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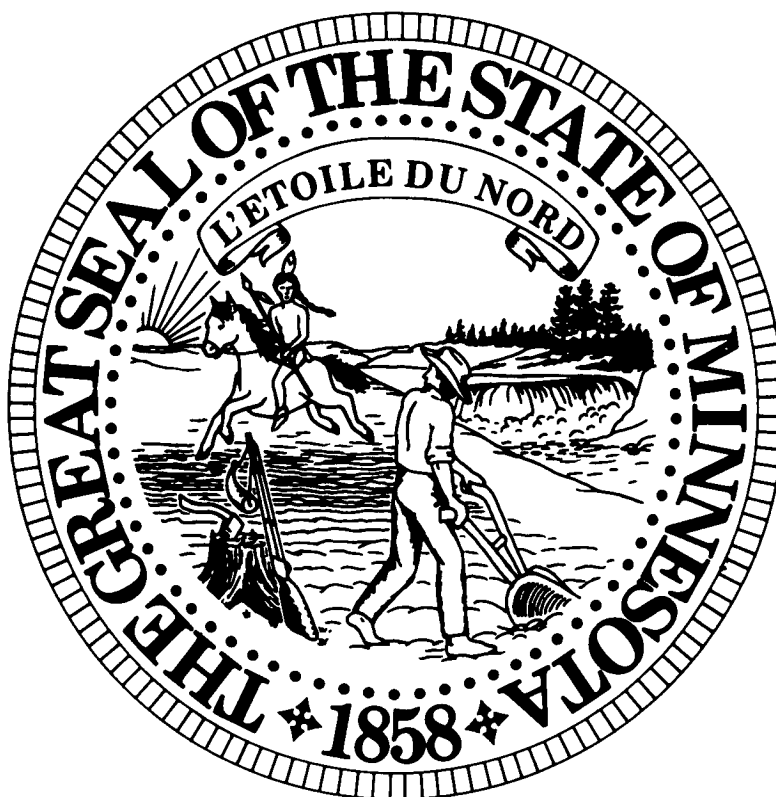
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State of Minnesota

STATE REGISTER

Department of Administration—Print Communications Division



Rules edition

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12 March 1990

Volume 14, Number 37

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STATE REGISTER

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

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

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

Printing Schedule and Submission Deadlines

Vol. 14 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
37	Monday 26 February	Monday 5 March	Monday 12 March
38	Monday 5 March	Monday 12 March	Monday 19 March
39	Monday 12 March	Monday 19 March	Monday 26 March
40	Monday 19 March	Monday 26 March	Monday 2 April

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

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

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

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

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

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

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

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

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FOR LEGISLATIVE NEWS

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

SENATE

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

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

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

HOUSE

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

This Week—weekly interim bulletin of the House.

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

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

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

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

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

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

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Proposed Rules

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

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

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

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

Minnesota Housing Finance Agency

Proposed Permanent Rules Relating to Capacity Building Grant Program

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Housing Finance Agency intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes* 462A.06, Subd. 4 and 11.

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

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

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

Susan K. Noren
Legal Division
Minnesota Housing Finance Agency
400 Sibley Street, Suite 300
St. Paul, Minnesota 55101-1998
Telephone: (612) 296-9794

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

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

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

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

Dated: 9 March 1990

James J. Solem
Commissioner

Rules as Proposed (all new material)**CAPACITY BUILDING GRANT PROGRAM****4900.1931 SCOPE.**

Parts 4900.1931 to 4900.1937 govern the implementation of the capacity building grant program.

4900.1932 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 4900.1931 to 4900.1937 have the meaning given to them in this part.

Subp. 2. **Agency.** "Agency" means the Minnesota Housing Finance Agency created by *Minnesota Statutes*, sections 462A.01 to 462A.24.

Subp. 3. **Application.** "Application" means a submittal requesting a grant from the capacity building grant program.

Subp. 4. **Applicant.** "Applicant" means one or more entities that submit an application to the agency for a grant under the capacity building grant program.

Subp. 5. **Capacity building grant or grant.** "Capacity building grant" or "grant" means a disbursement of funds to an eligible applicant under the capacity building grant program.

Subp. 6. **Program.** "Program" means the capacity building grant program authorized by *Minnesota Statutes*, section 462A.21, subdivision 3b.

Subp. 7. **Project.** "Project" means the proposed use of grant funds as described by the applicant in the program application.

4900.1933 ELIGIBLE APPLICANTS.

To be eligible for selection as a recipient of a grant under this program, an applicant must be either:

A. a Minnesota nonprofit entity as defined in part 4900.0010, subpart 21, including, but not limited to, a housing and redevelopment authority established under *Minnesota Statutes*, sections 469.001 to 469.047, or a regional development commission established under *Minnesota Statutes*, section 462.387;

B. a town or home rule charter or statutory city in Minnesota; or

C. an Indian tribe, band, or community or Indian tribal organization as defined in part 4900.0900.

4900.1934 ELIGIBLE APPLICATIONS.

The applicant must provide an application in the form prescribed by the agency. At minimum, this application shall include the following:

A. documentation of the need for the project;

B. a description of the applicant's goals and objectives for the project;

C. a description of how the project will expand the applicant's capacity to provide housing and housing related services;

D. a complete description of the project including:

(1) a proposed budget for the project including how grant funds will be used and the other sources of funding sought or secured for the project; and

(2) a timetable for completion of the project; and

E. a description of the applicant's organization including the organization's past experience in providing housing related services, the types of services provided, and the composition of the organization's membership.

4900.1935 ELIGIBLE USES OF GRANT FUNDS.

Grants may be awarded to fund the following activities:

A. staff training;

B. studies and analyses of housing needs within the applicant's service area and the development of plans to meet those needs;

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

C. legal and other professional services associated with the establishment or incorporation of an organization as a provider of housing and housing related services; and

D. other activities that expand the capacity of the organization to meet housing needs in the applicant's service area.

4900.1936 SELECTION CRITERIA.

The agency shall take the following criteria into consideration when determining whether an application and applicant will be selected for a grant under the program:

A. the need for the project as documented by the applicant;

B. the geographic area to be served, to the extent that a distribution of grant funds throughout the state can be achieved;

C. the extent to which the project will expand the applicant's ability to provide affordable housing and housing related services;

D. the extent to which grant funds are combined with other sources of funding, particularly funds from local resources;

E. the amount of the grant request as a proportion of the total amount of grant funds available, to the extent that funds can be used to support several different projects;

F. the ability of the applicant to proceed expeditiously with the project;

G. the prior experience of the applicant in providing housing and housing related services to low income people; and

H. the extent to which the organization has low income persons in its membership.

4900.1937 FUNDING PRIORITY.

Funding priority shall be given to those applicants:

A. that include low income persons in their membership;

B. have provided housing related services to low income persons; and

C. demonstrate a local commitment of local resources, which may include in-kind contributions.

Minnesota Housing Finance Agency

Proposed Permanent Rules Relating to Capacity Building Revolving Loan Program

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Housing Finance Agency intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes* 462A.06, Subd. 4 and 11.

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

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

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

Susan K. Noren
Legal Division
Minnesota Housing Finance Agency
400 Sibley Street, Suite 300
St. Paul, Minnesota 55101-1998
Telephone: (612) 296-9794

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

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

A **STATEMENT OF NEED AND REASONABLENESS** that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Susan K. Noren upon request.

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

Dated: 9 March 1990

James J. Solem
Commissioner

Rules as Proposed (all new material)

CAPACITY BUILDING REVOLVING LOAN PROGRAM

4900.1925 SCOPE.

Parts 4900.1925 to 4900.1930 govern the implementation of the capacity building revolving loan program.

4900.1926 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 4900.1925 to 4900.1930 have the meaning given them in this part.

Subp. 2. **Agency.** "Agency" means the Minnesota Housing Finance Agency created by *Minnesota Statutes*, sections 462A.01 to 462A.24.

Subp. 3. **Application.** "Application" means a submittal requesting a loan from the capacity building revolving loan program.

Subp. 4. **Applicant.** "Applicant" means one or more entities that submit an application to the agency for a loan under the capacity building revolving loan program.

Subp. 5. **Capacity building loan or loan.** "Capacity building loan" or "loan" means a disbursement of funds to an eligible applicant under the capacity building revolving loan program.

Subp. 6. **Program.** "Program" means the capacity building revolving loan program as authorized by *Minnesota Statutes*, section 462A.21, subdivision 3a.

Subp. 7. **Project.** "Project" means the housing to be developed by the applicant as described in the program application.

4900.1927 ELIGIBLE APPLICANTS.

To be eligible for selection as a recipient of a loan under this program, an applicant must be either:

A. a Minnesota nonprofit entity as defined in part 4900.0010, subpart 21, including, but not limited to, a housing and redevelopment authority established under *Minnesota Statutes*, sections 469.001 to 469.047, or a regional development commission established under *Minnesota Statutes*, section 462.387; or

B. a town or home rule charter or statutory city in the state of Minnesota.

4900.1928 ELIGIBLE APPLICATIONS.

The applicant must provide an application in the form prescribed by the agency. At a minimum, the application shall include the following:

A. a complete description of the project including:

- (1) a statement of the applicant's goals and objectives for the project;
- (2) a description of the site;
- (3) a description of the construction or rehabilitation to be completed; and
- (4) a description of the population for which the housing is being developed;

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

- B. a proposed budget for the project including:
 - (1) a budget for the development of the project showing all development costs;
 - (2) a budget for the operation of the project showing all anticipated operating costs, the proposed rents, and other sources of income; and
 - (3) sources of funding sought or secured for the project;
- C. a proposed budget for the use of loan funds received from the capacity building revolving loan program; and
- D. a proposed timetable for the project, including a schedule for repayment of loan funds.

4900.1929 ELIGIBLE USES OF LOAN FUNDS.

All expenses must be reimbursable under the sources of financing proposed for the project. The following are eligible uses of loan funds:

- A. architectural, engineering, or related professional services required in the preparation of construction or rehabilitation plans, drawings, or write-ups;
- B. costs of processing and closing the financing for a project such as lender origination fees, credit reports, fees for title insurance, fees for recording and filing legal documents, attorney's fees, and appraisal fees;
- C. costs of contracting with a consultant and in-house staff costs related to the planning, processing, or preparation of a project proposal. Costs must be documentable, directly related to a specific project, and tied to a recoverable source of funds at closing;
- D. studies and analyses of housing needs related to a particular housing project, including market feasibility studies;
- E. earnest money or option deposits on land and buildings; and
- F. other activities necessary to finance, design, or plan a specific housing project for low- and moderate-income residents prior to the construction or rehabilitation of the project.

