interest Rate for Municipal Obligations, April, 1984**

Pursuant to Laws of Minnesota 1982, Chapter 523, Commissioner of Finance, Gordon M. Donhowe, announced today that the maximum interest rate for municipal obligations in the month of April will be eleven (11) percent per annum. Obligations which are payable wholly or in part from the proceeds of special assessments or which are not secured by general obligations of the municipality may bear an interest rate of up to twelve (12) percent per annum.

For Further Information Contact:

Peter Sausen, Director  
Debt Management  
State of Minnesota  
Department of Finance  
(612) 296-8372

## **Department of Health Emergency Medical Services Section**

### **Emergency Medical Services Licensure Application by Brainerd International Raceway**

As of April 2, 1984, a complete application for a scheduled basic life support transportation service was submitted by Brainerd International Raceway to operate a scheduled service from a base of operation at Highway 31 North, Brainerd, Minnesota.

This notice is given pursuant to Minnesota Statutes 1979, Section 144.802, which requires in part that the Commissioner of Health shall publish the notice in the *State Register* at the applicant's expense; and in a newspaper in the municipality in which the service will be provided.

Each municipality, county, community health services agency, and any other interested person wishing to comment on this application may submit comments to the Central Minnesota Health Systems Agency, 113 Division Street, Sauk Rapids, Minnesota 56379, 612/253-2930. The comments must reach the Health Systems Agency before May 2, 1984, or be submitted at the public hearing.

After a public hearing has been held, the Health Systems Agency shall recommend that the Commissioner of Health grant or deny a license or recommend that a modified license be granted. The Health Systems Agency shall make the recommendations and reasons available to any individual requesting them.

Within 30 days of receipt of the recommendation to the Commissioner of Health, the Commissioner shall grant or deny the license to this applicant.

## **Department of Health Emergency Medical Services Section**

### **Emergency Medical Services Licensure Application in Aitkin MN**

As of April 2, 1984, a complete application for an advanced life support transportation service was submitted by Bruce Christensen, Life Star Ambulance Systems, to operate a base of operation in Aitkin, Minnesota.

This notice is given pursuant to Minnesota Statutes 1979, Section 144.802, which requires in part that the Commissioner of Health shall publish the notice in the *State Register* at the applicant's expense; and in a newspaper in the municipality in which the service will be provided.

Each municipality, county, community health services agency, and any other interested person wishing to comment on this application may submit comments to the Health Systems Agency of Western Lake Superior, 202 Ordean Building, 424 West Superior St., Duluth, MN. 55802, Attention: JoAnn Axtell, Executive Director (218) 726-4762. The comments must reach the Health Systems Agency before May 2, 1984, or be submitted at the public hearing which will be held in Aitkin.

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## OFFICIAL NOTICES

After a public hearing has been held, the Health Systems Agency shall recommend that the Commissioner of Health grant or deny a license or recommend that a modified license be granted. The Health Systems Agency shall make the recommendations and reasons available to any individual requesting them.

Within 30 days of receipt of the recommendation to the Commissioner of Health, the Commissioner shall grant or deny the license to this applicant.

### **Department of Health Emergency Medical Services Section**

#### **Emergency Medical Services Licensure Application in Hill City MN**

As of April 2, 1984, a complete application for an advanced life support transportation service was submitted by Bruce Christensen, Life Star Ambulance Systems, to operate a base of operation in Hill City, Minnesota.

This notice is given pursuant to Minnesota Statutes 1979, Section 144.802, which requires in part that the Commissioner of Health shall publish the notice in the *State Register* at the applicant's expense; and in a newspaper in the municipality in which the service will be provided.

Each municipality, county, community health services agency, and any other interested person wishing to comment on this application may submit comments to the Health Systems Agency of Western Lake Superior, 202 Ordean Building, 424 West Superior St., Duluth, MN. 55802, Attention: JoAnn Axtell, Executive Director (218) 726-4762. The comments must reach the Health Systems Agency before May 2, 1984, or be submitted at the public hearing which will be held in Hill City.

