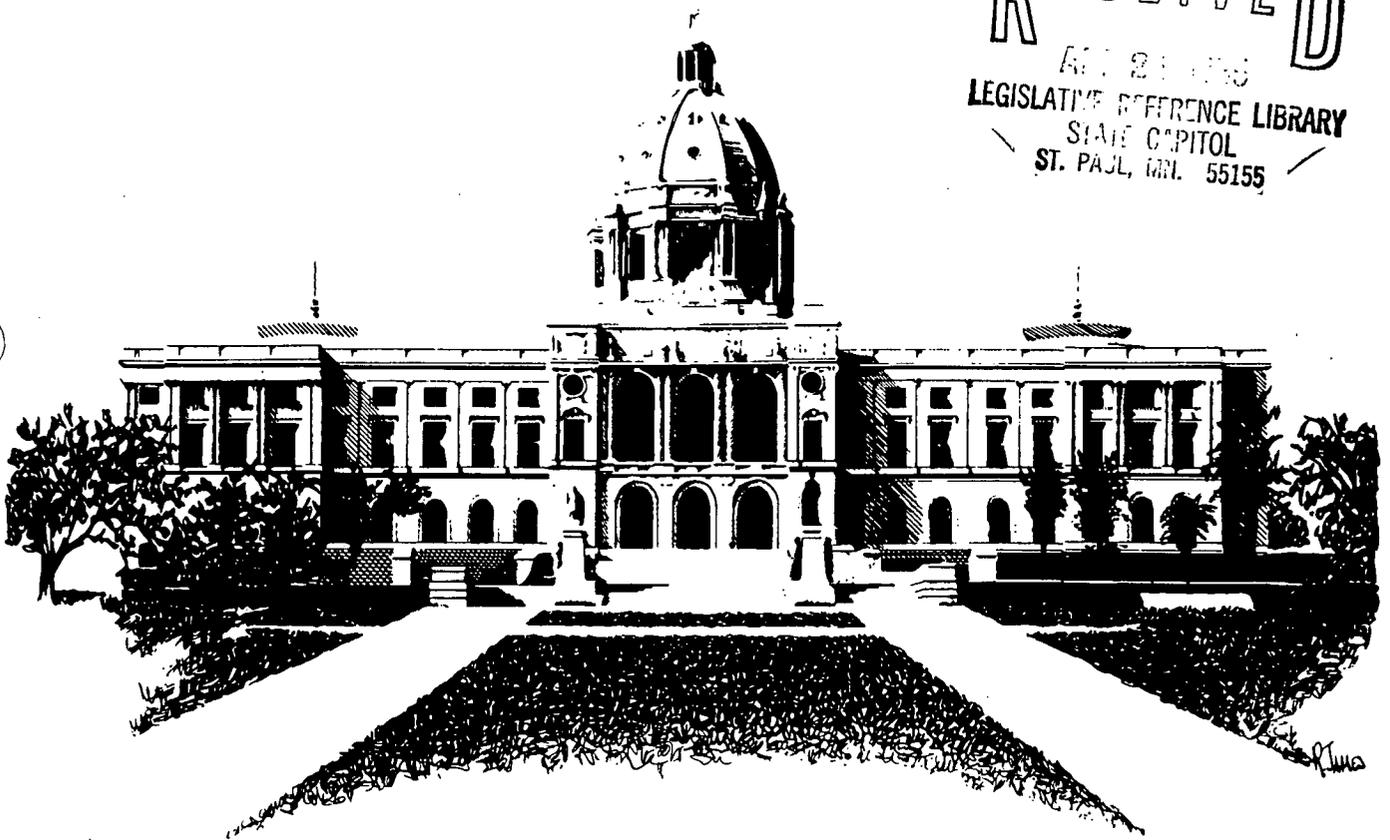


85, April 29

STATE REGISTER

STATE OF MINNESOTA

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VOLUME 9, NUMBER 44

April 29, 1985

Pages 2395-2418



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 9			
45	Monday Apr 22	Monday Apr 29	Monday May 6
46	Monday Apr 29	Monday May 6	Monday May 13
47	Monday May 6	Monday May 13	Monday May 20
48	Monday May 13	Monday May 20	Monday May 27

*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.