4900.1930 SELECTION CRITERIA.

The agency shall take the following criteria into consideration when determining whether an application and an applicant will be selected for a loan under the program:

- A. the likelihood of repayment of the loan funds, as determined by standard underwriting procedures of the agency;
- B. the ability of the applicant to proceed expeditiously with the project;
- C. the cost and quality of the proposed housing;
- D. the extent to which the proposed project meets the housing needs of the community;
- E. the extent to which the project will build the organization's capacity to provide housing and housing related services; and
- F. the geographic distribution of loan funds, to the extent that loan funds can be used to assist projects throughout the state.

Adopted Rules

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

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

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

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

Minnesota Housing Finance Agency

Adopted Permanent Rules Relating to Home Equity Conversion Counseling Program

The rules proposed and published at *State Register*, Volume 14, Number 25, pages 1415-1417, December 18, 1989 (14 S.R. 1415) are adopted as proposed.

Department of Public Service

Adopted Permanent Rules Relating to Conservation Improvement Program

The rules proposed and published at *State Register*, Volume 14, Number 24, pages 1377-1382, December 11, 1989 (14 S.R. 1377) are adopted with the following modifications:

Rules as Adopted

7690.0400 PROJECTS IN EFFECT.

Projects approved by the Public Utilities Commission that are in effect on the effective date of these amendments to chapter 7690, continue in effect until their expiration date unless the expiration date is changed by the department.

7690.0500 CONSERVATION IMPROVEMENT PROGRAM FILING.

Subpart 1. **Time limits.** No later than ~~April~~ May 1 of each even-numbered year beginning in 1990, a public natural gas utility required by *Minnesota Statutes*, section 216B.241 to invest in a conservation improvement program shall file with the department a conservation improvement program. No later than September 1, 1990, and every odd-numbered year afterward, a public electric utility required by *Minnesota Statutes*, section 216B.241 to invest in a conservation improvement program shall file with the department a conservation improvement program.

Subp. 2. **Contents.** The filing must include:

K. a status report on each project from the currently approved program that must:

(6) for public natural gas utilities, be filed no later than ~~April~~ May 1 of each odd-numbered year; and

7690.0800 SERVICE LISTS AND NOTICE.

Subpart 1. **Service lists.** The department shall establish service lists for specific utilities for use in providing public notice of conservation improvement programs and utility renewable resource pilot programs. The list must include the Public Utilities Commission, the Residential and Small Business Utilities Division of the Office of the Attorney General, persons involved in the public utility's previous conservation improvement program, persons who participated in the public utility's last general rate case with respect to conservation programs, and other persons the department believes are interested in the public utility's next conservation improvement program. The department shall update the service list at least 30 days before the date a public utility is required to file a program.

7690.0900 COMMENT; ALTERNATIVE PROPOSALS.

The department shall allow 45 days for written comments on the public utility's program and the submission of alternative projects by interested persons, including political subdivisions and nonprofit and community organizations. The time period allowed for written comments and alternative project filings begins on the date that the department's finding of completeness under part 7690.0500, subpart 2, is mailed. Proposals for alternative projects must follow the requirements of part 7690.0500 or 7690.0600, except for part 7690.0500, items E, G, H, and K. The department shall allow 30 days from the filing of the comments and alternative projects for written responses. These comments, alternative projects, and responses must be filed with the Public Utilities Commission, the department, and the utility to which they are addressed. The persons submitting the comments, alternative projects, or responses must provide them to any person, upon request.

7690.1000 PROPOSED DECISION.

Subp. 2. **Copies sent.** The department staff shall serve a copy of its proposed decision on the utility, on any person who submitted a comment under part 7690.0900, and on all ~~known interested other~~ persons the department believes are interested in the public utility's conservation improvement program.

7690.1100 RESPONSES; WRITTEN RECORD.

The department may ~~order~~ require written responses to comments, oral argument, negotiations, settlement conferences, formal hearing, or other procedures it considers necessary or helpful to enable it to review, analyze, and select appropriate programs under *Minnesota Statutes*, section 216B.241. Written papers or summaries of oral meetings for each proceeding filed with the department must also be served upon participants and become part of the record upon which the department will decide the case.

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Adopted Rules

7690.1400 PROPOSED PROGRAM CHANGES.

Upon its own motion or upon the motion of a utility or other person, the department may add a new project or modify, expand, or terminate an existing conservation improvement program or utility renewable resource pilot program before the program's expiration date. The moving party must give notice of the motion to the participants in the affected utility's conservation improvement program case or utility renewable resource pilot program case of the motion. Interested persons must be allowed 15 days to submit comments on the proposed program changes. A change may be ~~ordered~~ required to make a project more effective, to reach more participants, to reduce unnecessary or ineffective expenditures, to expand, change, or reduce the geographic area or target group that the project covers, or to change the time period during which the project would be in effect.

7690.1450 TIME EXTENSIONS.

The commissioner of the department shall grant extensions of filing dates and other time periods in this chapter if the commissioner finds that the person requesting the extension has shown good cause for the extension.

Official Notices

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

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

Board of Animal Health

Notice of Board Meeting

A meeting of the Board of Animal Health has been scheduled for Thursday, April 19, 1990 at the Board offices at 9:30 a.m. The Board offices are located at 90 W. Plato Blvd., St. Paul, MN 55107.

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

Eugene H. Kirchoff
Accounting Supervisor

Department of Finance

Maximum Interest Rate for Municipal Obligations in March

Pursuant to *Minnesota Statutes*, Section 475.55, Subdivision 4, Commissioner of Finance, Peter Hutchinson, announced today that the maximum interest rate for municipal obligations in the month of March, 1990 would be nine (9) percent per annum. Obligations which are payable wholly or in part from the proceeds of special assessments or which are not secured by General Obligations of the municipality may bear an interest rate of up to ten (10) percent per annum.

Peter Sausen
Assistant Commissioner
Cash & Debt Management
(612) 296-8372

Minnesota Health Care Access Commission

Notice of Meeting of Health Care Access Commission

The next meeting of the Minnesota Health Care Access Commission will be Thursday, March 22, 1990, from 1:00 to 5:00 p.m. at the Kelly Inn (formerly Capitol Holiday Inn) 161 St. Anthony Street in St. Paul. The meeting will be on the first floor, in the Prentiss Room.

Please call the Health Care Access Commission office, 297-5980, for further information.

Department of Labor and Industry

Labor Standards Division

Notice of Correction to Prevailing Wage Rates

The prevailing wage rate certified February 1, 1990 for labor classifications 421—Sheet Metal Worker in Aitkin, Carlton, Cook, Lake, and St. Louis counties for Commercial construction, labor classification 420—Roofers in Beltrami, Itasca, Koochiching, and Lake of the Woods counties for Commercial construction, the prevailing wage rate certified October 1, 1989 for labor classification 103—Laborer, Landscaping in Blue Earth, Brown, Le Sueur, Nicollet, Waseca, and Watonwan counties for Highway/heavy construction projects have been corrected.

Copies of the corrected certifications may be obtained by contacting the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155.

Ken Peterson, Commissioner
Department of Labor and Industry

Teachers Retirement Association

Notice of Regular Meeting

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Thursday, April 5, 1990, at 9:00 a.m. in Suite 500, Gallery Building, 17 West Exchange Street, St. Paul, MN to consider matters which may properly come before the Board.

Catching criminals is only one part of law enforcement.

Police Report Writing Style Manual 1986—A common framework for report writing throughout the state. Discusses the general purpose of police reports, reviews field notetaking, offers instructions on completing common report forms, and introduces the Data Practices Law. Code No. 14-13. \$15.00.

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

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

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



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

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

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State Contracts and Advertised Bids

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

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

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

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

Department of Administration: Materials Management Division

Contracts and Requisitions Open for Bid

Call 296-2600 for information on a specific bid, or to request a specific bid.

Commodity: Pre-bid move—Judicial Center
Contact: Joan Breisler 296-9071
Bid due date at 2pm: March 15
Agency: Judicial Center
Deliver to: St. Paul
Requisition #: 02310 17758

Commodity: NEC printer
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: March 15
Agency: Minnesota State Lottery
Deliver to: Roseville
Requisition #: 09400 00070

Commodity: Calcomp 1044GT Plotter
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: March 15
Agency: Natural Resources Department
Deliver to: Brainerd
Requisition #: 29003 06123

Commodity: Toshiba T5200-100 PC
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: March 15
Agency: State Planning Agency
Deliver to: St. Paul
Requisition #: 30000 17829

Commodity: Mac II Network controllers
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: March 15
Agency: Correctional Facility
Deliver to: St. Cloud
Requisition #: 78830 10258

Commodity: Sun Disk Subsystem
Contact: Bernadette Vogel 296-3778
Bid due date at 2pm: March 14
Agency: State University
Deliver to: St. Cloud
Requisition #: 26073 21640

Commodity: External SCSI Tape Cartridge Systems
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: March 14
Agency: Trade & Economic Development Department
Deliver to: St. Paul
Requisition #: 22400 03728

Commodity: Minerals pallet rack system
Contact: Steve Bergstahler 296-3775
Bid due date at 2pm: March 16
Agency: Natural Resources Department
Deliver to: Hibbing
Requisition #: 29000 53705

Commodity: Cold planer for skid steer loader
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: March 16
Agency: Transportation Department
Deliver to: Golden Valley
Requisition #: 79382 01922

Commodity: Delivery vans
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: March 16
Agency: Central Shop—Transportation Department
Deliver to: St. Paul
Requisition #: 79382 01910

Commodity: Computer printer paper
Contact: Linda Parkos 296-3725
Bid due date at 2pm: March 16
Agency: Minnesota State Lottery
Deliver to: Roseville
Requisition #: 09400 00074

Commodity: 3/4 Ton Pickup w/body
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: March 19
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 79382 01904

Commodity: Barrister processor
Contact: Bernadette Vogel 296-3778
Bid due date at 2pm: March 19
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 79000 05182

Commodity: Compaq SLT/286
Contact: Bernadette Vogel 296-3778
Bid due date at 2pm: March 19
Agency: Human Services Department
Deliver to: St. Paul
Requisition #: 55000 03138

State Contracts and Advertised Bids

Commodity: Stereo On Air broadcast console
Contact: Pam Anderson 296-1053
Bid due date at 4:30pm: March 19
Agency: State University
Deliver to: Winona
Requisition #: 26074 13268

Commodity: License plate validation sticker materials
Contact: Ann Wefald
Bid due date at 2pm: March 20
Agency: Correctional Facility
Deliver to: St. Cloud
Requisition #: Price Contract