After a public hearing has been held, the Health Systems Agency shall recommend that the Commissioner of Health grant or deny a license or recommend that a modified license be granted. The Health Systems Agency shall make the recommendations and reasons available to any individual requesting them.

Within 30 days of receipt of the recommendation to the Commissioner of Health, the Commissioner shall grant or deny the license to this applicant.

### **Department of Health Emergency Medical Services Section**

#### **Emergency Medical Services Licensure Application in Thief River Falls MN**

As of April 2, 1984, a complete application for an advanced life support transportation service was submitted by Bruce Christensen, Life Star Ambulance Systems, to operate a base of operation in Thief River Falls, Minnesota.

This notice is given pursuant to Minnesota Statutes 1979, Section 144.802, which requires in part that the Commissioner of Health shall publish the notice in the *State Register* at the applicant's expense; and in a newspaper in the municipality in which the services will be provided.

Each municipality, county, community health services agency, and any other interested person wishing to comment on this application may submit comments to the Agassiz Health Systems Agency, 31 South Third St., Box 129, Grand Forks, N.D. 58201, Attention: Bonnie Barsness, 701/746-0441. The comments must reach the Health Systems Agency before May 2, 1984, or be submitted at the public hearing which will be held in Thief River Falls.

After a public hearing has been held, the Health Systems Agency shall recommend that the Commissioner of Health grant or deny a license or recommend that a modified license be granted. The Health Systems Agency shall make the recommendations and reasons available to any individual requesting them.

Within 30 days of receipt of the recommendation to the Commissioner of Health, the Commissioner shall grant or deny the license to this applicant.

## **Metropolitan Council**

### **Public Hearing on the Transportation Policy Plan Amendment**

The Metropolitan Council's Systems Committee will hold a public hearing on Tuesday, April 24, 1984 at 2:30 p.m. in the

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## STATE CONTRACTS

Metropolitan Council Offices, 300 Metro Square Building, St. Paul, MN 55101 to discuss The Transportation Policy Plan Amendment: Costs and Priorities.

The document contains an evaluation of costs to provide the proposed regional highway and transit systems recommended in the plan and compares projected costs to estimates of future highway and transit revenue. It concludes that priorities must be prepared for the plan because of an anticipated long-term revenue shortage.

Persons who wish to speak at the hearing should contact Shirlee Smith at 291-6421. Written comments may be submitted to the committee through May 11, 1984. Copies of the draft amendment may be obtained by contacting the Public Information Office at 291-6464.

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## STATE CONTRACTS

Pursuant to the provisions of Minn. Stat. § 16.098, subd. 3, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over \$2,000.

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

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

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### Department of Administration Procurement Division

#### Commodities Contracts Currently Open for Bidding

Contract #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount	Contact Person
55-000-87646-7-8	Cold Can Merchandizer	Dept. of Public Welfare	New Brighton	Contact buyer	Cy 296-2621
776107, 29-000-35550	1984 Big Game Hunting Regulations w/map	Dept. of Natural Resources	St. Paul	Contact buyer	Art 296-3742
27-156-40515	Centrifuge	Normandale Comm. College	Bloomington	Contact buyer	Donnalee 296-3776
26-071-13804	Respirometer	Mankato University	Mankato	Contact buyer	Donnalee 296-3776
79-000-41489	Velocity Meter	Transportation	Roseville	Contact buyer	Donnalee 296-3776
30-000-14245	Purchase of Photocopy Machine	State Planning Agency	St. Paul	Contact buyer	Doug 296-3776
79-050-14664	Controllers	Transportation	Minneapolis	Contact buyer	Jim Kinzie 296-3778
79-000-41289	All Terrain Soil Drilling Machine	Transportation	St. Paul	Contact buyer	Dale 296-3773
12-900-77550	Rental of Photocopy Machine	Dept. of Health	Minneapolis	Contact buyer	Doug 296-3775
29-001-068	Seeds	Dept. of Nat. Resources	Various	Contact buyer	Cy 296-2621
86-7-8-06900					

