

84 JUNE 4

# STATE REGISTER

STATE OF MINNESOTA

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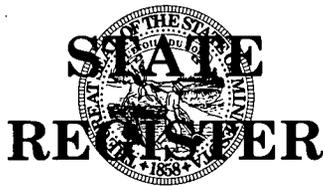
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**VOLUME 8, NUMBER 49**

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### Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
SCHEDULE FOR VOLUMES 8 AND 9			
50	Friday May 25	Monday June 4	Monday June 11
51	Monday June 4	Monday June 11	Monday June 18
52	Monday June 11	Monday June 18	Monday June 25
1	Monday June 18	Monday June 25	Monday July 2

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

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

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

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

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**NOTICE**

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

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

**The PROPOSED RULES section contains:**

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

**The ADOPTED RULES section contains:**

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

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

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

Issues 1-13, inclusive	Issue 39, cumulative for 1-39
Issues 14-25, inclusive	Issues 40-51, inclusive
Issue 26, cumulative for 1-26	Issue 52, cumulative for 1-52
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The listings are arranged in the same order as the table of contents of the *MCAR 1982 Reprint*.

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# PROPOSED RULES

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Pursuant to Minn. Stat. of 1980, §§ 14.21, 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 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 §§ 14.13-14.20 which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

Pursuant to Minn. Stat. § 14.29, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

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## Department of Commerce

### Proposed Rules Governing Credit Unions

#### Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Department of Commerce proposes to adopt the above-entitled rules without a public hearing. The Commissioner of Commerce has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, section 14.21.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the rules. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change.

No public hearing will be held unless twenty-five (25) or more persons make a written request for a hearing within the 30-day comment period. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes, section 14.14, subd. 1.

Persons who wish to submit comments or a written request for a public hearing should submit them to Allyn R. Long, Assistant Commissioner, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101, (612) 297-2750. Any person requesting a public hearing should state her/his name and address, identify the portion of the proposed rule addressed, the reason for the request and any change proposed and send this information to the above address.

Authority for the adoption of these rules is contained in Minnesota Statutes, section 14.22. Additionally, a Statement of Need and Reasonableness describing the need for and reasonableness of each provision and identifying the data and information relied upon to support the proposed rules has been prepared and is available upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. 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 final rules as proposed for adoption, should submit a written statement of such request to Linda Phillips, Department of Commerce, 500 Metro Square Bldg., St. Paul, MN 55101.

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

Copies of this Notice and the proposed rules are available and may be obtained by contacting Linda Phillips at the above address.

Michael A. Hatch  
Commissioner of Commerce

#### Rules as Proposed

2675.6100 BOOKS, RECORDS, AND REPORTS.

Subpart 1. [See repealer.]

Subp. 2. ~~Recordkeeping services~~ Data processing off premises. Any credit union receiving recordkeeping services from another credit union or from a service corporation shall provide ~~the following:~~

~~A-~~ a certificate from the other credit union receiving such services or service corporation, stating that it will ~~comply its~~ agreement to perform the services in compliance with ~~the provisions of~~ Minnesota Statutes, section 52.06 ~~and giving full assurance that the performance of such recordkeeping services by the other credit union, or the respective clerical service corporation (name of either to be given), will be subject to Banking Division rules in the same manner as if such services were being performed by the credit union itself and on its own premises;~~

~~B-~~ a certificate to be furnished by the credit union furnishing such clerical services, or the clerical service corporation, agreeing as to performing such services as outlined in Minnesota Statutes, section 52.06 that its performance thereof will be subject to regulation and examination by the commissioner of banks to the same extent as if such services were being performed by the serviced credit union itself on its own premises. The certificate must acknowledge that it is subject to regulation and examination to the same extent as if the services were being performed by the credit union on its premises.

Subp. 2a. Daily closing. Credit unions that maintain in excess of \$500,000 in accounts subject to draft withdrawal shall post all assets and liabilities daily.

Subp. 3. ~~Semiannual audit report.~~ The supervisory committee shall file a report in duplicate on forms furnished by the ~~commissioner of banks~~ Department of Commerce, within 30 days after the date of each semiannual audit.

Subp. 4. ~~Cash receipts and assets~~ Commingled funds. All of the credit union must be kept intact and ~~not commingled with any separate from other funds under any circumstances.~~

Subp. 5. [See repealer.]

Subp. 5a. Statement of accounts. A statement of account that itemizes all transactions must be issued at least monthly for sharedraft accounts. A statement must be issued at the end of a dividend period on all other accounts, except that a statement need not be issued more often than quarterly and must be issued at least annually.

Subp. 5b. Inactive and segregated accounts. If the board determines that an account is inactive and segregated, it must be issued a statement at least annually. Statements on inactive accounts must be issued under the control of the supervisory committee.

Subp. 5c. Passbooks. When issued, passbooks must show the current position of shares, deposits, and loans. The credit union shall annually notify members to bring passbooks into the credit union office for current posting. A credit union may not hold a passbook.

Subp. 6. ~~Individual ledger cards~~ Issuing account numbers. A number ~~shall~~ must be assigned to each member in sequence upon his election to membership, and ~~no such that number shall ever~~ may never be reissued to ~~any other~~ another member. Each member's assigned number ~~shall~~ must appear on his ~~passbook and individual ledger card~~ record of accounts for shares, deposits, and loans. ~~All ledger cards must be kept so that the year can be readily ascertained.~~

**2675.6110 PURCHASE OF REAL ESTATE.**

No A credit union ~~shall~~ may not purchase real estate ~~unless approved by the commissioner of banks~~ other than for credit union premises.

**2675.6111 INVESTMENTS IN CREDIT UNION PREMISES.**

Investments in credit union premises or leasehold investments may not exceed 50 percent of total reserves of the credit union unless the Department of Commerce grants a prior approval.