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

State agencies must publish notice of their rulemaking action in the *State Register*. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION also.

The PROPOSED RULES section contains:

- Calendar of public hearings on proposed rules.
- Proposed new rules (including notice of hearing and/or notice of intent to adopt rules without a hearing).
- Proposed amendments to rules already in existence in the Minnesota Rules.
- Proposed emergency rules.
- Withdrawal of proposed rules (option; not required).

The ADOPTED RULES section contains:

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

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

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

ALL ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES published in the *State Register* and filed with the Secretary of State before July 31, 1983 are published in the *Minnesota Rules 1983*. ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES filed after July 31, 1983 will be included in a supplement scheduled for publication in mid-1984. Proposed and adopted EMERGENCY (formerly called TEMPORARY) RULES appear in the *State Register* but are generally not published in the *Minnesota Rules 1983* due to the short-term nature of their legal effectiveness. Those that are long-term may be published.

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

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

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

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

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

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

Higher Education Coordinating Board

Proposed Emergency Rules Relating to Supplemental Loans to Post-Secondary Students

Notice of Proposed Adoption of Emergency Rule (Second Notice)

Notice is hereby given that the Minnesota Higher Education Coordinating Board proposes to adopt the above-entitled emergency rule. The statutory authority to adopt the emergency rule is contained in Minnesota Statutes, Section 136A.111, Minnesota Laws 1983, Chapter 258, Section 49, and Minnesota Laws 1984, Article 4, Section 3. The agency, in adopting the rule, is following the procedures set forth in Minnesota Statutes, sections 14.29-14.36.

All persons have 25 days after publication to submit data and views on the proposed emergency rule or any part or subpart of the rule in writing. Any comments must be submitted to:

Rose Herrera Hamerlinck
Minnesota Higher Education Coordinating Board
400 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101
612/296-7963

The rule proposed for adoption relates to a new supplemental loan program for students attending eligible post-secondary institutions. The rule as proposed appeared in the *State Register* on February 11, 1985 (9 S.R. 1783-1788).

A free copy of the proposed rule is available by contacting Rose Herrera Hamerlinck at the above address.

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

Upon adoption of the emergency rule by the agency, the rule as adopted and the required supporting documents will be delivered to the Attorney General for review as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Rose Herrera Hamerlinck.

The emergency rule will take effect five working days after approval by the Attorney General and be effective for up to a maximum of 180 days.

David A. Longanecker
Executive Director
Minnesota Higher Education Coordinating Board

Housing Finance Agency

Proposed Rules Relating to Innovative Housing Loans

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Housing Finance Agency ("agency") proposes to adopt the above-entitled rules with-

PROPOSED RULES

out a public hearing. The agency has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. Sec. 14.21 to 14.28.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules within the 30-day comment period. Such comments are encouraged, and should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rule may be modified as the result of comments received if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language. Unless twenty-five or more persons submit written requests for a public hearing on the proposed rule within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. Sec. 14.14 et. seq. 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.

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

Kathleen J. Johnson
Legal Division
Minnesota Housing Finance Agency
Suite 300
400 Sibley Street
St. Paul, Minnesota 55101
Telephone: 612/296-9793

Authority for the adoption of these rules is contained in Minn. Stat. Sec. 462A.06, Subd. 4 and 11. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules, and that identifies the data and information relied upon to support the proposed rules has been prepared and is available from Kathleen J. Johnson upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the Statement of Need and Reasonableness, all written comments received, and the final rules as adopted will be delivered to a designee of the Attorney General for review as to form and legality, including the issue of substantial change, and to determine whether the agency has the authority to adopt the rules and whether the record demonstrates a rational basis for the need for and reasonableness of the proposed rules. Persons who wish to receive notice of the date of submission of these rules to the Attorney General for review, or who wish to receive a free copy of the final rules as adopted, should make such requests to Kathleen J. Johnson.

A copy of the proposed rule is attached to this notice. Additional copies may be obtained by contacting Kathleen J. Johnson.

Please be advised that Minn. Stat. Ch. 10A.03 requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. Sec. 10A.01, Subd. 11 as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250.00, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than \$250.00, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155 (612) 296-5615.