Commodity: Tools: misc. lawn, garden, snow tools: group V only
Contact: Pat Anderson 296-1053
Bid due date at 2pm: March 28
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: Caulking & tuckpointing
Contact: Joyce Dehn 297-3830
Bid due date at 2pm: March 28
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: 4-door large station wagon
Contact: Brenda Thielen 296-9075
Bid due date at 2pm: March 16
Agency: Transportation Department Central Shop
Deliver to: St. Paul
Requisition #: 79382 01911

Commodity: 35-50 hp outboard motor
Contact: Steve Bergstahler 296-3775
Bid due date at 2pm: March 20
Agency: Natural Resources Department
Deliver to: Various
Requisition #: 29000 53616

Commodity: Metal punch press
Contact: Steve Bergstahler 296-3775
Bid due date at 2pm: March 20
Agency: Transportation Department
Deliver to: Detroit Lakes
Requisition #: 79000 05044

Commodity: Belts—automotive and truck
Contact: Dale Meyer 296-3773
Bid due date at 2pm: March 21
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: Copier purchase
Contact: Teresa Ryan 296-7556
Bid due date at 4:30pm: March 16
Agency: State University
Deliver to: Winona
Requisition #: 26074 13279

Commodity: Radio transmitters
Contact: Joan Breisler 296-9071
Bid due date at 4:30pm: March 20
Agency: Natural Resources Department
Deliver to: Bemidji
Requisition #: 29001 15960

Commodity: Software—Barrister
Contact: Joan Breisler 296-9071
Bid due date at 4:30pm: March 20
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 79000 05180 01

Commodity: Informer terminals
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: March 20
Agency: Administrative Department—InterTechnologies Group
Deliver to: St. Paul
Requisition #: 02410 02168

Commodity: Digitizing tablet
Contact: Bernadette Vogel 296-3778
Bid due date at 4:30pm: March 20
Agency: State Planning Agency
Deliver to: St. Paul
Requisition #: 30000 17828

Department of Administration: Print Communications Division

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

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

Commodity: Permit to practice nursing, 5M 9½" x 4" w/pinfeed, 2-up per sheet, type to set, 2-sided, 100# tag, continuous feed
Contact: Printing Buyer's Office
Bids are due: March 14
Agency: Nursing Board
Deliver to: St. Paul
Requisition #: 5612

Commodity: Evidence label, 75 rolls of 100, 6" x 4" self adhering pressure sensitive, type to set, 1-sided
Contact: Printing Buyer's Office
Bids are due: March 14
Agency: Public Safety Department
Deliver to: St. Paul
Requisition #: 5511

Commodity: 1990 Waters and Watercraft Safety Laws, books of 52 pages, 5M, 3⅝" x 6¾", type to set + negs 2-sided, saddle stitch
Contact: Printing Buyer's Office
Bids are due: March 14
Agency: Natural Resource Department
Deliver to: St. Paul
Requisition #: 5589

State Contracts and Advertised Bids

Commodity: Envelopes, 5M #10 envelopes, camera ready
Contact: Printing Buyer's Office
Bids are due: March 14
Agency: Water & Soil Resources Board
Deliver to: St. Paul
Requisition #: 5564

Commodity: Correction Order, 2M 8-part sets, 8½" x 11¾" overall, negs available, 1-sided, perf and carbon interleave
Contact: Printing Buyer's Office
Bids are due: March 14
Agency: Minnesota Health Department
Deliver to: Minneapolis
Requisition #: 5537

Commodity: Sample card envelope, 2,500 6¼" x 3¾", camera ready, 1-sided, kraft waterproof
Contact: Printing Buyer's Office
Bids are due: March 14
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 5591

Commodity: Ready Mix concrete batch tickets, 1,500 pads of 25 2-part sets, red preprinted numbering, negs available, 1-sided, 4¼" x 8½" overall, carbon interleave
Contact: Printing Buyer's Office
Bids are due: March 14
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 5590

Professional, Technical & Consulting Contracts

Department of Administration

Division of State Building Construction

1) Contracts Available for Architects, Engineers and Landscape Architects

The Department of Administration (Admin) intends to retain the services of qualified professionally registered architects, engineers, and landscape architects to design, prepare construction drawings and monitor construction of a number of projects during the year commencing July 1, 1990. These projects will be varied in nature and scope and will involve new construction, remodeling projects and facility studies. The total cost of construction or remodeling projects will be less than \$400,000.00 and the fees associated with facility studies will be less than \$35,000.00. Particular emphasis will be placed on the background and experience of the firm on similar projects as well as the firm's geographic proximity to the project.

Firms wishing to be considered for these projects are asked to submit a short brochure or resume consisting of no more than 10 pages giving qualifications and experience of the firm. Qualified applicants will be contacted as the need arises and may be requested to appear in St. Paul for an interview. Firms which responded during the past year need only respond with a letter indicating continued interest as well as significant organization and experience changes since submission of their last brochure.

In submitting their brochures or resumes, firms shall indicate the area or areas shown below in which they possess qualifications.

- | | |
|------------------------------------|-------------------------------------|
| 1. Research and Programming | 10. Exhibition and Display |
| 2. Educational | 11. Landscape and Site Planning |
| 3. Health and Medical | 12. Interiors |
| 4. Correctional | 13. Water and Waste Facilities |
| 5. Restoration | 14. Energy Supply and Distribution |
| 6. Office and Administration | 15. Pollution Control |
| 7. Recreational | 16. Acoustics |
| 8. Service and Industrial | 17. Hazardous Substance Disposition |
| 9. Arts, including Performing Arts | |

In some cases, Admin may enter into annual contracts for investigative studies. These annual contracts will be prepared on the basis of the needs of Admin.

Professional, Technical & Consulting Contracts

The names of firms responding will be provided to other agencies of the State and political subdivisions thereof having a need for the services described herein.

Names of qualified firms will be retained on file with Admin until June 30, 1991.

Designers for projects with estimated costs or fees in excess of those shown above will be selected by the State Designer Selection Board. Projects referred to the Board will be advertised in the *STATE REGISTER*.

2) Contracts Available for Registered Professional Testing and Surveying Services

The Department of Administration (Admin) intends to retain the services of qualified professionally registered individuals to conduct site surveys, materials testing, soil borings and tests and facility investigations during the year commencing July 1, 1990. These projects will be varied in nature and scope. The fees associated with these projects will generally be less than \$2,000.00, although the fees for some projects may exceed this amount.

As projects arise, it is the intention of Admin to contact firms who have expressed an interest in providing such services to the State. The final selection will be made on the basis of the background and experience of the firm, the geographic proximity of the firm to the project site, and an estimate of the fees to be charged for the specific project, and the ability to meet given time frames.

Firms wishing to be considered for these projects are asked to submit a short brochure or resume consisting of no more than 10 pages outlining their background, qualifications, and fields of expertise.

Qualified applicants will be contacted as the need arises and may be requested to appear in St. Paul for an interview.

Firms which have previously responded to this request need only provide a letter expressing continued interest as well as significant organization and experience changes since submission of their last brochure.

Names of qualified firms will be retained on file with Admin until June 30, 1991. Names of firms will be provided to other agencies of the State and political subdivisions thereof having a need for the services described herein.

3) Contracts for Programming and Designing Furnishing Layouts for Public Facilities

The Department of Administration (Admin) intends to retain the services of qualified independent interior designers to program and design furnishing layouts for State facilities, both owned and leased, as well as for political subdivisions for the period July 1, 1990 through June 30, 1991. These projects would be varied in scope; however, in no case will the fees for an individual project exceed \$35,000.00.

Firms wishing to be considered for these projects are asked to submit a brochure or resume outlining the following information:

1. Name, address, and contact person for the firm;
2. The number of staff involved in interior design and their classifications;
3. Whether the firm has CAAD capabilities;
4. A listing of the number of interior design projects in the past three years in each of the following categories;
 - to 5000 square feet
 - 5001 to 10000 square feet
 - 10001 to 15000 square feet
 - 15001 + square feet
5. A listing of the firms past 10 projects indicating date completed and square footage.
6. An indication of the lines of modular furnishings with which the firm has familiarity.

DESIGNER'S SERVICES AND RESPONSIBILITIES WILL INCLUDE THE FOLLOWING TASKS:

1. Interview key personnel and survey existing facilities to collect programming data.
2. Inventory existing equipment and systems furnishings to be reused.
3. Develop prototype workstations.
4. Develop furnishings budget.
5. Prepare (as each individual project requires) space plans and/or furniture, modular furniture and related equipment layouts for Agency approval.
6. Investigate existing conditions and make all necessary field verifications and should they occur, resulting changes to plans.
7. Develop color and finishes for systems furnishings to coordinate with building finishes.
8. Prepare written specifications where applicable for all new furniture, new or refurbished.

Professional, Technical & Consulting Contracts

9. Prepare a preliminary list cost estimate for all new modular furniture.
 10. Based on the approved design, the Designer shall prepare for the Agency's approval, documents consisting of drawings, specifications indicating quantity, product number, description, and list price, and any other document(s) necessary to describe the quantity and the placement of the furnishings and related equipment. The modular furniture will require the following:
 - a. Panel plan(s) to indicate panel height, width, finish information, panel type (i.e.: acoustical, fabric wrapped, powered, etc.) and critical dimensions.
 - b. Electrical plan(s) to indicate dimensioned location of power entry points where panel system interfaces with building power and type of power entry (i.e.: power pole, base power entry, etc.). The plan must indicate the number, location and type of duplex receptacles to be used, and must also locate all voice and data locations.
 - c. Component plan(s) to indicate component size, type, finish information, and any instructions necessary for complete installation (i.e.: install heights, special conditions, etc.).
 - d. Reconfiguration plan(s) shall be developed when existing modular furniture is to be reused in a new floor plan(s), and when reconfigured in phases the phases must be indicated on the floor plan(s).
 11. Documents shall be prepared to include, but not limited to:
 - a. Floor plans showing functional relationships between work units.
 - b. Floor plans indicating furniture types and arrangements.
 - c. Furniture specifications
 - d. Furniture/furnishings installation schedule, including critical dimensions.
 12. Prepare move documents indicating the location of all existing furniture to be reused and any special instructions necessary for moving and placement of existing furnishings. Where existing modular furniture is to be reused, a list must be provided to installers indicating existing product to be reused, excess existing product, and new product required. If the reconfiguration is to be completed in phases the list must be broken down into their respective phases.
 13. Review with the Dealer/Manufacturer the schedules for delivery and installation of the modular furniture. The Designer shall not be held responsible for any malfeasance, neglect or failure of the supplier or installer to meet completion schedules or to perform respective duties and responsibilities.
 14. All interpretations necessary for the installation of those portions of the work where the Designer is responsible, shall be supplied by the Designer.
 15. Review and respond to the suppliers submittals of shop drawings, product data, samples, etc., but only for those portions of the design for which the Designer is responsible, and for conformance only with the information given in the documents. The Designer's review of shop drawings, product data and samples shall not relieve the Agency and its suppliers and/or installers of responsibility for any deficiencies in, or deviations from the requirements of the Documents, unless written notice is given to the Designer at the time of submittal.
 16. The Designer shall review the placement of all items to determine that the modular furniture and related equipment have been installed in accordance with the Documents, or shall provide directions to alter locations.
- Firms wishing to be considered for one or more of the contracts described in this announcement may send their brochure and other pertinent information to Division of State Building Construction, Room G-10, State Administration Building, St. Paul, Minnesota 55155, *Attn:* George Iwan.