**2675.6120 OTHER REAL ESTATE.**

Subpart 1. Transfers. Whenever real estate is acquired by a credit union through foreclosure or by deed in lieu ~~thereof~~ of foreclosure, it ~~shall~~ must be transferred from loans to an account titled "other real estate" on the date upon which the credit union actually acquired title.

**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

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Subp. 2. Repair and restoration costs. ~~No~~ Costs of repairs or and costs of restoration of ~~such~~ the property may not be added to the real estate account, ~~except such~~ unless the expenditures ~~as represent~~ are for permanent improvements. Taxes delinquent when title is acquired may, when paid by the credit union, be added to the book value of the property.

Subp. 3. Additions to book value. ~~No~~ Additions to book value may not be made after the date of sale in cases of foreclosure except as noted in ~~the preceding paragraph~~ subpart 2. If a deed is taken in lieu of foreclosure, real estate must be carried at a figure not exceeding the balance due on the mortgage, plus delinquent taxes and assessments paid by the credit union at the time of acquiring title ~~thereto~~.

~~When sales are made on a contract for deed at a price exceeding the book value of the real estate, the profit involved shall be considered a deferred profit and held in a reserve account and only credited to actual profit after one third of the purchase price has been paid on the contract, excluding interest payments.~~

~~"Other real estate" must be charged off annually at the rate of at least ten percent of the original amount and the first charge off must be made not later than 12 months after the date of acquisition.~~

Subp. 4. Sale of other real estate. A credit union may finance the sale of other real estate or credit union premises under the terms and conditions available to any seller or owner of real property. A profit on the sale of other real estate sold on contract is considered deferred profit and must be held in reserve to be realized after two consecutive years of contracted payments have been made.

Subp. 5. Unsold other real estate. Other real estate that is not sold must be charged off annually through earnings at the rate of at least ten percent of the original amount. The first charge off must be based on the number of full months in which other real estate was booked.

### 2675.6141 REAL ESTATE MORTGAGES.

Subpart 1. Loans. Credit unions may make loans upon the security of real estate if it is a first lien on the real estate. Additionally, credit unions may take a junior lien if the loan is made:

A. to secure debts previously contracted;

B. if at least 80 percent of the principal balance is guaranteed or insured by a governmental agency or nationally recognized insurer;

C. to secure a loan if the total unpaid aggregate of all outstanding liens against the same real estate, including the credit union's proposed lien, does not exceed 80 percent of its appraised value. A loan made under Minnesota Statutes, section 52.165 is deemed to comply with this rule if it was in compliance at the date of its origination.

Subp. 2. Appraisal report. Real estate appraisal reports are required for each mortgage. The appraisal and the reasonableness of its accuracy is the responsibility of the credit committee or, in the absence of a credit committee, the board of directors. The appraisal report and its acceptance by the board or credit committee must be made part of the mortgage file.

Subp. 3. Valid lien. An attorney's opinion or a title insurance policy is required on all real estate loans and must describe the status of fee title, the validity of the credit union's lien, and the position of the lien.

Subp. 4. Insurance. Evidence of adequate insurance with loss payable clause payable to credit union is required for mortgages on improved property.

Written binders of insurance are acceptable evidence of insurance. A credit union may not refuse to accept a binder tendered at the time of closing as evidence of insurance coverage required as a condition of a loan agreement; provided that the binder conforms with usual and customary conditions as to designation of loss payee and mortgagor.

Subp. 5. Fees. As specified by board policy, a credit union may require members to pay fees in connection with the making, closing, disbursing, extending, readjusting, or renewing of real estate loans. Upon acceptance of an application for a real estate loan, the borrower shall be provided with an estimate of all costs other than interest authorized by law. Additionally, the applicant shall be provided with an estimate of costs to be refunded in the event the loan is not granted.

Subp. 6. Exempt loans. Real estate lending policies may exclude the title perfection requirements of part 2675.6141 on advances of \$7,500 or less. These loans will not be considered real estate secured loans for examination purposes or for purposes of transferring or imposing fees as provided by part 2675.6141, subpart 5.

**2675.6142 PERSONAL LOANS.**

Subpart 1. Fees. Charges, other than interest authorized by law, may not be made for any non-real estate loan except that there may be charged to the borrower or included in the amount financed:

A. Fees paid or to be paid by the credit union to any public officer for filing, recording, or releasing in a public office in instrument securing the loan.

B. Premiums or charge for insurance protecting the lender against the risk of loss from not filing or recording a security agreement or financing statement and in lieu of filing the agreement or statement. The premium or charge may not exceed the actual premium or charge made by the insurance company to the lender or the actual costs if the documents were filed, recorded, or released in any public office.

C. The premium on any life, accident and health, property, or other insurance written upon or in connection with a loan; provided notification is given in writing that the borrower has the option of furnishing this coverage through existing policies of insurance owned or controlled by him or of furnishing the coverage through any insurer authorized to transact business in this state. The premium may not be included as part of the loan and must be accounted for as a separate receivable unless advanced as part of the principal at the time of origination or payments are increased to provide amortization of the premium within the original maturity of the loan.

Subp. 2. Financial statements. An unsecured loan in an amount indicated below must be supported by a signed financial statement of the borrower, comaker, and guarantors that lists the assets and obligations and shows the net worth of the borrower, comaker, or guarantor:

A. an unsecured loan in excess of \$1,500 in a credit union with assets of less than \$1,000,000;

B. an unsecured loan in excess of \$3,000 in a credit union with assets of \$1,000,000 to \$10,000,000; or

C. an unsecured loan in excess of \$5,000 in a credit union with assets of \$10,000,000 or more.

Current financial information is also required on loans which the commissioner or his examiners consider inadequately secured. The loan application must show the estimated value of any collateral offered at the time a loan is granted.

**2675.6143 DELINQUENT LOANS.**

Subpart 1. Installment loans. A note due on a monthly installment basis must be scheduled for delinquency. The whole principal balance is considered past due if any portion of an installment remains unpaid 60 days after the scheduled payment date. Delinquent loans must be shown by categories coded as follows:

A. 60 days to 180 days, code A;

B. 181 days to 364 days, code B; and

C. 365 days or more, code C.

Subp. 2. Single payment loans. A single payment loan is considered past due the next day after maturity and must be coded past due from that date according to the schedule in subpart 1.