April 26, 1985

James J. Solem
Executive Director

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

Rules as Proposed

4900.1200 APPLICATIONS FOR INNOVATIVE HOUSING LOANS.

To be eligible to be selected for an innovative housing loan, to be made from the fund established pursuant to Minnesota Statutes, sections 462A.05, subdivision 18 and 462A.21, subdivision 9, each applicant must satisfy the following requirements:

- A. The applicant must be a nonprofit or for-profit entity or a ~~limited dividend entity~~.
- B. to G. [Unchanged.]

4900.1210 SELECTION CRITERIA FOR INNOVATIVE HOUSING LOANS.

In determining whether or not to accept applications from nonprofit or for-profit entities for innovative housing loans, the members shall examine the following facts and make their determinations thereon:

- A. to I. [Unchanged.]

ADOPTED RULES

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

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

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

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

State Board Education Department of Education Partnerships Division

Adopted Rule Relating to Implementation of Health Occupation Programs

The rule proposed and published at *State Register*, Volume 9, Number 27, pages 1505-1506, December 31, 1984 (9 S.R. 1505) is adopted as proposed.

OFFICIAL NOTICES

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

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

Board of Dentistry

Outside Opinions Sought Concerning Fees Amendment

Notice is hereby given, pursuant to Minnesota Statutes § 14.10 (1984), that the Minnesota Board of Dentistry (hereinafter "Board") is preparing to propose an amendment to Minnesota Rules, part 3100.2000 (1983), relating to fees. Accordingly, the Board solicits information and opinions from sources outside the agency for the purpose of amending Minnesota Rules, part 3100.2000.

All interested or affected persons or groups desiring to submit information and comments relating to the amendment of part 3100.2000 should address their comments (either written or oral) to Mr. Dale Forseth, Executive Secretary, Minnesota Board of Dentistry, Minnesota Department of Health Building, 717 Delaware Street Southeast, Minneapolis, Minnesota 55414, telephone (612) 623-5313. This notice and any written material received by the Board shall become part of the rulemaking record to be submitted to the Attorney General if the Board proposes to amend Minnesota Rules, part 3100.2000.

Any materials submitted shall be reviewed and considered by the Board during preparation of the proposed amendment. Notice of the proposed amendment to Minnesota Rules, part 3100.2000, without a public hearing shall be published in the *State Register* and given to all interested parties who have registered with the Board pursuant to Minnesota Statutes § 14.14, subd. 1a (1984).

April 13, 1985

Dale J. Forseth
Executive Secretary
Board of Dentistry

Department of Labor and Industry Prevailing Wage Division

Correction to the Prevailing Wage Fringe Benefits Rate for Sheet Metal Workers in Benton County

Due to an error, the Fringe Benefits for Sheet Metal Workers in Benton County for commercial construction has been changed to \$2.91. However, the prevailing wage rate certified remains the same.

Corrected copies, effective April 19, 1985, may be obtained by contacting the State Register and Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155.

Steve Keefe, Commissioner
Department of Labor and Industry

Office of the Secretary of State

Notice of Vacancies in Multi-Member State Agencies

Notice is hereby given to the public that vacancies have occurred in multi-member state agencies, pursuant to Minn. Stat. § 15.0597, subd. 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul 55155-1299; (612) 296-2805. Application deadline is May 21, 1985.

ADVISORY TASK FORCE ON AMERICAN INDIAN LANGUAGE AND CULTURE EDUCATION PROGRAMS has 13 vacancies open for members. Members are appointed by the Board of Education. This includes representatives of the Minnesota Sioux Tribe, the Minnesota Red Lake Tribe, the Minnesota Chippewa Tribe, the metropolitan areas of Duluth, Minneapolis and St. Paul, and a member representing Indian alternative schools. Members include representatives of community groups, parents of children eligible to be served by the programs, American Indian administrators and teachers, and persons knowledgeable in the field of American Indian language and culture education. The task force advises the Board of Education on the administration of the American Indian Language and Culture Education Act; reviews proposals and makes recommendations to the board on approval and funding of bicultural programs in Minnesota schools. Between 3 and 5 meetings per year at various sites statewide; members are reimbursed for expenses. For specific information contact the Advisory Task Force on American Indian Language and Culture Education Programs, 303 Capitol Square Bldg., St. Paul 55101; (612) 296-6458.