Minnesota Historical Society

Notice of Availability of Contract for a Staff Development Consultant/Trainer

The Minnesota Historical Society is seeking individuals and firms as a consultant for a two day retreat for members of its Reference Department staff to learn skills in management of change.

These services, which will be provided under contract, are outlined in detail in the Request for Proposal (RFP). The formal RFP may be requested and inquiries directed to: Mark Schwartz, Contract Officer, 1500 Mississippi St., St. Paul, MN 55101, (612) 296-2155. The deadline for submitting completed proposals is the end of the business day (5:00 p.m.) March 30, 1990. Late proposals will not be accepted.

Department of Human Services

Brainerd Regional Human Services Center

Notice of Request for Proposal for Medical Services

NOTICE IS HEREBY GIVEN that Brainerd Regional Human Services Center is seeking the following services for the period July 1, 1990 through June 30, 1991. These services are to be performed as requested by the administration of the Brainerd Regional Human Services Center.

1. Services of Psychiatrists to perform consultation and treatment for mentally ill clients in the Timberland Mental Health Program, five days per week, for 52 weeks on campus at times jointly agreed to. Perform and record psychiatric diagnostic evaluations on newly admitted mentally ill adult and adolescent clients, provide treatment recommendations, review client progress, meet regularly with treatment teams. Multiple contracts will be awarded in order to provide the total required psychiatric services. The amount of the contracts is estimated not to exceed \$425,700.00.

2. Services of a radiologist to interpret X-Ray films taken by the center's X-Ray Technician. The amount of the contract is estimated not to exceed \$16,000.00.

3. Services of a physician 187 days per year to make rounds attending to patients, conduct daily clinics, and perform physical examinations. Provide on call coverage nights, weekends and holidays for 13 weeks as assigned. Make one visit each day and holiday of an on call coverage to attend to patient needs. The amount of the contract is estimated not to exceed \$82,600.00.

Responses on the above services must be received by 11:00 a.m. April 2, 1990. Direct inquiries to:

Keith R. Bernard
Hospital Services Director
Brainerd Regional Human Services Center
1777 Highway 18 East
Brainerd, MN 56401
218/828-2220

Award of any of these contracts is contingent upon the availability of funds. This request does not obligate the State and the State reserves the right to cancel this solicitation.

Department of Human Services

Position for Home Care Specialists/Case Managers

The Minnesota Department of Human Services, Long Term Care Management Division is seeking 1-2 case managers to provide case management and service coordination to Medical Assistance (MA) recipients who are receiving home care services or who are in an institution and have a discharge plan that requires home care services. The position(s) will be filled on a contractual basis. Some statewide travel will be required.

Case management duties include assisting individuals with problems related to the provision of home health care services, coordination of services from multiple providers, authorization of services above certain thresholds established by the commissioner and analysis of the appropriateness and cost effectiveness of services.

The home care specialist(s) may provide ongoing technical assistance, consultation and education to county social service and/or public health agencies, providers of home care services, and MA recipients and their family members throughout the state.

Minimum qualifications for Case Manager/Home Care Specialists: RN with 2-3 years work experience in home health or rehabilitation. Experience with one or more of the following groups preferable: 1) physical disabilities; 2) pediatrics; 3) mental illness; 4) mental retardation.

- Ability to work independently and as part of an interdisciplinary team.
- Experience in assessment of health, social and psychological needs.
- Experience in individual care plan review.
- Excellent written and verbal communication skills.
- Salary range—\$16.93/hour to \$19.74/hour, no benefits, travel expenses reimbursed.
- Hours flexible but no nights, weekends or holidays.

Professional, Technical & Consulting Contracts

The positions will be contracted through June 30, 1991. To apply send a resume and cover letter describing previous related experience, availability for travel and salary history, no later than April 1, 1990 to:

Lynda Adams
Department of Human Services
Long Term Care Management Division
444 Lafayette Road
St. Paul, MN 55155-3844
(612) 296-1551

Department of Natural Resources

Request for Proposals for Analytical Study of the Concentrations of Environmental Contaminants of Fish in Minnesota

The Department of Natural Resources has been charged with the responsibility of monitoring the concentrations of environmental contaminants of fish throughout the state.

Analytical services of the scale required to satisfy the needs of this study are not currently available within the Department of Natural Resources.

"This Request for Proposal does not obligate the State to complete the project, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest".

A. Scope of Project

The purpose of this project is to analytically determine the levels of PCBs, chlorinated pesticides, and mercury in tissues from composited fish samples in order to assess the existing and potential health hazards of these chemicals to fish and human consumers.

B. Goals and Objectives

The numerical goals and objectives of this project are to quantitatively analyze and report the residue levels of polychlorinated 300 composited fish samples, and to quantitatively analyze and report, additionally, the residue levels of chlorinated pesticides in approximately 30 of these samples. Although the minimum priorities of the project require that at least 100 of these composited samples be analyzed for PCBs and total mercury by October 1, 1990 and the consideration will be given to the bidders who would be able to commit to completion of the 300 samples by the October 1, 1990, date.

C. Project Tasks (Responder may propose additional tasks or activities if they will substantially improve the results of the project).

a. As a precondition to the award of the contract the bidder must satisfactorily analyze 2 blind samples for each analysis type (i.e. PCB, organochlorine, and mercury, analysis). These samples are to be furnished by the DNR and are to be run at the bidder's expense and to be completed within two weeks following receipt of the samples.

b. Analyze fish samples provided by the DNR for PCBs, chlorinated pesticides, mercury, and percent total lipid. These samples have already been collected and prepared and will be supplied to the contractor as needed, in the form of ground homogenates in appropriate packaging.

c. Submit written progress reports of analytical results for the above cited parameters on a monthly basis and summary reports of the analytical results of the minimum of 100 composited samples referred to in Paragraph "B" by October 1, 1990 and a final report for the remainder of the samples by December 1, 1990.

d. The laboratory protocol for the PCB, organochlorine and total mercury analyses must follow the analytical methodology promulgated by the U.S. Environmental Protection Agency and must also be acceptable to the Minnesota Department of Health, Minnesota Pollution Control Agency and the Minnesota Department of Natural Resources.

e. The quality assurance practices should include the following sample steps:

- 1) Run a method blank of each analytical grouping of samples.
- 2) Run a replicate sample for each analytical grouping to determine precision.
- 3) Run a spiked sample for each batch of samples and to determine detection limits and percent recoveries.
- 4) Run calibration standards for each sample batch.
- 5) The following range of detection limits shall be achieved:
 - a) Arochlors 1016, 1242, 1254 and 1260, 50 to 10 ppb (50 to 10 ng/gm).

Professional, Technical & Consulting Contracts

b) Organochlorine Pesticides (tentatively to include, Dieldrin, and/or Endrin, and/or DDT-DDE-DDD, in the 5 to 1 ppb range).

c) Total mercury 20 ppb (20 ng/gm).

D. Department Contacts

Prospective responders who may have any questions regarding this Request for Proposal (RFP) may call or write:

Robert L. Glazer
Research Scientist Supervisor
Carlos Avery Research Center
Minnesota Department of Natural Resources
5463 Broadway, West
Forest Lake, Minnesota 55025
Phone: (612) 464-1247

Please note: Other Department personnel are not allowed to discuss the project with responders before the submittal of proposal deadline.

E. Submission of Proposals

All proposals must be sent to and received by:

Robert L. Glazer
Research Scientist Supervisor
Carlos Avery Research Center
Minnesota Department of Natural Resources
5463 Broadway, West
Forest Lake, Minnesota 55025
Phone: (612) 464-1247

—not later than 4:30 p.m., April 16, 1990.

Late proposals will not be accepted. Submit 5 copies of proposal. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. Each copy of the proposal must be signed, in ink, by an authorized member of the firms. Prices and terms of the project as stated must be valid for the length of the project.

F. Project Costs

The Department has estimated that the cost of this project should be in the range of \$50,000 to \$70,000 and not to exceed \$70,000.

G. Project Completion Date

The project will be completed by December 1, 1990; or within 5 months from the date of authorization.

H. Proposal Contents

The following will be considered minimal contents of the proposal:

1. A restatement of the objectives, goals and tasks to show or demonstrate the responder's view and nature of the project.
2. Identify and describe the deliverable to be provided by the responder.
3. Outline the responder's background and experience with particular emphasis on local, state, and federal government work. Identify personnel to conduct the project and detail their training and work experience. No change in personnel assigned to the project will be permitted without approval of the State Project Director/Manager.
4. Responder will prepare a detailed cost and work plan which will identify the major tasks to be accomplished and be used as a scheduling and managing tool as well as the basis for invoicing.
5. Identify the level of the Department's participation in the project as well as any other services to be provided by the Department.

I. Evaluation

All proposals received by the deadline will be evaluated by representatives of the Department of Natural Resources. In some instances, an interview will be part of the evaluation process. Factors upon which proposals will be judged include, but are not limited to, the following:

1. Expressed understanding of project alternatives.
2. Project work plan.
3. Project cost detail.

Professional, Technical & Consulting Contracts

4. Qualifications of both company and personnel. Experience of project personnel will be given greater weight than that of the firm.

Evaluation and selection of the bidder will be completed by June 15, 1990. Results will be sent immediately by mail to all responders.

All samples have been readied for analysis and can be provided to the successful bidder on an immediate basis to allow sufficient time for completion of the project as scheduled above.