# STATE CONTRACTS

Contract #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount	Contact Person
55-000-87691 etc.	Vending Machines	Dept. of Public Welfare Services for the Blind	New Brighton	Contact buyer	Cy 296-2621
Rebid Various	Misc. Hospital Supplies	Various	Various	Contact buyer	Donnalee 296-3776
02-307-43418	Riding Lawn Mower	Admin./Plant Mgmt.	St. Paul	Contact buyer	Dale 296-3773
30-000-14244-14246	Rental of Photocopy Machine	State Planning Agency	St. Paul	Contact buyer	Doug 296-3776
29-003-07212	Tree Seed Separator	Natural Resources	Akeley	Contact buyer	Dale 296-3773
78-620-16308	Garage Liability Insurance	MN Correctional Facility	Stillwater	Contact buyer	Ed 296-3770
55-302-10124	Lounge Furniture	Faribault State Hospital	Faribault	Contact buyer	Alice 296-2360
Contract 30-000-1423-8	Gresen Pumps Purchase of Pen Plotter	Transportation Land Management Info. Ctr.	Various St. Paul	Contact buyer Contact buyer	Harvey 296-3779 Doug 296-3775
07-700-29433	Burster	Public Safety	St. Paul	Contact buyer	Bernadette 296-2546
79-000-41268	Riding Mowers	Various	Various	Contact buyer	Dale 296-3773
27-144-41550	Book Detection Security System	Itasca Comm. College	Grand Rapids	Contact buyer	Bernadette 296-2546

## Department of Administration

### Request for Proposal for Public Information and Communications Program

The Department of Administration of the state government of Minnesota is seeking proposals to help the Department develop a multi-faceted public information and communications program.

This request for proposal does not obligate the state to accept any one proposal, and the state reserves the right to cancel the solicitation if it is considered to be in its best interest. Up to \$10,000 is contemplated for this project.

#### I. Background

The Department of Administration (DOA) is the manager of internal operations for the executive branch of state government with the mission of improving the management and reducing the cost of state operations. It has 26 divisions, including printing, computing, architectural services, grounds keeping, etc. with relatively autonomous identities.

#### II. Objective

Develop a concerted and unifying communications approach for the Department of Administration. This may include, but is not limited to:

A. A review of the Department's written communications with its various publics: employees, other agencies of the Executive Branch, the Governor, Lieutenant Governor, and Legislature, vendors and other citizens of the state. Provide recommendations on how these communications can be improved.

B. Development of unifying concept for the many newsletters and brochures produced by the Department, including a graphic image which ties the various divisions into DOA.

C. Through seminars, development of a manual or other means enable employees involved in projecting an image of the Department to develop their own messages and announcements which will cohere with those of other areas of the Department.

#### III. Submission of Proposals

Proposals may be sent to the address below, and must be received not later than April 23, 1984 at 4:00 p.m. Late proposals will not be accepted. Please submit three copies, each of which is signed by authorized member of the firm submitting.

Prospective responders who have questions regarding this request for proposal or who need more detail may contact Ms. Zorn.

Suzanne Zorn  
Department of Administration  
Room 200 Administration Building  
50 Sherburne Avenue  
St. Paul, Minnesota 55155  
(612) 297-4276

#### IV. Evaluation

All proposals received by the deadline will be evaluated by the Department of Administration. In some instances an interview will be requested. Evaluation will be completed by May 18, 1984. Results will be sent immediately by mail to all responders.

## **Department of Energy and Economic Development Energy Division**

### **Request for Proposals—Research on Optimum Control Options for Indoor Air Quality in a Superinsulated House**

Notice is hereby given that the Department of Energy and Economic Development (DEED), Energy Division, intends to engage the services of a contractor to conduct air quality and energy use efficiency research on a St. Paul superinsulated house. The contractor will collect indoor air samples to determine real-time levels of various air contaminants and measuring real-time total energy use of the house for a minimum period of 24 hours. Contractor will use the data collected to determine the optimum, cost-effective, energy-efficient control options for the heating, ventilation and air conditioning (HVAC) system by the use of dynamic computer modeling. The computer model simulation shall have the provision for feedback that can be used to model the energy use and air contaminant levels in real-time and can be used to estimate the energy and air quality performance of the test house. Contractor will provide all necessary modifications to the house to install the optimum control option generated by the computer modeling and data collection.