MINNESOTA INDIAN SCHOLARSHIP TASK FORCE has 15 vacancies open for members. Members are appointed by the Board of Education and include representatives of the Duluth area, the Minneapolis area, the Bemidji area, the Bureau of Indian Affairs Higher Education Office, the Minnesota Chippewa Tribe, the Minnesota Sioux Tribe and the Red Lake Education Division. The task force advises the Board of Education on amounts and types of scholarships granted to American Indian post-secondary students. It also advises the board on the administration of the American Indian Post-Secondary Preparation Program; reviews proposals and makes recommendations to the board on approval and funding of Post-Secondary Preparation Programs in Minnesota schools. Members are reimbursed for expenses. For specific information contact the Minnesota Indian Scholarship Task Force, 303 Capitol Square Bldg., St. Paul 55101; (612) 296-6458.

OFFICIAL NOTICES

COUNCIL FOR THE HANDICAPPED has 1 vacancy open for a member. The council advises the Governor, legislature, service providing agencies, and the public on the needs and potentials for people with physical, mental or emotional disabilities. Members are appointed by the Governor. Bi-monthly meetings; members receive \$35 per diem plus expenses. For specific information contact the Council for the Handicapped, Suite 208, Metro Square Bldg., St. Paul 55101; (612) 296-6785.

METROPOLITAN PARKS AND OPEN SPACE COMMISSION has 1 vacancy open for a public member. The commission assists the Metropolitan Council in planning the regional recreation open space system, and in making grants for the acquisition and development of facilities in that regional system; reviews master plans for regional facilities prepared by metropolitan area park districts and counties to make sure they are consistent with the Metropolitan Council regional plans for parks. Members may not be members of Metropolitan Council, or any other metropolitan agency, board or commission or hold judicial office; must file with EPB; 4 year terms are staggered; must reside in district to which appointed except chairman. Members are appointed by the Metropolitan Council. Meetings twice monthly; members receive \$50 per diem. For specific information contact the Metropolitan Parks and Open Space Commission, 350 Metro Square Bldg., St. Paul 55101; (612) 291-6401.

METROPOLITAN WASTE CONTROL COMMISSION has 1 vacancy open for a public member. The commission establishes and controls a regional wastewater system; adopts rules and regulations relating to operation of metropolitan waste-water treatment works. Members (one from each commission district) are appointed by Metropolitan Council. Members may not be members of the Metropolitan Council or any other metropolitan agency, board or commission or hold judicial office. Members must file with EPB. Monthly meetings; members receive \$50 per diem. For specific information contact the Metropolitan Waste Control Commission, 350 Metro Square Bldg., St. Paul 55101; (612) 222-8423.

STATE BOARD OF VOCATIONAL TECHNICAL EDUCATION has 1 vacancy open for a student representative. The board has the power to manage post-secondary vocational education. Members are appointed by the Governor and confirmed by the Senate. Terms are staggered. Members must file with EPB. Members receive \$35 per diem plus expenses. For specific information contact the State Board of Vocational Technical Education, 564 Capitol Square Bldg., 550 Cedar St., St. Paul 55101; (612) 296-3995.

MINNESOTA-WISCONSIN BOUNDARY AREA COMMISSION has 2 vacancies open for Minnesota residents. The commission makes recommendations on the use, development and protection of the corridor of the St. Croix and Mississippi rivers that forms the interstate border of Minnesota and Wisconsin. Also assists the 2 states in their participation in federal programs affecting the rivers; coordinates St. Croix National Scenic Riverways Program. Members are appointed by the Governor. each for a four year term. Terms are staggered. Bi-monthly meetings; members are reimbursed for expenses. For specific information contact the Minnesota-Wisconsin Boundary Area Commission, 619 2nd St., Hudson, Wisconsin 54016; (612) 436-7131.

POLLUTION CONTROL AGENCY has 1 vacancy open for a member. The agency develops and implements programs to preserve and enhance the air, water and land resources of the state; adopts and enforces rules and regulations; issues permits to pollution sources. Members are appointed by the Governor and confirmed by the Senate. Members must file with EPB; monthly meetings. Members receive \$35 per diem plus expenses. For specific information contact the Pollution Control Agency, 1935 W. County Rd. B-2, Roseville 55113; (612) 296-7373.