Subp. 3. Extensions. A loan is not considered current by extension unless accrued interest has been paid to the date of extension. Special consideration for unusual circumstances affecting the general membership may be permitted by a detailed application to the Department of Commerce.

Subp. 4. Delinquent loan report. A detailed report on delinquent loans must be reviewed at each board meeting and made a part of the minutes. The report must include a summary of collection activity, the number of new additions to the delinquent loan list, and a review of loans on the prior month's delinquent loan list which have been extended or rewritten. The board shall verify by direct examination or otherwise that the record of delinquent loans is reasonably accurate.

**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

Subp. 5. Delinquent loan reserve requirement. Before declaration of a dividend the board of directors shall ascertain that the statutory reserve as of the date of declaration exceeds the sum of:

- A. ten percent of code A loans;
- B. 25 percent of code B loans; and
- C. 100 percent of code C loans.

No net earnings or undivided earnings may be used to pay dividends until the statutory reserve exceeds the above calculations or the commissioner of commerce has approved payment.

Subp. 6. Interest earned not collected. Interest earned not collected reflected on a credit union's books under the accrual method of accounting may not be continued on a loan which is more than 90 days delinquent. Accrued interest must be reversed to earnings or undivided profits at the time a loan is charged off to the statutory reserve fund or at the time an allowance for loan losses is established.

### 2675.6180 BOARD OF DIRECTORS.

Subpart 1. Change. Notice of any change in officers, directors, or committee members between annual meetings must be forwarded to the ~~commissioner of banks~~ Department of Commerce within ten days ~~after such~~ of the effective date of the change.

Subp. 2. Review of examiner's report. When the examiner's report is received by a credit union, it must be reviewed by the board of directors at a regular or special meeting ~~within 30 days after its receipt~~ and a reply must be submitted to the Department of Commerce within 60 days of the receipt of the report or as instructed in the transmittal letter. The letter from ~~this~~ the Department of Commerce which accompanies the report must also be read at the directors' meeting. ~~The directors' reply must be on the form attached to the face of the examiner's report. The minutes must show the fact that the directors reviewed the report and also any action taken.~~

Subp. 3. [See repealer.]

Subp. 4. Minute book. The minutes of any meeting must be written up as soon as practicable and signed by the secretary and the presiding officer at the next meeting as ~~soon as approved upon approval. They should~~ The minutes must be kept in a book and be available along with the credit union records for inspection by the commissioner of ~~banks~~ commerce or his representatives at all times with or without previous notice.

### 2675.6210 ASSET RECEIPT.

Whenever it becomes necessary to remove any asset from the files for any reason whatsoever, ~~an authentic~~ a properly executed receipt attached to a copy of ~~such~~ the asset must replace it.

### 2675.6220 CHARGED OFF ASSETS.

A record of all assets charged off, either to the statutory reserve fund or undivided earnings, along with recoveries thereto must be maintained. This record ~~should be kept current and~~ must be available to the examiners at each examination.

### 2675.6230 FURNITURE AND FIXTURES ACCOUNT.

Purchases capitalized to the furniture and fixtures account shall be amortized at the minimum rate of ten percent annually, ~~with such exceptions as may be~~ unless exception is made by the commissioner of ~~banks~~ commerce. ~~Each such annual charge shall be based on the remaining book value at the end of each year~~ The charge off may be based on the number of full months in which the item was capitalized. Adequate records must be maintained to facilitate a determination of the unamortized amount of each capitalized item.

### 2675.6250 ~~SURETY~~ FIDELITY BONDS.

Subpart 1. Minimum provisions. A credit ~~unions~~ union operating under Minnesota law ~~shall be~~ is required to be protected by a blanket bond with the following provisions: all officers, committee members, employees, bank messengers, and attorneys representing the credit union shall be covered by the bond. The credit union shall be protected against losses from a lack of honesty or a ~~lack of faithful performance~~, burglary or robbery, forgery or alteration, and misplacement or mysterious and unexplainable disappearance. ~~The schedule of basic coverage required shall be as set forth in part 2675.9910~~ The amount of the bond must be not less than 100 percent of assets up to \$2,000,000. The bond must be approved by the Department of Commerce. The bond must provide that the commissioner of commerce will be given notice of pending cancellation within 60 days of final termination.

Subp. 2. [See repealer.]

Subp. 3. Table of maximum deductibles. A bond may include a deductible provision for the following amounts:

<u>Assets</u>	<u>Maximum Deductible</u>
0 to \$100,000	\$ 0
\$100,001 to \$250,000	500
250,001 to \$500,000	750
\$500,001 to \$750,000	1,000
\$750,001 to \$1,000,000	1,500
\$1,000,001 to \$2,000,000	2,000
\$2,000,001 to \$3,000,000	3,000
\$3,000,001 to \$5,000,000	4,000
Over \$5,000,000	5,000

**2675.6270 ~~INVESTMENT RECORDS~~ INVESTMENTS.**

**Subpart 1. Records required.** During the period in which investments are carried on a credit union's books, ~~it shall be required that:~~

~~A.~~ original invoices of bond purchases and sales must be retained as a part of the records of a credit union;

~~B.~~ A record must be maintained of all securities bought and sold showing date of purchase or sale, interest rate, maturity, par value, description, from whom purchased, to whom sold, selling price, and where deposited for safekeeping;

~~C.~~ Any investment, other than ~~U.S.~~ United States governments direct and/or guaranteed, ~~shall~~ must be supported by full credit information at the time of purchase (dealer's circular or prospectus); ~~and.~~

~~D.~~ **Subp. 2. Bond price exceeding par.** Purchase of a security bond at a price exceeding par is prohibited, unless the credit union shall:

(+) ~~A.~~ charge off the premium when the securities are placed on the books; ~~or~~

(+) ~~B.~~ provide for the regular amortization of the premium paid so that the premium shall be entirely extinguished at or before the maturity of the security and the security (including premium) shall at no intervening date be carried at an amount in excess of that at which the obligor may legally redeem such security; or

(+) ~~C.~~ set up a reserve account to amortize the premium, said account to be credited periodically with an amount not less than the amount required for amortization under ~~subitem~~ (2) item B.