This contract will be for the time period from April 16, 1984 to June 30, 1984. The Energy Division does not expect this total contract to exceed \$18,900.

Those interested in receiving the RFP should contact:

Charles A. Lane  
Research Scientist  
Minnesota Department of Energy and Economic Development  
Energy Division  
900 American Center Building  
150 East Kellogg Boulevard  
St. Paul, Minnesota 55101

Proposals will be accepted until 2:00 p.m. Monday, April 9, 1984.

## **Housing Finance Agency**

### **Request for Proposals for Audit Services**

The Minnesota Housing Finance Agency intends to engage the services of a certified public accounting firm for its annual audit for the year ending June 30, 1984, and for any cold comfort reviews required during the year ending June 30, 1985. It is anticipated that the contract will be renewed each year for an additional three years. Proposals must be received in writing by the Agency no later than 4:30 p.m., Tuesday, April 17, 1984. For detailed information, please contact Mr. Robert L. Sonnek, Director of Finance, Minnesota Housing Finance Agency, 333 Sibley Street, St. Paul, Minnesota 55101, (612) 296-9813.

### **Iron Range Resources and Rehabilitation Board Request for Proposals for Project Archivist for Municipal Records Survey and Accessioning Project, Iron Range Research Center**

The Iron Range Research Center, a division of the Iron Range Resources and Rehabilitation Board is seeking a qualified archivist to assist in the survey, transfer and accessioning of historically valuable municipal records to be deposited in the Iron Range Research Center archives.

Primary responsibilities will be to analyze and appraise municipal records, to transfer historically valuable records and prepare appropriate inventories. Secondary responsibilities will be to provide records assistance to city clerks and other city officials in filing the appropriate forms with the State Records Disposition Panel and in improving the ongoing care and handling of municipal records.

Contractor will also prepare and have printed a final report.

This is an 18 month, NHPRC grant funded project. Salary will be \$1,778.00 monthly plus travel. Total cost of the project shall not exceed \$34,462.00.

Qualifications: B.A., history or related field, formal archival education or training preferred, ability and willingness to travel. Must have a valid drivers license.

Send letter of application and resume by April 20, 1984. Project will begin June 1, 1984 and end November 30, 1985.

**Contact:**

Edward Nelson  
Project Director  
Iron Range Research Center  
P.O. Box 392  
Chisholm, Minnesota 55719

### **Department of Labor and Industry Workers' Compensation Division Request for Proposals for Medical Consultant**

The Minnesota Department of Labor and Industry is requesting proposals from eligible physicians who would be able to serve as medical consultant to the Rehabilitation Services Section of the Workers' Compensation Division, and to the Rehabilitation Review Panel and Medical Services Review Board, for the time period of April 30, 1984 through June 30, 1985. Qualifications for the position include: current active practice of medicine, preferably with active practice in the area of workers' compensation; recognized standing in the professional community in the form of current or recent chairmanships or memberships of the Minnesota Medical Association and relevant professional associations; experience in working with governmental agencies; familiarity with the state workers' compensation rehabilitation program and other relevant programs; an interest in assisting the Department of Labor and Industry in developing and achieving its goals in the planning and implementation of an effective workers' compensation rehabilitation and medical services program, the regulation of current services, and the development of appropriate guidelines and standards.

Minimum tasks include: assisting the Department and its boards in the development and administration of rules and regulations pertaining to workers' compensation medical and rehabilitation services, representing the Department to various professional, governmental, and public entities, providing general technical assistance to the Department, and providing regular progress reports on program operations.

Candidates must respond in the form of a proposal to enter into a contract as required by the Department of Labor and Industry. Maximum reimbursement for a total of 1500 to 2000 hours assistance will be \$80,000, which includes travel and expenses. The deadline for proposals, which must include current resume or curriculum vitae, is April 20, 1984.