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 by calling 296-6152. If the appropriate buyer is not available, contact Harvey Leach or Barbara Jolly at 296-3779.

Department of Administration Procurement Division

Commodities Contracts Currently Open for Bidding

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
12-200-84697	Upgrading Detection System	Health	Minneapolis	Contact buyer
79-000-46763	Chart Recorder	Transportation	St. Paul	Contact buyer
04-361-26932	Auto Analyzer	Agriculture	St. Paul	Contact buyer
04-361-26931	Fume Removal System	Agriculture	St. Paul	Contact buyer
26-073-17574 & 17573	Spectrometer	St. Cloud State University	St. Cloud	Contact buyer
12-200-84696	Auto Analyzer	Health	Minneapolis	Contact buyer
21-602-83935	Furnish & Install Van Lift	Economic Security— Vocational Rehabilitation	Minneapolis	Contact buyer
06-000-05189	Purchase of Scanning Scanning Equipment	Attorney General's Office	St. Paul	Contact buyer
Sch. 170-C	Wire Rope	Transportation	Various	Contact buyer
79-000-46821, 7684	Map—Explore Minnesota Bikeways S.E.	Transportation	St. Paul	Contact buyer
Contract 07-700-33786, 7720	Toothpaste, Toothbrushes etc. Minnesota Driver's Manual	Various Public Safety	Various St. Paul	Contact buyer Contact buyer
22-400-00833, 7705	Explore Minnesota BWCA	Energy & Economic Development	St. Paul	Contact buyer
22-300-01390, 7610	Wood Products Folder & Fact Sheet	Energy and Economic Development	St. Paul	Contact buyer
07-700-33763, 7721	Title Application	Public Safety	St. Paul	Contact buyer
79-050-16372	Econolite Intersection Monitors	Transportation	Roseville	Contact buyer
55-520-03048	Steam Traps	Human Services— Oak Terrace Nursing Home	Minnetonka	Contact buyer
55-100-03254	Bus	Anoka State Hospital	Anoka	Contact buyer
29-000-37908	Purchase of Cash Registers	Natural Resources— Itasca State Park	Douglas Lodge— Lake Itasca	Contact buyer
07-700-33757, 7681	Driver License Application Sod	Public Safety Mankato State University	St. Paul Mankato	Contact buyer Contact buyer
29-008-32995	Shoes & Boots	Natural Resources	St. Paul	Contact buyer
Contract 26-072-09227	Ergonomic Chair Contract Repaint Line Markings on Track	Various Moorhead State University	Various Moorhead	Contact buyer Contact buyer