**Subp. 3. Charges.** Accrued interest paid on securities must be charged to interest received under the cash basis of accounting. Bond commissions and all costs of sales or purchase must be charged to expense.

**Subp. 4. Security at price less than par.** Upon the purchase of a security at a price less than par, the credit union shall place ~~such~~ the security on its books at cost and may provide for the regular accretion of the discount, ratably over the period from purchase to maturity of the security.

**2675.6290 INSURANCE.**

**Subpart 1. Insurance agency.** A credit union may establish, operate, or maintain an insurance agency as a separate corporation or agency within its physical premises.

**Subp. 2. Policyholder.** A credit union may be the policyholder of either a group insurance plan or a subgroup under a master policy plan.

**Subp. 3. Remission of premiums.** Premiums may be remitted by the credit union to an insurer or the holder of a master policy on behalf of a credit union member provided that ~~said~~ the credit union has obtained written authorization from ~~such~~ the member.

**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

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~~The credit union may accept reimbursement from the insurer for the actual cost of ministerial tasks performed pertaining to insurance. This reimbursement shall not exceed ten percent of gross premiums. The credit union may not accept a commission on the insurance sales.~~

Subp. 4. Election by member. Where a credit union is engaged in the facilitation of its members' voluntary purchase of types of insurance incidental to the borrowing of money for ~~provident and productive~~ purposes, including but not limited to fire, theft, automobile, life, and temporary disability insurance, a member shall be given the elective of purchasing any required insurance from the vendor of his choice, and the members' file shall contain his signed written elective.

Subp. 5. Canceled insurance. If the insurance is canceled, the unearned premium shall be paid to the member or credited to the member's share or deposit or loan account ~~as the case may be.~~

### 2675.6301 CERTIFIED PUBLIC ACCOUNTANT REPORT IN LIEU OF EXAMINATION.

Subpart 1. Request for approval. A credit union may request prior approval by the Department of Commerce to submit a certified public accountant report in lieu of examination. If approval is given, the department retains the authority to reject the report if it is inadequate by the standards of the department.

Subp. 2. Contents of report. A report submitted in lieu of examinations must include a balance sheet examination and the classifying of assets in a manner consistent with Department of Commerce credit union examinations. The report must be submitted on the same forms and in the same manner that Department of Commerce credit union examiners employ.

REPEALER. Parts 2675.6100, subparts 1 and 5; 2675.6130; 2675.6140; 2675.6150; 2675.6160; 2675.6170; 2675.6180, subpart 3; 2675.6190; 2675.6240; 2675.6250, subpart 2; 2675.6280; 2675.6300; and 2675.9910 of the Department of Commerce as repealed.

## ADOPTED RULES

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

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

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

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

## Department of Human Services Health Care Programs Division

### Extension of Temporary Rules Governing Reimbursement for Inpatient Hospitalization

Notice is hereby given that the temporary rules governing reimbursement for inpatient hospitalization under the Medical Assistance and General Assistance Medical Care programs (12 MCAR §§ 2.05401-2.05403) are continued in effect until August 1, 1985 as authorized by the Minnesota Legislature in House File 1966 signed by the Governor on April 25, 1984, and effective on April 26, 1984. These rules became effective upon the approval of the Attorney General on October 1, 1983.

These temporary rules as proposed appeared in the August 1, 1983 issue of the *State Register* (8 S.R. 150-158). Modifications to the rule as proposed appeared in the October 24, 1983, issue of the *State Register* (8 S.R. 959-961). Notice of extension to September 24, 1984, appeared in the February 6, 1984, issue of the *State Register* (8 S.R. 1822).

## Board of Nursing

### Adopted Rules Establishing Criteria for and A Listing of Advanced Nursing Programs for Certified Registered Nurse Anesthetists and Certified Nurse Midwives

The rules proposed and published at *State Register*, Volume 8, Number 30, pages 1731-1738, January 23, 1984 (8 S.R. 1731), are adopted as proposed.

## Department of Revenue Income Tax Division Estate and Fiduciary Tax Group

### Adopted Rule and Repeal of a Rule Relating to Estate Tax

The rule proposed and published at *State Register*, Volume 8, Number 34, pages 1896-1897, February 20, 1984 (8 S.R. 1896) are adopted with the following modifications:

#### Rule as Adopted

13 MCAR § 1.2220 Safe deposit boxes.

~~D. Safe deposit boxes rented to organizations. For purposes of D., an organization may be an association, corporation, a partnership, or other organized group. Individuals renting boxes as joint tenants or tenants in common are excluded from this provision. When a safe deposit box is rented to an organization, the commissioner may waive the inventory requirement if the depository files with the commissioner of revenue a report prepared by an authorized representative of the organization. The report must state that the safe deposit box is rented to an organization which grants authority to certain of its officers, members, or agents to enter the safe deposit box in the course of the business or activities of the organization.~~

The report must contain the following information:

1. the name of the organization, association, partnership, or entity;
2. the type of activities in which applicant is engaged;
3. an itemized list of the property or documents usually stored in the safe deposit box;
4. the titles or names of all to whom right of access to the box is given; and
5. a statement, under oath, that no personal property of any officers, members, or agents will be kept in the box.

If the application is approved, the commissioner will notify the applicant that the death of a person authorized to enter the safe deposit box rented by the applicant will not require an inventory by the county treasurer. Upon presentation of the approved application, the depository may grant access without requiring an inventory.