Copies of the request for proposals, and related information, are available from:

David Renz  
Assistant Commissioner  
Minnesota Department of Labor and Industry  
500 Space Center Building  
444 Lafayette Road  
St. Paul, Minnesota 55101

## **Minnesota Zoological Garden**

### **Contract Available for Engineering Study of the Water Supply at the Minnesota Zoological Garden**

NOTICE IS HEREBY GIVEN that the Minnesota Zoological Garden (MZG), located in Apple Valley, Minnesota, wishes to enter into a contract with an engineering consultant to perform a study of the MZG's water supply, storage and distribution systems to enable reactivation of the MZG water treatment plant. The study will analyze the well, storage and pump systems and will recommend cost effective solutions together with cost estimates for recommended improvements. Estimated contract cost is \$3,500.

The written report at the conclusion of the study must be submitted 60 days after receipt of the notification to proceed.

Bids will be accepted at the Minnesota Zoological Garden, 12101 Johnny Cake Ridge Road, Apple Valley, MN 55124 until 4:30 p.m., Tuesday, April 10, 1984. All interested parties may contact James D. Rognlie at (612) 432-9010 to arrange an on-site inspection of the current water treatment plant facilities, or for further information.

Evaluation of bids will be by representatives of the MZG.

March 23, 1984

## **Department of Public Welfare Brainerd State Hospital**

### **Request for Proposal for Medical Services**

Notice is hereby given that the Brainerd State Hospital, Mental Health Bureau, Department of Public Welfare, is seeking the following services for the period July 1, 1984 through June 30, 1985. These services are to be performed as requested by the Administration of the Brainerd State Hospital.

This request for proposals does not obligate the state to complete the projects, and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

1. Services of a physician to provide "on call" service for an acute ward, physical examinations, make hospital rounds, and conduct clinics. The estimated amount of the contract will not exceed \$41,600.00.

2. Services of a radiologist to interpret X-rays taken at Brainerd State Hospital or special X-rays done under his/her direction at St. Joseph's Hospital, Brainerd, MN. The estimated amount of the contract will not exceed \$22,000.00.

Responses must be received by 11 a.m., April 27, 1984. Direct inquiries to:

Elmer O. Davis  
Assistant Administrator (218) 828-2399  
Brainerd State Hospital  
East Oak Street  
Brainerd, MN 56401

For publication Monday, April 2, 1984.

## **State Planning Agency Developmental Disabilities Program**

### **Request for Proposals for Regional Problem Solving Projects Related to Services Provided to Developmentally Disabled Persons**

The Developmental Disabilities Program announces that it is seeking proposals from eligible public or private nonprofit organizations with the interest and capacity to undertake the following tasks:

To identify and bring to resolution a regional problem associated with the provision of services to developmentally disabled persons. Financial support will be provided by the Developmental Disabilities Program of the State Planning Agency using a \$100,000 grant from the McKnight Foundation.

Organizations receiving grants will be expected to begin work on the project no later than October 1, 1984. The grant will be for a one-year period. Generally, individual grants will not exceed \$15,000.

## STATE CONTRACTS

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The guidelines to be used in the preparation of an application are available from the Developmental Disabilities Program Office. Deadline for receipt of applications in the office is 5:00 p.m., Friday, May 25, 1984. To obtain a copy of the guidelines, please write or call:

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

## SUPREME COURT

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### Decisions of the Court of Appeals Filed Wednesday, March 21, 1984

#### Compiled by Wayne O. Tschimperle, Clerk

**C4-83-1750** State of Minnesota, by Irene Gomez-Bethke, Commissioner, Department of Human Rights, Relator v. Eastern Air Lines, Inc. Department of Human Rights.

Hearing examiner's finding that dismissal was appropriate because respondent was substantially prejudiced by relator's service of notice eight months after the five day limit established by Minn. Stat. § 363.06, subd. 1 (1978) is amply supported by the evidence.

Affirmed. Popovich, Chief Judge.