STATE CONTRACTS

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
43-000-06007	Reshape Mine & Build Parking Lot	Iron Range Resource and Rehabilitation Board	Calumet	Contact buyer
29-000-37719	Galvanized Fasteners	Natural Resources	St. Paul	Contact buyer
07-700-33661	Steel for License Plates (Size 12 1/8")	Corrections and Public Safety	St. Cloud	Contact buyer
78-630-06286	Truck	MN Correctional Facility— Oak Park Heights	Oak Park Heights	Contact buyer
29-002-10659	Utility Rake for use on Skidder	Natural Resources	Grand Rapids	Contact buyer
22-400-00834, 7663	Explore Minnesota Fishing	Energy and Economic Development	St. Paul	Contact buyer
04-512-26962, 7547	MN Trade Office Pocket Folder	Agriculture	St. Paul	Contact buyer
07-700-33759, 7675	Prebill w/Title	Public Safety	St. Paul	Contact buyer
REBID 29-000-37703	Lease/Purchase IBM Work Processing System	Natural Resources	St. Paul	Contact buyer
12-200-84389	Germanium Detector System	Health	Minneapolis	Contact buyer
12-200-84695	Gas Emanation Apparatus	Health	Minneapolis	Contact buyer
29-000-37722	Vibratory Ring Pulverizer	Natural Resources	Hibbing	Contact buyer
26-073-17533	Electronic Console	St. Cloud State University	St. Cloud	Contact buyer
26-071-15015	Composition Analyzer	Mankato State University	Mankato	Contact buyer
26-073-17633	Lab Equipment	St. Cloud State University	St. Cloud	Contact buyer
12-200-84761	Survey Meter	Health	Minneapolis	Contact buyer
Contract	Rubbish Disposal	Metro Training Center	Circle Pines	\$10,000-11,000
Rebid 29-002-10638	Ground Application of Herbicide	Natural Resources	Grand Rapids	Contact buyer
26-073-17599	Magnescale Digital Position System for Milling Machine	St. Cloud State University	St. Cloud	Contact buyer
27-148-45961	VHS Editing System	Rochester State College	Rochester	Contact buyer
02-410-45238	Purchase & Upgrade of Computer Switching Device	Administration-Information Services Bureau	St. Paul	Contact buyer
32-300-12509	Furnish & Install Water Treatment System	Pollution Control Agency	Atwater	Contact buyer
78-630-06296	Pallet Racks— Furnish & Install	MN Correctional Facility	Oak Park Heights	Contact buyer
26-137-03164	Purchase of Memory Boards	Bemidji State University	Bemidji	Contact buyer
29-000-37921	Caps, Baseball Style	Natural Resources	St. Paul	Contact buyer
26-137-03174	Purchase of Corvus hard disk and Cards	Southwest State University	Marshall	Contact buyer
21-602-83935	Addendum #1 Furnish & Install Van Lift	Economic Security— Vocational Rehabilitation	Minneapolis	Contact buyer
Contract	Repair of Aluminum Poles	Transportation	Various	\$10,000-20,000
Contract	Janitorial Services	Transportation	Mendota Heights	Contact buyer
Contract	Genuine Repair Parts for Case Ind. Tractors, Loaders, Crawlers, & other Equipment	Various	Various	50,000-60,000

<u>Requisition #</u>	<u>Item</u>	<u>Ordering Division</u>	<u>Delivery Point</u>	<u>Estimated Dollar Amount</u>
Contract Rebid 22-400- 00815	Agfa Graphic Production Film Duplication	Various Energy & Economic Development—Tourism	Various St. Paul	10,000-15,000 Contact buyer

Contact 296-6152 for referral to specific buyers.

Department of Commerce

Request for Proposals for Services to Audit the Workers' Compensation Assigned Risk Plan Services

The Minnesota Workers' Compensation Assigned Risk Plan Review Board intends to contract with an organization to perform a reserve audit as required according to Minnesota Statute 79.251. The audit must be completed prior to June 30, 1985. However, the obligations associated with providing services under this contract do not cease on the expiration date, but continue as long as necessary to fully complete the required services stated in the Request for Proposals. Interested parties should obtain the formal Request for Proposals from:

Rose M. Ortiz
Department of Commerce
500 Metro Square Building
St. Paul, Minnesota 55101
(612) 297-1119

Proposals must be submitted by May 10, 1985. The cost estimate of the project is \$25,000.

Department of Commerce

Request for Proposals for Collection Services for Workers' Compensation Assigned Risk Plan

The Department of Commerce intends to contract with an organization licensed to perform collection agency services as necessary on behalf of the Minnesota Workers' Compensation Assigned Risk Plan. The contract period will begin 45 days after the selection of a contractor. The contract will continue for a three-year period. Interested parties should obtain the formal Request for Proposals from:

Rose M. Ortiz
Department of Commerce
500 Metro Square Building
St. Paul, Minnesota 55101
(612) 297-1119

Proposals must be submitted by May 17, 1985. The cost estimate of the project is about \$25,000.

Department of Corrections Minnesota Correctional Facility—Oak Park Heights

Request for Proposals to Provide Food Services

Notice is hereby given that the Minnesota Correctional Facility—Oak Park Heights, is requesting proposals for the professional management of our Food Service activity for the period of July 1, 1985 through June 30, 1987. The estimated cost will not exceed \$363,100 for the two years, \$176,700 for the first year and \$186,400 in the second year. This proposal shall include all civilian personnel to operate the service. The proposals must be submitted by 4:30 P.M., May 31, 1985, to: Don Cooper, Associate Warden of Administration. Please contact Mr. Cooper at (612) 779-1461, if interested.