If the report is not filed by the depository with the commissioner, then upon the death of a person authorized by the organization to enter the safe deposit box, access shall not be surrendered by the depository to any person until its contents have been inventoried by the county treasurer or a person authorized by the county treasurer to perform the inventory.

Renumbering. Renumber part 8150.2200, subpart 4, item F. as part 8150.2210.

Repealer. ~~Inh Tax 249 is repealed~~ Minnesota Rules, part 8150.2200, subparts 1, 2, 3, and 4, items A, B, C, D, E, G, H, I, J, and K, are repealed.

**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.

# OFFICIAL NOTICES

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

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

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## State Board of Education Department of Education Partnerships Division

### Outside Opinion Sought Regarding Proposed Rules Governing the Rules for Licensure of Vocational Education Personnel

Notice is hereby given that the State Board of Education is seeking information or opinions from sources outside the agency in preparing to amend Rules for Licensure of Vocational Education Personnel. The Minnesota Rules, parts 3515.4500-3515.4800 are being amended. The Secondary Licensure Chart, Minnesota Rules, part 3515.9911, subpart 1., under Industrial Education, is also being amended to include the Secondary Auto Dismantling Instructor. The promulgation of these rules is authorized by Minn. Stat. §§ 121.11, subd. 12; 121.21, subd. 6; and 125.185, subd. 4.

The State Board of Education requests information and comments concerning the subject matter of these rules. Interested or affected persons may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Tom Ryerson  
Minnesota Department of Education  
518 Capitol Square Building  
550 Cedar Street  
St. Paul, Minnesota 55101

Oral statements will be received during regular business hours over the telephone at (612) 296-3306 and in person at the above address.

All statements of information and comments shall be accepted until July 2, 1984. Any written material received by the State Board of Education shall become part of the record in the event that the rules are amended.

June 4, 1984

Nan Skelton  
Assistant Commissioner  
Partnerships Division

## Ethical Practices Board

### Advisory Opinion #88 RE: Reimbursement for Administrative Costs

Approved by the Ethical Practices Board on May 18, 1984

Issued to:

Glenn S. Dorfman  
Director of Governmental Affairs  
Minnesota Association of Realtors  
5501 Green Valley Drive  
Bloomington, MN 55437

#### SUMMARY

88. A political committee must reimburse an unregistered association for the association's administrative costs and expenses in excess of \$100 in any calendar year incurred on behalf of the political committee.

**Advisory Opinion #89 RE: Campaign Finance Disclosure**

Approved by the Ethical Practices Board on May 18, 1984

Issued to:

Hon. Joel Jacobs  
State Representative  
2806 116th Lane NW  
Coon Rapids, MN 55433

**SUMMARY**

89. Expenditures by a principal campaign committee to purchase a typewriter or computer with accompanying software are reportable as campaign expenditures for the purposes of the expenditure limits in Minn. Stat. § 10A.25.

The full texts of Opinions 88 and 89 are available upon request from the office of the Ethical Practices Board, 41 State Office Building, St. Paul, MN 55155, (612) 296-5148.

**1984 CAMPAIGN EXPENDITURE LIMITS**

In accordance with Minn. Stat. §§ 10A.25, subs. 1 and 7, and 10A.255, the following campaign expenditure limits will be applicable in calendar year 1984.

OFFICE	ELECTION YEAR
State Representative	\$16,775

**Department of Finance****Notice of Maximum Interest Rate for Municipal Obligations**

Pursuant to Minnesota Statutes, Section 475.55, Subdivision 4, Commissioner of Finance, Gordon M. Donhowe, announced today that the maximum interest rate for municipal obligations in the month of June will be twelve (12) 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 thirteen (13) percent per annum.

**Department of Human Services  
Income Maintenance Bureau  
Assistance Payments Division****Outside Opinion Sought Regarding Proposed Rules Governing the General Assistance Program Including Assistance Standards and Certain Exemptions from Registration Requirements**

Notice is hereby given that the Minnesota Department of Human Services is seeking information or opinions from sources outside the agency in preparing to promulgate new rules governing the General Assistance Program including Assistance Standards and certain exemptions from registration requirements. The promulgation of these rules is authorized by Minnesota Statutes 256D.01, subdivision 1.b., Supp. 1984, which requires the agency to adopt temporary rules to set standards of assistance and method of calculation payment and Minnesota Statutes 256D.111, subdivision 5, Supp. 1984, which permits the agency to adopt temporary rules providing for a period of disqualification of certain recipients.

The Minnesota Department of Human Services requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Michael Sirovy  
Policy Development Specialist  
Assistance Payments Division  
Department of Human Services  
444 Lafayette Road  
St. Paul, MN 55101

## OFFICIAL NOTICES

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Oral statements will be received during regular business hours over the telephone at (612) 297-2011 and in person at the above address.

All statements of information and comment shall be accepted until further notice. Any written material received by the Minnesota Department of Human Services shall become part of the record in the event that the rules are promulgated.

### Department of Natural Resources

#### Outside Opinion Sought Regarding Amendment of State Shoreland Management Standards (Cons 70-77 and NR 82-84)

Notice is hereby given that the Minnesota Department of Natural Resources is seeking information and opinions from sources outside the agency to assist in the preparation of proposed amendments to state shoreland management standards. The state shoreland management standards are found in Minn. Reg Cons 70-77 and NR 82-84. These standards are authorized by Minn. Stat. § 105.485, subd. 3.

The Division of Waters has reviewed the standards through a special, two-year study funded by the Legislature and has determined changes are necessary. In drafting proposed amendments, the Division is seeking to identify interested or affected persons or groups and the nature of their interest. Such persons or groups may submit statements of interest in the amendment process or specific comments on the existing standards to:

Steve Prestin  
Flood Plain/Shoreland Management Section  
Division of Waters, Department of Natural Resources  
Space Center Bldg.  
444 Lafayette Road  
St. Paul, MN 55101  
612-296-9226

### Office of the Secretary of State

#### Notice of Vacancies in Multi-Member State Agencies

Notice is hereby given to the public that vacancies have occurred in multi-member state agencies, pursuant to Minn. Stat. 15.0597, subd. 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul 55155-1299; (612) 296-2805. Application deadline is June 26, 1984.