Pollution Control Agency

Division of Air Quality

Request for Proposals for Quality Assurance Contractor for Criteria and Non-Criteria Ambient Air Monitoring Program

The Minnesota Pollution Control Agency (MPCA), Division of Air Quality, is seeking proposals from qualified firms to serve as an independent quality assurance contractor for an ambient air monitoring network for the biennium commencing approximately July 1, 1990, and for two years thereafter. The MPCA is initiating an ambient air monitoring network for sulfur dioxide, particulate matter (PM10), total reduced sulfur, volatile organic compounds, formaldehyde, and meteorology. The monitoring network will be established in an industrialized, residential, and farming area in the vicinity of two refineries, a major landfill, and smaller industries. The proposals should demonstrate that the quality assurance contractor will assist the MPCA in providing high quality data and will provide a thorough assessment of the quality of the data obtained by the monitoring network.

The contractor must have experience with criteria pollutants (PM10 and sulfur dioxide), total reduced sulfur (using continuous sulfur dioxide monitors and thermal oxidizers), volatile organic compounds (using Environmental Protection Agency (EPA) Compendium Method T0-14), formaldehyde (using EPA Compendium Method T0-11), and meteorological monitoring. The contractor will conduct semiannual quality assurance systems and performance audits of the network, and provide other quality assurance activity as needed. The first of the quality assurance audits will be conducted within one month after the startup on the monitoring network.

The proposal should address the contractor's laboratory capabilities, performance audit equipment and standards, certifications of audit equipment and standards, and previous history of conducting independent quality assurance work.

At a minimum, the following quality assurance tasks will be conducted by the contractor during the quality assurance performance and systems audits:

A. Volatile Organic Compounds

1. Provide Summa® passivated canisters spiked with benzene, toluene, ethylbenzene, and meta, ortho, and para-xylene to be analyzed by the agency. The spiked canisters should be provided as "double blind" quality assurance samples.
2. Analyze sample splits or aliquots of samples collected by the MPCA.
3. Perform analysis of contents of cleaned Summa® passivated canisters to verify effectiveness of canister cleaning procedure, assess background levels of volatile organic compounds, and verify detection limits.
4. Assess the accuracy of the identification and quantitation of the volatile organic compounds.

B. Total Reduced Sulfur

1. Conduct performance audits to assess the accuracy of total reduced sulfur continuous monitors over the range of monitor response.
2. Test efficiency of reduced sulfur to sulfur dioxide converter.
3. Compare responses of sulfur dioxide and reduced sulfur monitors.

C. Formaldehyde

1. Provide formaldehyde spiked 2,4-dinitrophenol hydrazine silica gel cartridges to the MPCA to assess the analytical accuracy. The samples will be submitted as "double blind" quality assurance samples.
2. Assess the flow rate accuracy of formaldehyde sample trains.
3. Conduct analysis of sample splits from samples collected by the MPCA.

D. Sulfur Dioxide

1. Conduct performance audits to assess the accuracy of continuous sulfur dioxide monitors over the range of monitor response.

E. Particulate Matter (PM10)

1. Conduct flow rate performance audits on PM10 samplers.
2. Test accuracy of laboratory analytical balance used for weighing the PM10 filters.

F. Meteorology

1. Conduct performance audits to assess the accuracy of wind speed, wind direction, and temperature sensors on ten meter meteorological towers.

G. General

1. Review all written procedures for calibrations, maintenance, sampler or monitor operation, data analysis, internal quality assurance/quality control, siting, and data analysis. Provide recommendations to enhance the quality of the procedures.
2. Review subsets of the data to verify data quality.
3. Provide semiannual systems and performance audit reports.

the estimated total costs for the quality assurance contract is \$100,000 (\$50,000 annually). It is requested that each proposal itemize the costs for each of the quality assurance tasks outlined above.

Interested parties may request a detailed Request for Proposal Technical Package by calling, or writing to:

Richard J. Wedlund, Ph.D.
Minnesota Pollution Control Agency
Division of Air Quality
520 Lafayette Road North
St. Paul, Minnesota 55155

The proposals are due no later than 4:30 p.m., 30 days following the date of publication of this request in the *STATE REGISTER*.

Minnesota Supreme Court

Request for Proposals for Legal Services Advisory Committee

Request for Proposals for Grant Funding for Legal Services and Alternative Dispute Resolution Programs for Low Income People

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

To request information on the grant application process, please contact:

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

Application Deadline: April 16, 1990

Dated: 23 February 1990

State Grants

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

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

Department of Education

Division of School Management and Support Services

Availability of Federal Funds for Adult Basic Education

The Minnesota Department of Education announces the availability of funds for the 1990-1991 school year to subsidize Adult Basic Education under Public Law 91-230, as amended.

Adult Basic Education programming in Minnesota is intended to change the lives of adults with limited basic skills by enabling them to master, to the best of their abilities, the tasks required for responsible citizenship, productive employment and self-sufficiency.

Application for program design approval and funding should include any or all of the following components: Adult literacy, family literacy, workforce literacy, English as a second language, citizenship training, basic skills education, high school equivalency preparation, and alternative high school diploma programming.

Applicants eligible to apply for adult education program design approval and to receive State and/or Federal adult education funding include:

- **Local Education Agencies:** Public boards legally constituted to administer and direct public elementary and secondary schools in Minnesota school districts and Minnesota school district cooperatives as well as formal consortia of Minnesota public school districts and community resource and service agencies, are eligible to apply for and receive State ABE aids and Federal Adult Education Act Basic and English literacy grants; and

- **Public and Private Non-Profit Agencies, Organizations and Institutions:** Minnesota technical institutes, community colleges, voluntary organizations, community-based organizations, job training agencies, correctional institutions, etc., are eligible to receive Federal Adult Education Act basic and English Literacy grants. They are NOT eligible to receive State ABE aids unless they are involved in a formal consortium with one or more Minnesota public school districts. Private, but not public, non-profit organizations in Minnesota also are eligible to apply for State private non-profit ABE performance contracts. Public and private non-profit applicants must comply with the advice and guidance clause below, unless applying in formal consortium with one or more public school districts.

Public or private for-profit agencies, organizations and institutions are NOT eligible applicants. Consortia of eligible applicants, however, may use local and/or Federal Adult Education Act funding to contract with a for-profit entity when they demonstrate to the satisfaction of the Minnesota Department of Education that such a contract will make a significant contribution to attaining the goals and objectives of the Minnesota State Plan for Adult Education in establishing or expanding the effective adult education programming described in that State Plan.

All applicants other than Minnesota public school districts and consortia that include Minnesota public school districts must include documentation that they have consulted with applicable local educational agencies in the development of their proposed adult education programs, and that they have provided the applicable local educational agencies at least 10 working days in which to comment on the application prior to its being submitted. All comments made by the local educational agencies must be attached to the application.

As is explained in the Minnesota State Plan for Adult Education, the Applicable Local Educational Agency: a) For the Minnesota Literacy Council's statewide programming will be the district in which its main office is located, currently St. Paul Public Schools; b) For the Duluth Indian Education project will be Duluth Public Schools; and c) For State correctional facilities and State hospitals will be those districts in which each of the State institutions is located.

In all other cases, the Applicable Local Educational Agencies are considered to be the Minnesota public school district(s) located in the same political sub-division that most closely approximates the proposed service area, or, if the area already is served by an ABE consortium, that ABE consortium. In case of a dispute, the Department of Education will decide what constitutes the applicable local educational agency.

Public and private non-profit agencies, organizations and institutions that apply in a formal consortium with public school districts will be considered to have complied with this advice and guidance requirement if the public school district members of that consortium are actively involved in planning, implementing, evaluating and improving the consortium's ABE program.

Application procedures and forms may be obtained after March 15, 1990, by writing to: Brian Kanes, Coordinator, Adult Basic Education, Minnesota Department of Education, 997 Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101.

To be considered for approval all completed applications must be delivered to the Department of Education's Community and Adult Education Section on or before June 1, 1990.

Department of Education

Division of School Management and Support Services

Availability of Federal Funds for Adult Basic Education

The Minnesota Department of Education announces the availability of Section 353 (formerly Section 310) funds for the 1990-1991 fiscal year for special experimental demonstration projects and teacher training under Public Law 91-210, as amended.

Not less than 10 percent of the funds granted to Minnesota under the Adult Education Act each year will be made available for:

ABE SPECIAL PROJECTS THAT:

- Involve the use of innovative methods (including methods for educating persons of limited English proficiency), systems, materials or programs that may have significance in developing and implementing the self-directed, learner-centered ABE described in the State Plan, or be of special value in promoting that effective adult learning; or
- Involve Adult Basic Education programs including learning opportunities for limited English proficient adults, which are part of community learning centers, carried out in cooperation with other Federal, federally assisted, State or local programs that have unusual promise of promoting comprehensive or coordinated approach to addressing appropriately the problems of educationally disadvantaged adult;

and for ABE STAFF DEVELOPMENT PROJECTS that;

- enable persons engaged, or preparing to engage, as personnel in ABE programs to carry out the purposes of the Adult Education Act as described in the Minnesota State Plan for Adult Education.

All approved activities under Section 353 will be considered to be one-year grants. Projects that may take longer than one year to develop completely can be considered for approval and funding in a subsequent year if each annual application represents a segment that can be achieved and evaluated in one year. Applications for a subsequent year of a previously approved and funded project will compete with all other applications received each year.

Applications for program design approval and funding to carry out the purposes of this act may be submitted by local educational agencies, and by public or private agencies, organizations, and institutions with priority given to applications representing consortia of all available resources and services.

Application procedures and forms may be obtained after March 15, 1990 by writing to:

Brian Kanes, Coordinator
Adult Basic Education
Minnesota Department of Education
997 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101

To be considered for approval, all completed applications must be delivered to the Department of Education's Community and Adult Education Section on or before June 1, 1990.

Department of Trade and Economic Development

Minnesota Job Skills Partnership

Grant Proposals Sought for Training Programs for Specific Businesses

The Minnesota Job Skills Partnership Board solicits grant proposals from educational and other non-profit organizations for training programs designed for specific businesses. Please contact the Partnership office at 612/296-0388 for details regarding grant applications.

Following are the corrected deadline dates and Board meeting dates for the remainder of 1990.

Deadline Dates for New Grant Applications

April 20, 1990
July 20, 1990
October 19, 1990

MJSP Board Meeting Dates

May 21, 1990
August 21, 1990
November 20, 1990 (annual meeting)

Tax Court

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

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

State of Minnesota—Tax Court

County of Chisago—Tenth Judicial District

Docket No. 4999—Dated: February 12, 1990 File Nos. CX-88-559 and C6-88-560

Chisago Health Services, Appellant, vs. Commissioner of Revenue, Appellee; and Chisago Health Services, Petitioner, vs. County of Chisago, Respondent.