STATE CONTRACTS

Department of Corrections Minnesota Correctional Facility—Shakopee

Request for Proposals for Food Service Management

Notice is hereby given to request proposals for the professional management of MCF-Shakopee food service activity, for the period of July 1, 1985 through June 30, 1987 at a cost not to exceed \$106,200 (\$41,700-FY'86 and \$54,500-FY'87). Proposals shall include all civilian personnel to operate the service. Proposals must be submitted by 4:00 p.m., May 31, 1985.

For additional information contact:

Will Dague, Business Manager
MCF-Shakopee
Box 7
Shakopee, Minnesota 55379
Phone: (612) 445-3717

Department of Corrections Minnesota Correctional Facility—Shakopee

Request for Proposals for General Psychological Treatment Program

Notice is hereby given to request proposals to provide psychological testing, evaluation and treatment to all female inmates incarcerated at the Minnesota Correctional Facility in Shakopee. Average population is currently 80-90 inmates. Proposal should cover the period of July 1, 1985 through June 30, 1987 at a cost not to exceed \$32,800 (\$16,000 in FY'86 and \$16,000 in FY'87). Proposals must be submitted by 4:00 p.m., May 31, 1985.

For additional information contact:

D. Jacqueline Fleming, Superintendent
MCF-Shakopee
Box 7
Shakopee, Minnesota 55379
Phone: (612) 445-3717

Department of Corrections Minnesota Correctional Facility—Shakopee

Request for Proposals for Sexual Offender Treatment Program

Notice is hereby given to request proposals to provide a treatment program for female sexual offenders incarcerated at the Minnesota Correctional Facility in Shakopee, for the period of July 1, 1985 through June 30, 1987 at a cost not to exceed \$52,000 (\$25,300 in FY'86 and \$26,700 in FY'87). Proposals must be submitted by 4:00 p.m., May 31, 1985.

For additional information contact:

D. Jacqueline Fleming, Superintendent
MCF-Shakopee
Box 7
Shakopee, Minnesota 55379
Phone: (612) 445-3717

Department of Human Services Brainerd State Hospital

Request for Proposal for Medical Services

Notice is hereby given that the Brainerd State Hospital, Department of Human Services, is seeking medical services for the

period July 1, 1985, through June 30, 1986. These services are to be performed as requested by the Administration of 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 \$44,000.00.

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 \$17,500.00.

3. Services of a part-time dietitian to provide consulting services to the Dietary Department, including review of menus, providing inservice training, review of sanitation and performance of dietary assessments for chemically dependent or Mentally Ill patients. The amount of the contract is estimated not to exceed \$4,500.

Responses must be received by 11 a.m., May 20, 1985. Direct inquiries to:

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

Iron Range Resources and Rehabilitation Board

Request for Proposals for a Consultant to Provide Marketing, Sales, and Promotion for Northeastern Minnesota Wood Products

The IRRRB intends to engage a consultant to provide marketing, sales, and promotion of northeastern Minnesota wood products at operations to be established at the Wood Products Industrial Park in Hibbing or other locations within the Taconite Tax Relief Area of northeastern Minnesota.

Specific areas of responsibility shall include the following:

- Publicity, printed literature, and direct mail to wood processing firms concerning the Wood Products Industrial Park, northeastern Minnesota, in general, and the region's timber resources.
- Marketing and direct sales calls concerning same.
- Coordination of efforts among involved parties at the Wood Park.
- Progress reports concerning all of the above.

For further information and formal RFP documents, contact Iron Range Resources and Rehabilitation Board, P.O. Box 441, Eveleth, Minnesota 55734. (218) 744-2993.

The deadline for receipt of proposals is Noon, May 13, 1985.

The Iron Range Resources and Rehabilitation Board Iron Range Research Center

Request for Proposals to Edit Mining Districts Publication

The Iron Range Research Center will require the services of a professional person/organization to make available to the public the papers presented at the Vermilion (Fall, 1983) and Immigration (Spring, 1984) Conferences held at the IRRC. This involves 100 to 150 pages of manuscript.

Requirements:

1. Must be experienced in editing and writing.
2. M.A. in history with a concentration on Minnesota Mining Districts.
3. Must have experience in publishing.
4. Must be experienced in organizing photo and manuscript layout.