ASSESSORS BOARD has 1 vacancy open for a public member. The board licenses assessors; provides continuing education for assessors. Members are appointed by the Governor. Members must file with EPB. Monthly meetings. For specific information contact the Assessors Board, 2nd Floor, Centennial Office Bldg., St. Paul 55145; (612) 296-5040.

METROPOLITAN AIRPORTS COMMISSION has 2 vacancies open immediately. Members must be a resident of the appropriate Metropolitan Airports Commission commissioner precinct. The commissioner promotes air transportation, international, national, state and local by developing the Twin Cities as an aviation center, coordinates with other aviation facilities in the state to provide economical and effective use of aeronautic facilities and services; may build new airports or acquire existing airports in the metropolitan area; adopts and enforces regulations to manage all metropolitan airports; controls airport land use and provides for airport noise control. Members are appointed by the Governor; members must file with EPB. Monthly meetings; members receive \$50 per diem. For specific information contact the Metropolitan Airports Commission, 6040 28th Ave. S., Minneapolis 55450; (612) 726-1892.

EDUCATION BOARD has 1 vacancy open immediately for a member representing the first congressional district. The board sets statewide education policies for the department of education, and elementary and secondary schools and vocational technical institutes. Members are appointed by the Governor and confirmed by the Senate. Members must file with EPB. Monthly meetings; members receive \$35 per diem plus expenses. For specific information contact the Education Board, 712 Capitol Square Bldg., St. Paul 55101; (612) 296-2358.

TASK FORCE ON SCHOOL BUS SAFETY has vacancies for up to 13 members open immediately. One member from the Minnesota Safety Council, one from Dept. of Public Safety; one school administrator, and public members. Members are appointed by the Commissioner of Education. The task force shall study school safety and report its findings and recommendations to the Commissioner of Education and the education committees of the Legislature. For more specific information contact the Task Force on School Bus Safety, Gerald Pavek, Capitol Square Bldg., St. Paul 55101; (612) 296-2839.

PROGRAMS OF EXCELLENCE COMMITTEE has 15 vacancies open immediately for public members. The committee shall advise the Commissioner of Education about criteria for the programs and may review district applications as well as criteria

and applications for pupil selection. Members are appointed by the Commissioner of Education. For more specific information contact Programs of Excellence Committee, Dr. Donald Johansen, MDE Room 650, 550 Cedar St., St. Paul 55101; (612) 296-4055.

SCHOOL MANAGEMENT TASK FORCE has 13 vacancies open immediately for various education organizations and schools with teacher preparation programs. Members are appointed by the Commissioners of Education. The task force shall recommend to the Commissioner of Education about the types of and procedures for providing in-service training for principals as well as the establishment, operations, staffing and fees for an assessment center. Members will receive expenses in the same amount and manner as state employees. For more specific information contact School Management Task Force, Dr. Donald Johansen, MDE Room 650, 550 Cedar St., St. Paul 55101; (612) 296-4055.

ADVISORY COUNCIL ON BATTERED WOMEN has 2 vacancies open immediately. The advisory council is seeking applicants who are at least 60 years of age. Members are appointed by the Commissioner of Corrections. This advisory council advises the Dept. of Corrections on funding for emergency shelters and programs for battered women. Members are compensated for expenses. For more specific information contact the Advisory Council on Battered Women, Dept. of Corrections, 430 Metro Square Bldg., St. Paul 55101; (612) 296-6463.

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## STATE CONTRACTS

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

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

Commodities contracts with an estimated value of \$5,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers by calling 296-2513. If the appropriate buyer is not available, contact Harvey Leach or Barbara Jolly at 296-3779.

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## Department of Administration

### Request for Proposals to Provide Diagnostic and Referral Services for the State Employee Assistance Program

Notice is hereby given that the Department of Administration intends to engage the services of a contractor in each of the following areas to provide diagnostic and referral services for State employees and their dependents: Bemidji, Brainerd, Cambridge, Crookston, Duluth, Faribault/Owatonna, Fergus Falls, Grand Rapids, Mankato, Marshall, Rochester, St. Cloud, Virginia/Range, Willmar and Winona.

Contractors shall be expected to maintain full-staffed offices in each of the locations indicated to provide five-day-per-week service to clients.

Contractors also will be mandated to use \$500 of the contract amounts for local outreach activities, subject to approval by the program office.

The estimated amount of the contract in each of these areas will not exceed \$4,000. Responses must be received by June 18, 1984.

Direct inquiries to:

Warren C. Gahlon  
Director  
State Employee Assistance Program  
Suite 200, Summit National Bank Building  
205 Aurora Avenue  
St. Paul, MN 55103  
(612) 296-0765