The above-entitled matters were consolidated for hearing and came on for trial before the Honorable Arthur C. Roemer, Judge of the Minnesota Tax Court, on October 3 and 4, 1988, at the Courtroom of the Tax Court, 520 Lafayette Road, St. Paul, Minnesota. A previous stipulation of facts compiling most of the necessary facts had been submitted by the parties.

John W. Windhorst, Jr., Attorney at Law, appeared for the appellant-petitioner.

James W. Neher, Special Assistant Attorney General, appeared for the appellee and the respondent.

Robert G. Rancourt, Wyoming City Attorney, appeared for the City of Wyoming.

Post-trial briefs were filed by both parties and the matter was submitted to the Court for decision on November 13, 1989.

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

Findings of Fact

1. The appellant-petitioner has sufficient interest in the property to maintain these actions; all statutory and jurisdictional requirements have been complied with, and the Court has jurisdiction over the subject matter of the actions and the parties hereto.
2. Appellant-petitioner, Chisago Health Services (hereinafter "CHS" or "appellant"), is a Minnesota non-profit corporation engaged in providing medical and hospital care and promoting health in the community. CHS occupies and operates the Chisago Lakes Hospital and Convalescent and Nursing Care Unit consisting of a 49-bed acute care facility and attached 40-bed skilled nursing care facility (the "Hospital") in Chisago City, most of an addition to the Hospital (the "Hospital Annex"), and ambulatory care facilities in North Branch and Wyoming, Minnesota. The Hospital is exempt from property tax as a "public hospital" pursuant to *Minnesota Constitution* Art. X, § 1, and *Minnesota Statutes* § 272.02, subd. 1(3).
3. The Hospital serves the rural communities in East Central Minnesota located in and around Chisago County. These communities include Wyoming, North Branch, Forest Lake, and Stacy, which are located 7, 12, 10 and 6 miles, respectively, from the Hospital. The population in this part of Minnesota is growing faster than in the state as a whole. However, Forest Lake's population in 1980 was only 4,596, and none of the other cities had a population greater than 2,000.
4. These cases concern the validity of the property tax assessments on the Wyoming facility (Chisago County Tax Parcel Nos. 21-00226-00 and 21-00228-00) for the assessment years 1987 and 1988 and on the Hospital Annex (Chisago County Tax Parcel No. 13-00003-02) for the assessment year 1988. CHS claims that this property is exempt from property taxation under the exemptions provided in *Minnesota Statutes* § 272.02, subds. 1(3) and 1(6) for "public hospitals" and "institutions of purely public charity." CHS does not contend that the North Branch facility is exempt because it leases the facility from a non-exempt owner.
5. The Wyoming facility is located approximately seven miles from the Hospital. Of the space in the Wyoming facility not used solely to house the mechanical operations of the building, approximately 19 percent is used for physical therapy, 53 percent for patient examination rooms, and 28 percent for a waiting room, reception area and hallways serving both the physical therapy and patient examination facilities.

6. The Hospital Annex is an addition to the Hospital. Of the space in the Hospital Annex not used solely to house the mechanical operations of the building, approximately 32 percent is used as a business office, which includes cashiering, billing, collections, records and data processing, which serves all of the facilities operated by CHS, including the Hospital; registration operations serving patients receiving services in the Hospital as well as patients receiving services at the Hospital Annex; and for storage. Approximately 51 percent of the space is used for offices of CHS's employee-physicians, patient examination rooms, and a waiting room. CHS does not claim exemption for the 15 percent of the space in the Hospital Annex that is rented to dentists engaged in the private practice of dentistry.

7. CHS was organized to combine the resources of the Hospital and the Chisago Lakes Medical Center, P.A. ("Professional Corporation"). CHS commenced operations in June, 1986. The organization of CHS is sometimes referred to herein as the "reorganization."

8. Before the reorganization, the Hospital was owned and operated by the Chisago Lakes Hospital District ("District"), a municipal corporation and political subdivision of the State of Minnesota, and the Professional Corporation operated medical clinics in the Hospital Annex and the North Branch facility. The Wyoming facility, which opened in April, 1986, was built in contemplation of and as an integral part of the reorganization. The 11 physicians practicing with the Professional Corporation before the reorganization were the sole source of admissions to the Hospital.

9. CHS was organized to operate the Hospital, employ as full-time employees the physicians who constituted the sole source of admissions to the Hospital, and operate ambulatory care facilities at North Branch, the Hospital Annex, and the Wyoming facility. As part of the reorganization, the employees of the District became employees of CHS, the Professional Corporation transferred its medical practice and its leasehold interest in the Hospital Annex to CHS, and its physicians and other employees became employees of CHS.

10. The reorganization is believed to be the nation's first merger of a rural public hospital and a practicing group of physicians, and is the first such merger in the upper Midwest.

11. The reorganization culminated several years of study by the District and occurred during a period of major changes in financing and delivery of health care services.

12. The District conducted a market study in 1982 which found, *inter alia*, that 90 percent of area households used Twin Cities health care facilities and 40 percent used area health care facilities other than the Hospital or the clinics operated by the physicians; that area residents and the physicians lacked confidence in the Hospital facilities; and that the physicians viewed their relationship with the Hospital as adversarial. The study concluded that the Hospital needed to develop a better working relationship with the physicians; expand its geographic market to take advantage of the extraordinary population growth; improve its reputation for handling critical services; and improve outpatient services.

13. Significant changes in the system used by the government to reimburse health care providers for services rendered to Medicare and Medicaid patients were implemented in 1983 and phased in over a five-year period. As a result of these changes, charges of Minnesota hospitals to Medicare and Medicaid patients are typically about 15 and 40 percent, respectively, below the charges to private paying patients. These changes have had a more significant adverse impact on small hospitals (such as the Hospital operated by CHS) than on large ones.

14. Health insurance costs also were increasing dramatically in this period, resulting in greater control by insurance companies on the provision of health care services. Health maintenance organizations ("HMOs") were becoming a more common source of insurance coverage. HMOs are designed to keep people healthy and out of the hospital, and the coverage terms reflect these goals. HMOs also have been aggressive in the last few years in negotiating contracts with provider hospitals, demanding higher and higher discounts.

15. A very significant proportion of CHS's revenues comes from Medicare, Medicaid and HMO sources. The proportion was 56.7 percent in 1987 (12.6, 14.4 and 29.7 percent from Medicare, Medicaid and HMOs, respectively), and was projected to be 66.8 percent in 1988 (16.2, 13.0 and 37.6 percent, respectively). The percentage of revenues attributable to self-paying patients was 12.3 percent in 1987 and was projected to decline to 9.5 percent in 1988.

16. From 1982 through 1986, the average length of stay in the Hospital declined by 41 percent, from 6.4 days to 3.8 days, and the number of admissions to the Hospital declined by 20 percent. As a consequence, the total number of Hospital patient days declined by 52 percent. These declines were attributable in important part to the changes in the Medicare and Medicaid reimbursement systems and are consistent with typical HMO controls on hospital admissions and hospital stays, advances in medical technology, and changes in physicians' attitudes about the appropriate length of hospital stays.

17. From 1982 through 1986, the Hospital's revenues from outpatient services increased, both absolutely and as a proportion of the total revenues. Outpatient revenue grew from 15 to 45 percent of total revenues from 1982 to the time of the hearing. Similar increases were occurring in hospitals throughout Minnesota in this period.

18. The absence of a formal link between the Hospital and the physicians practicing with the Professional Corporation was discussed in the aftermath of the 1982 market study and was a concern of the District. The District feared that the physicians might realign

with some other hospital or engage in more direct competition with the Hospital by performing outpatient services that had been performed in the past by the Hospital. In addition, the District feared that a Twin Cities clinic might open a branch in the Hospital's primary service area.

19. To address these concerns, the District established a Planning Committee in the Fall of 1984 and engaged consultants to study and make recommendations as to whether there should be a merger or joint venture between the Hospital and the Professional Corporation. In the Spring of 1985, the consultants delivered their report and recommended a reorganization in the form that took place.

20. The consultants stated several reasons for their recommendation. The direct employment of the physicians who controlled admissions to the Hospital would provide the Hospital a more certain ability to maintain and increase its base of patients and health care revenues by eliminating the risk that the physicians would align with another hospital or engage in direct competition with the Hospital. The reorganization would ensure there would be unified planning with physician involvement, would allow for better quality control and cost control, and would provide the physicians with the incentive to develop specialty programs for the Hospital. Unified planning and development of new programs would help to reduce the risk of competition from Twin Cities clinics and physicians.

21. In about May, 1985, the District and the Professional Corporation informally agreed to accept the consultants' recommendation and undertake the reorganization. In contemplation of and as an integral part of the reorganization, the Wyoming facility was established.

22. Other hospitals, particularly rural hospitals, were exploring similar methods for survival in this period. The District believes that the CHS model will be followed throughout the country as pressures continue to be placed on health care providers.

23. For the District, the opening of the Wyoming facility and the creation of CHS were a necessary and important part of an overall strategy to maintain and increase the patient base and revenues of the Hospital, expand its geographic market, and generally do a better job of providing an integrated health care program to the communities in its service area.

24. As a result of the reorganization, all physicians on the active medical staff of the Hospital are full-time employees of CHS. They staff the ambulatory care facilities in the Hospital Annex and in Wyoming and North Branch and (except for the internists and surgeon) the Hospital emergency room on a rotational basis. They perform their patient care duties subject to the supervision of CHS. CHS, not the employee-physicians, bills patients and collects payments for all medical services rendered at CHS facilities.

25. The salary schedule for each medical specialty specifies a beginning salary and, for each of the years 2 through 15, a fixed annual increase, and a range of variable compensation that reflects individual performance. The factors taken into consideration by CHS in establishing the compensation levels for the active staff physicians are: (1) tenure; (2) productivity measured by services generated; and (3) market compensation for physicians practicing in similar areas of specialization. The compensation for each physician is reviewed quarterly. The physicians do not participate in decisions regarding their compensation. Rather, these decisions are made by the four non-physicians on CHS's board of directors, three of whom are representatives from the District's board of directors, an elective body. CHS withholds income and social security taxes from the salaries paid to the employee-physicians. CHS obtains all necessary professional liability coverage with respect to the patient care duties performed by the employee-physicians, and the employee-physicians participate in employee benefit programs. The employee-physicians are contractually forbidden from practicing medicine for one year at any place within five miles of any of the facilities of CHS after termination of employment.