**C9-83-1775, C1-83-1785, C3-83-1786** State of Minnesota v. Rick Raddatz, Appellant (C9-83-1775); Todd Hansen, Appellant (C1-83-1785) and Kerry K. Larson, Appellant (C3-83-1786). Blue Earth County.

The trial court cannot sentence defendants to prison and also order restitution where there was no voluntary agreement for restitution as part of the plea negotiations and there was no stay of the sentences.

Affirmed as modified. Popovich, Chief Judge.

**C8-83-1864** State of Minnesota, Appellant v. Robert Dean McElhaney. Scott County.

The trial court did not abuse its discretion in allowing the defendant to withdraw his guilty pleas before the court had accepted the plea agreement.

Affirmed. Parker, Judge.

**C1-83-1706, C6-83-1801** State of Minnesota, Appellant v. Donald Eugene Brown (C1-83-1706) and Craig Allen Larson (C6-83-1801). Douglas County.

A prior misdemeanor DWI conviction based upon an uncounseled guilty plea cannot be used to convert a subsequent DWI into a gross misdemeanor, absent a valid waiver of counsel on the record of the prior proceeding.

Defendant's waiver of counsel is not knowing and intelligent when he is informed that court appointed counsel is available for offenses punishable by incarceration, but is not told the potential penalty for the offense with which he is charged.

Affirmed. Foley, Judge.

**C4-83-1537** In the Matter of the Welfare of: Guy Gustav Haaland, Child. Cass County.

The Juvenile Court did not err in certifying a 17-year-9-month-old defendant to stand trial as an adult upon a finding of probable cause where the evidence indicates that seven egregious personal crimes were committed against a 63-year-old woman.

The record contains sufficient evidence to support the trial court's finding that defendant is both a threat to public safety and not amenable to treatment within the juvenile system.

Affirmed. Foley, Judge.



**C7-83-1421** State of Minnesota, City of Burnsville, Appellant v. Eugene Juarez. Dakota County.

Collateral estoppel may not be applied to suppress breathalyzer test results in a criminal DWI proceeding where, in a prior civil implied consent hearing, the State of Minnesota, City of Burnsville was neither the same party as, nor in privity with, the Commissioner of Public Safety.

Wozniak, Judge.

**C2-83-1780** T. E. Ibberson Company, Appellant v. American & Foreign Insurance Company. Hennepin County.

Where insured negligently constructed an elevator, which construction was solely the work and product of the insured, work product exclusions in a comprehensive general liability insurance policy negate insurer's duty to defend their insured against claims for loss of use.

Affirmed. Wozniak, Judge.

**C1-83-1799** Joseph B. Campbell, Relator v. Minneapolis Star & Tribune Co., and Commissioner of Economic Security. Department of Economic Security.

When an employee is discharged after numerous violations of the employer's work rules, the cumulative effect of these violations constitutes misconduct and the employee is disqualified from receiving unemployment compensation.

Affirmed. Lansing, Judge.

## **Decisions of the Supreme Court Filed Friday, March 23, 1984**

### **Compiled by Wayne O. Tschimperle, Clerk**

**C3-83-556** State of Minnesota v. Kenneth D. Elkins, Appellant. Crow Wing County.

Trial court correctly concluded that aggravating circumstances were present justifying either a durational departure or one with respect to consecutive service; in sentencing defendant consecutively, however, the court should have computed defendant's sentence duration using the zero criminal history column.

Affirmed as modified. Amdahl, C.J.

**C4-83-1053** State of Minnesota v. Lloyd Anderson, Appellant. Nicollet County.

Sentencing court, in using *Hernandez* method of computing the criminal history score for two current convictions being sentenced on the same day, should have sentenced defendant in the order that the offenses occurred; sentencing court also should have made the sentences concurrent, not consecutive.

Affirmed as modified. Amdahl, C.J.

**CX-82-1208** State of Minnesota v. Jerry Udstuen, Appellant. Ramsey County.

Defendant received a fair trial, the jury was justified in finding him guilty of assault in the second degree, and the trial court was justified in departing durationally from the presumptive sentence.

Affirmed. Peterson, J.