## STATE CONTRACTS

### Department of Administration Procurement Division

#### Commodities Contracts Currently Open for Bidding

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
79-000-41805	Purchase of Analytical Stereoplotter System	Transportation	St. Paul	Contact buyer
07-500-29749	Operational Fixed Stations	Transportation-Electronic Communications	St. Paul	Contact buyer
26-074-09331, etc. Sch. 124-A	Cars Tungsten-Carbide Insert Snow Plow Cutting Edges	Various Transportation	Various Various	Contact buyer Contact buyer
01-000-03881	Water Heater & Supplies	Military Affairs	Little Falls	Contact buyer
22-500-00332-33	Office Furniture	Energy & Econ. Dev.	St. Paul	Contact buyer
29-001-07057	80 Lineal feet of Seawall Harbor Erosion Control—Zipple Bay State Park	Natural Resources Dept., Region I	Bemidji	Contact buyer
79-000-41991, 778010	Great River Rd Brochure	Transportation		Contact buyer
07-200-09711	Hazardous Material Vehicle	Public Safety	St. Paul	Contact buyer
79-000-41851	Used or New Asphalt Recycling Machine	Transportation	St. Paul	Contact buyer
02-410-43505, 07-300	REBID Share of Initial Stock Honeywell	ISB & Public Safety	St. Paul	Contact buyer
99-690-25635-36-37	Purchase of Personal Computer	Admin. Hearings	Same	Contact buyer
79-000-41842	Purchase of Plotter and Controller	Transportation	Same	Contact buyer
27-142-43360	Weight Lifting Equipment	Fergus Falls Community College	Fergus Falls	Contact buyer
24-000-08235	Purchase of Micro Computer	Employee Relations	St. Paul	Contact buyer
Contract	State Patrol Uniforms Addendum #1	State Patrol	Various	Contact buyer
07-500-29714	Winter Jackets Addendum #2	MN State Patrol	St. Paul	Contact buyer
21-602-83836, etc.	Wheel Chair Lift	Vocational Rehabilitation	Various	Contact buyer
79-000-41654 etc.	Tandem Trailers Addendum #1	Various	Various	Contact buyer
79-000-41823, etc.	Pick-Up Sweeper & Loader	Transportation	Various	Contact buyer
21-602-83836-etc	Wheel Chair Lift Addendum #1	Vocational Rehabilitation	Various	Contact buyer
79-150-00286	Concrete Pipe & Arch	Transportation	St. Paul	Contact buyer

Contact the receptionist at 296-2513 for referral to specific buyers.

### Housing Finance Agency

#### Request for Proposals for Administrators for the Urban Indian Housing Loan Program

The Minnesota Housing Finance Agency announces the availability of funding for the Urban Indian Housing Loan Program. Proposals are hereby solicited from all interested parties who are considered eligible "Administrators" by Minnesota Rule, Part 4900.1510.

The deadline for receipt of hand delivered proposals is 4:30 p.m., August 3, 1984. All other proposals must be sent by certified mail and postmarked no later than August 3, 1984.

The Urban Indian Housing Loan Program provides money for housing loan programs (home mortgage loans) for low and moderate income American Indians residing in urban areas of the state. Urban areas include the cities of Minneapolis, St. Paul, the suburban areas of the Twin City Seven County Metropolitan area, and the city of Duluth. (Though the City of Rochester is eligible under the statute, the size of the Indian population is so small that no set-aside may be established.)

There is currently \$750,000 available for the Urban Indian Housing Program. If the combined requested amount of approved proposals exceeds the amount of this appropriation, the money shall be allocated among the applicants on a prorated basis according to the Agency's allocation percentage of urban Indian programs.

Proposals must include:

1. Evidence of applicant eligibility as an "Administrator." This can be determined by examination of eligible "Administrator" criteria contained in the information packet described below.
2. The proposal program including the communities or areas to be served, population and need data for American Indians residing in the area and methods to be used to meet the identified needs.
3. A financial description of the program including the dollar amount of funds requested, types and terms of loans, the costs and method of program administration, and the source of funds with which state appropriated will be combined. Please note that evidence regarding the availability of this additional source of funds must be submitted with the proposal, and that said funds must be available as of the date of program commencement.
4. A description of the methods proposed to identify and select participants.
5. Evidence of administrative capacity to carry out the proposed program including resumes of personnel, a brief description of past performance which indicates previous housing experience.
6. The extent to which American Indians will be or are involved in the administration of the program and in the ownership, management and labor force of contractors or subcontractors intended to be employed in the program, if known.

All proposals will be evaluated by Agency staff in accordance with Minnesota Rules 4900.1560. Comments from the Urban Indian Advisory Council will be solicited and considered for each proposal. Any applicant submitting a proposal which meets the objectives of the Urban Indian Housing Loan Program and which the applicant determines is not best presented in the form of proposal required by this request may submit the proposal in any form desired, provided that the applicant also submits a proposal meeting the requirements of the request.

Complete proposal packets which contain specific information and instructions for proposal submission may be obtained from the Minnesota Housing Finance Agency, 333 Sibley Street—Suite 200, St. Paul, Minnesota 55101.

ATTN: Nancy Slattsveen, Housing Development Officer

## **Housing Finance Agency; and Department of Economic Security**

### **Request for Proposals for the Temporary Housing Demonstration Program**

The Minnesota Housing Finance Agency (MHFA) and the Minnesota Department of Economic Security (DES) request proposals from community action agencies or other public or private nonprofit agencies for projects to be funded under the Temporary Housing Demonstration Program. The MHFA and DES were each appropriated \$250,000 in funds to make grants.

The MHFA will be accepting proposals to acquire, construct or rehabilitate residential housing to be used to provide temporary housing for the homeless. The DES will be accepting proposals to initiate, maintain or expand programs which provide temporary housing and support services for the homeless. Applicants wishing to receive grants for both structural development and program expenses must submit separate applications to the MHFA and DES requesting the appropriate grants.

Applicants may request application packets by contacting staff at the MHFA or the DES. These staff may also be contacted to answer any questions or to clarify information contained in either the Request for Proposals or the application packet.

Minnesota Housing Finance Agency  
Suite 200, Nalpak Building  
333 Sibley  
St. Paul, MN 55101

(612) 296-9848

Minnesota Department of Economic Security  
Office of Economic Opportunity  
690 American Center Building  
150 E. Kellogg Boulevard  
St. Paul, MN 55101

(612) 296-4657

## STATE CONTRACTS

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A pre-proposal conference is scheduled to provide potential applicants with an opportunity to ask questions concerning the RFP/Application. The location and date is:

Monday, June 18, 1984  
1:00 p.m.  
Minnesota Housing Finance Agency  
5th Floor Conference Room

An original and two copies of the completed application must be sent by mail or hand-delivered to the appropriate addresses below. All applications must arrive no later than 5:00 p.m. on July 13, 1984.