26. The levels of compensation provided to CHS employee-physicians, including pension contributions, generally are substantially less than the median compensation levels of other groups of office-based physicians in the United States. For example, in 1986 and in 1987, compensation levels of CHS employee-physicians constituted only 65.7 percent and 74.0 percent, respectively, of the levels earned by all United States office-based physicians, only 70.3 percent and 70.9 percent, respectively, of the levels earned by all Plains States office-based physicians, and only 76.7 percent and 80.5 percent, respectively, of the levels earned by all United States rural physicians.

27. The employee-physicians on the active staff are the only physicians who admit patients to the Hospital, as before the reorganization. Physicians who are neither active staff nor consulting staff physicians are not permitted to admit patients to the Hospital. Virtually all CHS revenues from patient services are a direct result of patient contact with the CHS employee-physicians. None of the employee-physicians is on the active staff of any other hospital and two of the employee-physicians play only very limited consulting roles at other hospitals. Active staff physicians are not permitted to admit patients to hospitals other than the CHS Hospital.

28. CHS has a consulting medical staff of approximately 25 physicians who practice in specialties other than those of the employee-physicians and are on the medical staff to assist the employee-physicians in meeting their patients' needs. Consulting physicians become involved in the treatment of Hospital patients because of referrals from the employee-physicians.

29. The President of CHS has overall responsibility for all facets of CHS's operations. CHS's entire operation, including its operation of the ambulatory care facilities, is conducted consistent with the stringent standards established by the Joint Committee on the Accreditation of Hospitals.

30. Many operations that before the reorganization were duplicated in the Hospital and in the Professional Corporation have been

consolidated, resulting in greater efficiencies and better control on the quality of services. CHS has established a central computer facility with terminals at all the CHS facilities. CHS has a single patient registration system, a single accounting and patient billing system, a centralized personnel administration program, single maintenance and laundry departments, and a single pharmacy. Medical supplies are centrally stored and disbursed. A courier service transports supplies and other materials between facilities.

31. As an outgrowth of the Hospital's expanding outpatient services in the years before the reorganization, CHS provides a wide range of outpatient services at the ambulatory care facilities. Some of these services were provided only at the Hospital before the agreement to reorganize. The outpatient services provided in the ambulatory care facilities are services that need not for medical or financial reasons be provided in the Hospital building.

32. In contemplation of reorganization, the Hospital's physical therapy staff began to provide physical therapy services at the North Branch facility and, once the Wyoming facility opened, at the Wyoming facility. The physical therapy operations at the Hospital and at Wyoming and North Branch are identical and are conducted through a single department managed by a single director; the staff rotates among the three locations. Revenues and expenses of the department are recorded in a single account.

33. Because of the portable nature of the equipment used in performing respiratory therapy services, these services are available at all CHS locations.

34. Limited laboratory services are provided at all three ambulatory care facilities, and limited radiology services are provided at North Branch and Wyoming. The laboratory and radiology services are conducted through single departments managed by single directors. Revenues and expenses of each department are recorded in a single account. Other outpatient services provided in the ambulatory care facilities include the nutrition counseling and regular evening immunization clinics.

35. The Wyoming and North Branch ambulatory care facilities are more convenient than the Hospital for persons living in and around Wyoming and North Branch. The Wyoming facility also is closer than the Hospital for persons living in and around Forest Lake and Stacy. If outpatient services were not performed in Wyoming and North Branch, the citizens in these communities might be more likely to seek treatment from another hospital or from other medical clinics (that use other hospitals).

36. CHS's operations in the community, beyond the confines of the Hospital and the ambulatory care facilities, are increasing as part of CHS's strategy to increase its outpatient services and provide health care to the communities served by the Hospital. CHS established a home health care program in January, 1986, called "HomeCaring," which is headquartered in the Hospital. CHS's physical therapy operations now include a gerontological rehabilitation program conducted largely at two nursing homes near the Hospital. Another of CHS's new programs is its business and industrial health program called "JobCaring," begun in June, 1988. CHS chose the Wyoming facility to serve as the headquarters of this program due to Wyoming's strategic location along the Interstate 35 corridor.

37. Since CHS commenced operations, the number of employee-physicians has grown from 11 to 14. CHS has hired five new employee-physicians in this period, including a surgeon. The Wyoming facility is staffed full-time by CHS employee-physicians. The North Branch facility had not been staffed full-time before the reorganization but has been so staffed subsequently.

38. The number and percentage of Hospital inpatients from the communities located closer to the Wyoming and North Branch facilities than to the Hospital (*i.e.*, Wyoming, North Branch, Forest Lake and Stacy) has increased dramatically since the reorganization. The chart below provides a comparison of the number and percentage of Hospital inpatients from these communities in the fiscal year ending in 1986 with the number and percentage in the fiscal year ending in 1988, and also sets forth the Hospital's previous bests in the years from 1982 until the reorganization.

	<u>1986</u>	<u>1988</u>	<u>Previous Best Before 1988</u>
Wyoming	98 (7.3%)	157 (11.4%)	1983: 124 (1984: 7.9%)
Forest Lake	98 (7.3%)	161 (11.7%)	1982: 199 (1982: 11.9%)
Stacy	111 (8.3%)	182 (13.2%)	1982: 201 (1982: 12.0%)
North Branch	<u>253 (18.9%)</u>	<u>391 (28.4%)</u>	1982: 340 (1987: 20.8%)
	560 (41.8%)	891 (64.7%)	

These increases were due primarily to the opening of the Wyoming facility and the full-time staffing of it and the North Branch facility with CHS employee-physicians. These increases also are an important reason that the Hospital had 70 more inpatients in 1988 than in 1987, nearly 40 more inpatients in 1988 than in 1986, and significant increases in the number of patient days and the occupancy rate in 1988 over 1987.

39. The reorganization has facilitated the centralization in the Hospital of certain outpatient services. Since the reorganization, cardiac stress testing, ambulatory surgery, and many complex laboratory and radiology services have continued to be provided only in the Hospital, as before the reorganization. Endoscopy services, which were provided in both the Hospital and the Hospital Annex before the reorganization, have been provided only in the Hospital since the reorganization. Several of the categories of "office revenue" projected before the reorganization to be generated at the Wyoming facility involve services that in fact have been performed wholly or partly at the Hospital as a result of the establishment of CHS.

40. CHS has been recognized as exempt from federal income tax under Section 501(c) (3) of the Internal Revenue Code, from Minnesota income tax under *Minnesota Statutes* § 290.05, subd. 2, and from Minnesota sales and use taxes under *Minnesota Statutes* § 297A.25, subd. 16.

41. CHS's articles of incorporation provide that CHS is organized and shall be operated for exclusively charitable purposes. The articles prohibit the direct or indirect distribution by CHS of any of its net income or net earnings to any of CHS's members, directors or officers or any other payment to such persons, other than reasonable compensation for services rendered or property supplied to CHS in furtherance of its charitable purposes. Upon dissolution of CHS, its assets are required to be distributed to the District or to another tax-exempt organization.

42. All CHS facilities have an open door policy. Under that policy, patients may receive care even if they are unable to pay for it. The policy is published in patient information packages given to all new CHS patients. The policy is also published in a brochure entitled, "Chisago Health Services." CHS asks patients who are unable to pay for their services to contact CHS's business manager before their visit, and appropriate arrangements will be made for them. As a matter of practice, however, patients do not discuss with CHS in advance any expected problems paying for the services. Therefore, CHS goes through its normal billing process and collection routine with these patients. If CHS determines during that process that a patient does not have the ability to pay, it will write the balance off. If the collection arm of CHS determines that a patient does not have the ability to pay for medical services, those services will nonetheless be provided.

43. CHS frequently invokes the open door policy. From June 1, 1986 to August 31, 1988, CHS recorded close to \$1,000,000 in bad debts, more than half attributable to the ambulatory care facilities. All of these bad debts represent estimated uncollectible accounts. CHS's actual write-offs in this same period amounted to \$190,492. Actual write-offs were less than the amount recorded as bad debts because CHS has allowed accounts to accumulate for long periods of time before being written off. All but a very small amount of actual write-offs were due to the inability of the patient to pay.

44. All Minnesota non-profit hospitals have an open door policy that operates like CHS's policy. Most private medical clinics do not have open door policies. The Professional Corporation did not have an open door policy. Persons who failed to pay for services rendered by the Professional Corporation would no longer be able to receive medical care from its physicians.

45. CHS provides free medical services under the Hill-Burton Act to individuals who satisfy the poverty guidelines established by federal law. Only services provided at the Hospital qualify for Hill-Burton credit. The value of the free medical services provided under Hill-Burton by CHS from June 1, 1986 to August 31, 1988 was \$86,301, comprising \$18,543 from June 1, 1986 to September 30, 1986 (approximately four times the amount required for that period), \$49,935 in the year ending September 30, 1987 (none were required for this period), and \$17,823 in the first 11 months of the year ending September 30, 1988.

46. From October 1, 1985 through August 31, 1988, CHS received more than \$5,000,000 in Medicare revenues (\$3,452,554, \$710,774, and \$853,257 for services to Hospital inpatients, Hospital outpatients, and patients at the ambulatory care facilities, respectively) and more than \$1,200,000 in Medicaid revenues (\$541,718, \$385,523, and \$297,610, respectively). CHS's revenues from Medicare and Medicaid constituted approximately 26 percent of its revenues in its fiscal year ending in 1987 and were projected to increase to approximately 29 percent of revenues in its fiscal year ending in 1988. CHS recently received a grant of \$19,000 from the State of Minnesota to carry on one aspect of its home care program, a program targeted to low-income mothers and expectant mothers.

47. CHS provided discounts to Medicare and Medicaid patients in excess of \$1,000,000 from the time of the reorganization through August 31, 1988. In the first eleven months of its year ending September 30, 1988, CHS provided discounts of approximately \$530,000 to Hospital inpatients and outpatients, and approximately \$200,000 to patients at the ambulatory care facilities.

48. CHS receives volunteer help and financial support from the Chisago Lakes Hospital Auxiliary, an organization with approximately 200 members. In 1987, 96 volunteers gave 3,536 hours staffing in the Hospital's gift shop and 1,360 hours making craft items for sale at the Auxiliary's annual Bazaar. The Auxiliary also periodically donates funds to enable CHS (and previously the District) to acquire valuable equipment. CHS (or the District) received a total of approximately \$14,300 and \$15,600 in contributions in 1986 and 1987, respectively, including contributions from the Auxiliary. "Net service revenue" for each of these periods was \$5,977,979 and \$8,646,776, respectively.

49. CHS's rescue service is staffed solely by volunteers. The volunteers do in-service training programs for schools and other organizations and most offer CPR instruction to the community on a monthly basis.