STATE CONTRACTS

5. Knowledge of distribution procedures.

6. Familiarity with the varied ethnic groups in the Minnesota Mining Districts.

The funds available are approximately \$4500. The organization/person will be allowed administration fees of 10% of sales. All other monies generated will go into a fund to promote Iron Range History and Culture.

The projected date of publication is October, 1985.

Supreme Court Legal Services Advisory Committee

Request for Proposals for Legal Services for Low Income People

The Legal Services Advisory Committee is requesting proposals for legal services and alternative dispute resolution programs for low income people.

Grant funds are contingent on the extension by the Legislature of the civil filing fee surcharge.

Inquiries should be directed to:

J. L. Rehak
230 State Capitol
St. Paul, MN 55155
(612) 296-6822

Application Deadline: May 15, 1985.

February 27, 1985

SUPREME COURT

Decisions Filed Friday, April 19, 1985

Compiled by Wayne O. Tschimperle, Clerk

CX-83-1672 State of Minnesota v. Earthia Wiley, Appellant. Court of Appeals.

Evidence seized in reliance upon a search warrant was admissible at trial because the search warrant was based upon probable cause.

The evidence was sufficient to show that appellant constructively possessed marijuana.

The trial court did not err in denying appellant's motion to disclose the identity of an informant.

Affirmed. Amdahl, C.J. Dissenting, Wahl, J.

C5-82-581 Atwater Creamery Company, Appellant, v. Western National Mutual Insurance Company, and Strehlow Insurance Agency, et al. Kandiyohi County.

A conformity clause in an insurance policy operates to substitute a statutory provision for a policy provision only where the policy provision directly conflicts with the statute.

Where the technical definition of burglary in a burglary insurance policy is, in effect, an exclusion from coverage, it will not be interpreted so as to defeat the reasonable expectations of the purchaser of the policy.

The standard of care of an insurance agent must be established by expert testimony in an action against the agent for failure to act where there is no request by the insured or any evidence of a pattern of past practice.

Affirmed in part, reversed in part. Wahl, J. Concurring specially, Simonett, J., Peterson, J., Kelley, J., and Coyne, J.

C7-84-215, C6-84-366 Ordwin H. Hagen, d.b.a. Uptown Standard Station and Milwaukee Mutual Insurance Company, Relators, v. Todd A. Venem, and Gene D. Hirt, v. City of Minneapolis, Relator. Workers' Compensation Court of Appeals.

The Workers' Compensation Court of Appeals acted within its statutory authority when it construed "proceeds" under Minn. Stat. § 176.061, subd. 6(1984) to determine the proper valuation of an employee's recovery under a structured third party settlement.

The "proceeds received" by an injured employee under a structured settlement for the purposes of Minn. Stat. § 176.061, subd. 6(1984) is the total amount to be paid out to an employee reduced to its present value.

The discount rate to be applied in determining the present value of a structured settlement is that which is proven to reflect current interest rates at the time of the settlement agreement. The 10% discount rate applied in these cases adequately reflected current interest rates.

Venem v. Hagen affirmed; *Hirt v. City of Minneapolis* affirmed as modified. Wahl, J.

C6-83-2043 Robin Cook, Appellant, v. John S. Connolly, Court of Appeals.

The retainer of an attorney by the mother and natural guardian of a child to prosecute the child's personal injury action establishes an attorney-client relationship between the attorney and the child.

Court approval of settlement of a minor's personal injury claim does not preclude, by way of collateral estoppel, a subsequent claim that the settlement was inadequate due to attorney malpractice.

A legal malpractice claim is a separate, independent cause of action, so it is not a prerequisite to the malpractice claim that a prior court-approved minor's settlement be set aside.

Summary judgment seeks to relieve the court system from unfounded litigation. The rule protecting a professional from honest errors of judgment needs to be considered on motions for summary judgment.

Reversed and remanded. Simonett, J.

Took no part, Scott, J.

C8-84-613 Farmers Insurance Group v. Stephen J. Hastings, Appellant; Scott Kenyon. Court of Appeals.

The trial court's findings of fact were not clearly erroneous.

Reversed. Simonett, J.

Order Filed April 8, 1985

C2-78-49037 In the Matter of the Application for the Discipline of William B. McCallum, an Attorney at Law of the State of Minnesota. Supreme Court.

Indefinitely suspended. Amdahl, C.J.

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