**C5-83-610** Marian Peevy v. Mutual Services Casualty Insurance Company. Dakota County.

Under the insurance policy language, an ex-spouse who is actually dependent upon the deceased insured is entitled to survivor's economic loss benefits.

Reversed. Peterson, J.

**C7-83-382** Donald E. Grinolds v. Independent School District No. 597, Erskine, Minnesota. Polk County.

Minn. Stat. § 123.34 does not give a school board the inherent managerial authority to terminate a superintendent without granting that person a hearing under the requirements of Minn. Stat. § 125.12.

A school board and superintendent may not stipulate to confer de novo jurisdiction on a district court so that the district court may consider the merits of school board actions affecting a tenured superintendent of schools.

The district court has only appellate and not de novo jurisdiction in cases involving teacher contract terminations. Without a proper record before the district court, the contract termination of a superintendent could not be decided and this court need not consider the appropriateness of evidence introduced from other termination proceedings.

Reversed and remanded. Todd, J.

# SUPREME COURT

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**C4-82-1317 State of Minnesota v. Lance Gerald Milliman, Appellant. Anoka County.**

Defendant was fairly tried and convicted of the theft of over \$150 by fraudulently obtaining welfare assistance.

Affirmed. Yetka, J.

**C3-83-508 Jolene Stevens Christenson, for Bruce P. Stevens (deceased) Relator v. Aslesen's Wholesale Food and The Home Insurance Company. Workers' Compensation Court of Appeals.**

At the time of the employee's work-related death, the employee's dependent could maintain a claim for the employee's permanent partial disability, pursuant to Minn. Stat. § 176.021, subd. 3 (1979 Supp.), after the employee died.

The evidence supports the Workers' Compensation Court of Appeals' finding that the employee's permanent partial disability was not ascertainable prior to his death.

Affirmed. Scott, J.

**C7-82-1425 Richard L. Boldt v. State Farm Mutual Automobile Insurance Company. Goodhue County.**

Under the unique facts presented, where a prospective insured interrupts an insurer's explanation of optional coverages and specifically designates only the coverages in which he is interested, he has waived the statutory protection of Minn. Stat. § 65B.49, subd. 6(e) (1979) (repealed 1980).

Reversed. Scott, J.

**C6-83-227 The Commissioner of Revenue v. Associated Dry Goods, Inc. Tax Court.**

The Tax Court's determination that relator's multistate business is a "unitary" business for purposes of assessing state income taxes is reasonably supported by the evidence and has a reasonable basis in law.

Since relator was properly found to be a unitary business, the state was free to use its three-factor apportionment formula for tax purposes.

Affirmed. Simonett, J.

**C7-83-124 Manufactured Housing Institute, et al. v. George R. Pettersen, Individually, et al. Hennepin County.**

Judicial review by the district court in pre-enforcement challenge of an agency's rulemaking process pursuant to Minn. Stat. §§ 14.44 and 14.45 (1982) is on the record made in the rulemaking proceeding.

In promulgating a rule setting a maximum indoor air level of formaldehyde in newly constructed housing units, the Department of Health did not exceed its statutory authority nor was the enabling act an unconstitutional delegation of legislative power to the agency.

The agency's unexplained determination that the maximum ambient formaldehyde level should be 0.5 ppm is arbitrary and capricious, violative of substantive due process, and this case is remanded to the Department of Health to reconsider this particular determination on the administrative record already made.

The agency's formaldehyde rule does not violate the commerce clause of the Federal Constitution.

Use of summary judgment to dispose of judicial review of a pre-enforcement rule challenge under Minn. Stat. §§ 14.44 and 14.45 (1982) is inappropriate.

Affirmed in part, reversed in part, and remanded to the district court for return to the agency for reconsideration. Simonett, J.

**C3-83-1027 Dixie A. Marty v. Digital Equipment Corporation, Commissioner of Economic Security. Department of Economic Security.**

The decision of the Commissioner of Economic Security that employee voluntarily discontinued her employment without good cause attributable to her employer and therefore is disqualified from receiving unemployment compensation benefits is sustained neither by the record nor the findings.

Reversed. Kelley, J.

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