50. CHS sponsors public education programs provided either free of charge or for a nominal fee, including the "I Can Cope" cancer education and support program, childbirth education classes, and sibling preparation classes. CHS employees also are available at no charge to speak to groups in the community on a variety of health care topics of general interest. CHS publishes a quarterly newspaper for distribution to the public free of charge that covers CHS's health care programs and health care topics of general interest.

51. The facilities at issue are not devoted to hospital uses (with the exception noted in the last paragraph of the Memorandum attached hereto), reasonably necessary in the operation of the hospital, nor an integral part of the hospital.

CONCLUSIONS OF LAW

1. CHS is not an institution of purely public charity within the meaning of *Minnesota Statutes* § 272.02.
2. The Wyoming facility at issue (Chisago County Tax Parcel Nos. 21-00226-00 and 21-00228-00) for the assessment years 1987 and 1988 is not exempt from property taxation under the exemptions provided in *Minnesota Statutes* § 272.02, subds. 1(3) and 1(6) for "public hospitals" and "institutions of purely public charity."
3. The portion of the Hospital Annex at issue (Chisago County Tax Parcel No. 13-00003-02) for the assessment year 1988 is not exempt from property taxation under the exemptions provided in *Minnesota Statutes* § 272.02, subds. 1(3) and 1(6) for "public hospitals" and "institutions of purely public charity."

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

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

Supreme Court Decisions, Opinions & Orders

Decisions Filed 9 March 1990

C3-88-1368 PJ Acquisition Corp., directly on its own behalf and derivatively on behalf of Vikings II, Inc., Appellant v. John C. Skoglund, individually and as Voting Trustee, et al., Jaye Dyer, et al. Hennepin County.

1. A shareholder complaint which alleges that corporate officers and directors have breached fiduciary duties and dissipated corporate assets and which seeks only remedies beneficial to the corporation itself is derivative in nature requiring the plaintiff to comply with the standing requirements of Rule 23.06, *Minnesota Rules of Civil Procedure*.
2. The "continuing wrong" exception to the general contemporaneous ownership standing requirement of Rule 23.06, Minn. Rules of Civil Procedure is inapplicable under the facts of this case.
3. Where genuine issues of material fact exist as to whether a corporation had a preexisting policy of acquiring its own stock, summary judgment on the question of whether acquisition of the corporation's stock is a corporate opportunity was erroneous.

Affirmed in part, reversed in part and remanded. Kelley, J.

Dissenting, Yetka, J., Popovich, C.J., and Wahl, J.

Concurring in part, dissenting in part, Keith, J.

C7-88-2006 Donald Aufderhar, Jr., Appellant v. Data Dispatch, Inc., and John Schuck, and Westfield Insurance Companies, Intervenor. Court of Appeals.

When the amount of personal injury damages has been previously determined in an arbitration proceeding between a claimant and his uninsured motorist insurance carrier wherein he has been afforded full opportunity to litigate the issue, he may be estopped from relitigating that precise issue against a different defendant in a subsequent common law tort action.

Affirmed. Kelley, J.

Dissenting, Yetka and Wahl, JJ.

Announcements

Environmental Quality Board (EQB): Comments are due April 4 on the EAWs (environmental assessment worksheets) on the following projects at their listed regional governing unit: **Demolition of Old Chisago County Courthouse**, Chisago County (612) 257-1300; **Anderson Brothers Construction-Stenberg Pit**, Crow Wing County (218) 828-3964; **Cove View**, Cass County (218) 547-3300; **Plainview-Elgin Wastewater Treatment Expansion**, Minn. Pollution Control Agency (612) 296-7432. • Petitions for environmental review have been received on the following projects: **Waterford Phase III/T.H. 7-Old Market Road Intersection**, City of Shorewood, Mr. Brad Nielson, 5755 Country Club Road, Shorewood, MN 55331; **LTV Steel Company-Dunka Pit**, Thomas Balcom, Minnesota DNR, 500 Lafayette Road, St. Paul, MN 55155; **Robert Jones Subdivision-Pine County**, Shirley Smetona, Zoning Administrator, Pine County Courthouse, Pine City, MN 55063. • Special local need registration for the application of Cygon 400 Systemic Insecticide, EPA registration number 241-233 on spruce seed orchards in

Announcements

northern Minnesota. Comments may be directed to Calvin Blanchard, Minn. Dept. of Agriculture, Agronomy Services, Div., 90 W. Plato Blvd., St. Paul, MN 55107. • A public hearing on the alteration of the cross-section of **Pokegema Lake** by Randy Rudd at 11:00 a.m., March 21, at the Grand Rapids Township Hall, Grand Rapids, MN. To discuss informal disposition of the case contact William A. Sztokowski, special assistant attorney general, Suite 200, 520 Lafayette Rd., St. Paul, MN 55155, (612) 296-0690.

Sentencing Guidelines Commission will meet March 15, Thursday, at 6:30 p.m. at the Best Western Kelly Inn, 161 St. Anthony, St. Paul, MN in Sibley Room A & B (this is the former Holiday Inn—State Capitol). On the agenda are discussions of preliminary drug offender data and “principles” subcommittee report.

Governor's Appointments: Governor Rudy Perpich announced the appointment of John A. Fisher to the *1996 Political Conventions Task Force*, charged to work with the Democratic and Republican National Committees to bring the 1996 national political party conventions to Minnesota. Also appointed by the Governor was David W. Peterson of Marshall as the new Fifth District Court Judge in Redwood Falls. He will succeed the Honorable Wayne Farnberg who retires on May 1.

Bluebirds Returning: The statewide effort to restore the eastern bluebird began in 1982 with 150 volunteers raising 1,490 bluebirds. The Department of Natural Resources (DNR) reported this week that the 1989 success rate broke all previous records; 489 volunteers raised 15,879 bluebird chicks in nest boxes. The volunteers averaged 1.35 chicks per nest box, which is up from 0.92 recorded in the first year. In eight years, a total of 67,893 bluebirds have been successfully hatched. “The recovery of the eastern bluebird is a wonderful wildlife success story, and it has helped many people become dedicated conservationists,” said Carrol Henderson, DNR Nongame Wildlife Program supervisor. Wisconsin, Iowa and North Dakota have adopted Minnesota's bluebird recovery program. “While this success is gratifying,” Henderson said, “there are more than 500 other animal species in Minnesota that need help. During tax season, taxpayers are urged to check off next to the loon on their individual and property tax forms. “These funds have been instrumental in the restoration of bald eagles, trumpeter swans and otters, just to name a few of the 130 projects currently being funded,” Henderson said. “Take the opportunity this tax season to aid Minnesota's diverse wildlife resources.”

The Met Council will rent and exhibit local art pieces and is inviting artists based in the Twin Cities Metro Area to submit their work for the Council's art rental and exhibition program. The Council will rent original art work—including paintings, photographs, drawings, collages, prints and fabrics—for display in the Council's offices and public meeting rooms for six months. An honorarium will be paid to artists whose work is chosen. To be eligible, artists must live in the seven-county Metropolitan Area, which covers Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington Counties. Slides and entry forms must be submitted to the Council by March 23, 1990. Works will be selected the second week of April. Artists whose works are chosen will be notified before April 15. Selected art work will be on exhibit until Nov. 9, 1990. For more information or entry forms, call Kate Houston of the Council staff at 291-6542.

Met Council Reappoints Two Members: The Metropolitan Council has reappointed two members of its Transportation Advisory Board (TAB). Commissioner Duane McCarty will continue to represent Ramsey County and Dennis Hegberg of Forest Lake will represent Washington County on the TAB. The TAB advises and assists the Council in developing plans and programs to meet transportation needs of the Twin Cities Metropolitan Area. The board consists of a chair and 29 other members; 17 are local elected officials, four represent government units and eight are citizen members. The board meets once a month, usually on the third Wednesday of the month, as a full board. Its subcommittees meet as needed. Members serve two-year terms.

Human Services Laws and Rules

Human Services Laws 1989

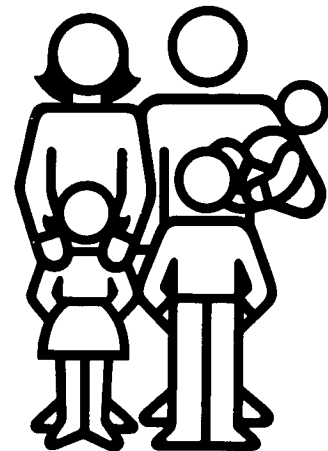
An extract from the statutes. Includes legislative amendments and additions from the most recent session. Code No. 2-56. \$29.95.

Human Services Rules 1989

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

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

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

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

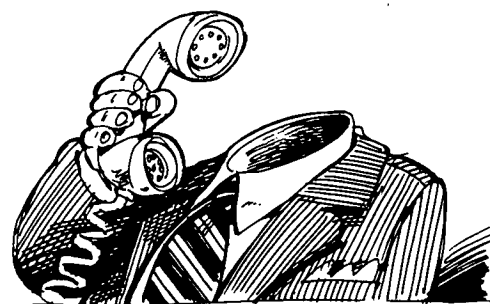
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Fair Labor Standards Act 1987. Minimum wage and overtime compensation standards for employers. Chapter 177. Code #2-75 \$5.00

Insurance Laws 1988. A compendium of laws applicable to the insurance business. Includes chapters on company and individual agents licensing requirements. Code #2-1. \$22.95

Insurance Rules 1989. Essential licensing information for businesses and agents. Includes standards on policies, practices, marketing and continuing education. Code #3-1 \$18.00

Notary Public Laws 1989. Statutory requirements regarding the oath of office, necessary bond, and taking of depositions. Includes an explanation of the term of the office and procedures for removal from office. Code #2-13 \$5.00

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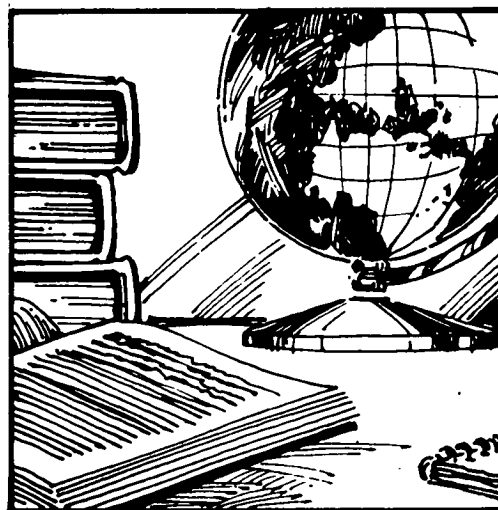
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