Minnesota Housing Finance Agency  
Suite 200—Nalpak Building  
333 Sibley  
St. Paul, MN 55101

Minnesota Department of Economic Security  
Office of Economic Opportunity  
690 American Center Building  
150 E. Kellogg Boulevard  
St. Paul, MN 55101

Attention: Susan Haugen

Attention: Beverly J. Gleeson

An announcement of awards is expected in August of 1984.

This request for proposals is subject to all laws, rules and regulations promulgated by any federal, state and municipal authority having jurisdiction as the same and may be amended from time to time. MHFA reserves the right, in its sole discretion, to modify and/or to withdraw this RFP at any time. All applicants pursuant to this RFP are prepared at the sole risk, cost and expense of the applicant.

## Department of Human Services Health Care Programs Division

### Notice of Availability of Health Care Consultation Contract

The Department of Human Services intends to issue a consulting contract to a social worker with skills in vocational assessments and disability determinations to serve on the State Medical Review Team. The work site will be in Hennepin County and will be coordinated with a physician performing medical reviews.

The contract will be awarded by July 1, 1984 for a one year period and will not exceed \$16,640 annually.

The contract selection will be based on the candidate's experience, education, achievements, professional standing and his/her ability to meet the Department's level of work activity in a timely manner.

Proposals and inquiries should be directed to:

Thomas L. JoliCoeur, Supervisor  
Department of Human Services  
Health Care Programs Division  
Professional Services Section  
Space Center  
444 Lafayette Road  
St. Paul, Minnesota 55101  
(612) 296-8822

## Minnesota Historical Society

### Request for Proposals for Designer for Split Rock Lighthouse History Center to Architects Registered in Minnesota

Design firms who wish to be considered for this project should submit proposals before 2:00 p.m., June 28, 1984 to John Wood, Deputy Director, Minnesota Historical Society, 1500 Mississippi Street, St. Paul, Minnesota, 55101, telephone—612-296-0338.

Proposals must conform to the following:

1. Two copies of the proposal will be required.

2. The cover of the proposal must list the name of the project, the name of the firm and its legal status, and the name of the staff person who will be directly responsible for the project.

3. A list of design projects completed in the last five years. Project list should include projects done for agencies or institutions of the State of Minnesota, and/or projects of Interpretative Center like use anywhere in the country. Approximate fees associated with each project should be listed.

4. Include a graphic section containing photographs, plans and elevations of projects completed that the responsible person listed on the cover played a significant role in developing.

5. In accordance with the provisions of Minnesota Statutes, 1981 Supplement, Section 363.073: for all contracts estimated to be in excess of \$50,000, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted. Your proposal will not be accepted unless it includes one of the following:

- a) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
- b) A statement certifying that your firm has a current certificate of compliance issued by the Commissioner of Human Rights; or
- c) A statement certifying that your firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months.

#### **PROJECT**

Split Rock Lighthouse History Center

The proposed History Center will serve as a visitor information center for Split Rock Lighthouse Historic Site. The facility will consist of approximately 6,000 gross square feet. Site work, walkways and outside lighting are to be included in the project. It is anticipated that wood may be the source of fuel.

Total Planning Allocation: \$70,000

Estimated Construction Cost: \$900,000

Questions concerning this project may be referred to John Ferguson, Head Historic Sites Department, 612-726-1171.

## **St. Paul-Ramsey Medical Center**

### **Request for Proposals to Assist St. Paul-Ramsey Medical Center in the Development of a Strategic Plan and Appropriate Governance**

The St. Paul-Ramsey Medical Center, together with the Board of Ramsey County Commissioners and Ramsey Clinic Associates, P.A., and its governing body, the St. Paul-Ramsey Medical Center Commission, are requesting proposals for the purposes of assisting the Medical Center in determining the most appropriate governance structure for optimal operation of the Medical Center in the future, in revising its strategic plan, and in developing the process for future revisions of this plan.

#### **SCOPE OF PROPOSED STUDY**

The following should specifically be addressed through review and recommendations:

- Priority Grouping One:

1. The role and mission.
2. Most appropriate governance to be successful in a competitive environment.
3. Strategies for a teaching medical center in a competitive environment in which major competitors are not engaged in teaching.

- Priority Grouping Two:

1. Optimal relationship of involved major affiliated organizations such as Ramsey Clinic Associates, P.A., Board of Ramsey County Commissioners, etc.
2. Current and future programs to meet needs (including care of the indigent) and to be competitively and fiscally viable in a changing environment.
3. Management/organizational relationships necessary to successfully implement the strategic plan.

## STATE CONTRACTS

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This proposals calls for the review of existing data and assumptions as a basis for recommendations on the issues previously referenced. The following data sources will be made available if you are awarded the contract:

1. St. Paul-Ramsey Medical Center participated in late 1983 with its affiliated medical practice plan, Ramsey Clinic Associates, P.A., in the development of an environmental assessment report that includes national, Twin Cities and immediate service area data as well as medical center specific data and trends.

2. Ramsey Clinic Associates, P.A. has also just completed a strategic plan together with recommendations for a change in governance. Proposals should address a review of that report findings and recommendations and their impact on St. Paul-Ramsey Medical Center from an organizational, governance, financial and legal perspective.

3. St. Paul-Ramsey Medical Center will complete during May, 1984 a short-term financial plan for the Medical Center and a review of existing operational efficiencies. This material will provide the basis for revised operating practice and financial planning for the remainder of 1984 and into 1985 as the Medical Center adapts to prospective payment systems.

In addition, the proposal should also identify the necessary action steps that would be required to implement any resulting strategic plan and any changes in governance.

### CONTENT

Proposals should detail the approach to be taken to address the objectives and desired outcomes of this project. The proposed timeframe allowed for completion of the study and presentation of the final report is 90 days from the outset. If you are unable to meet this, please explain in your proposal your reasons for requesting an extension and its duration. Please include costs as well as the basis for the costs. A listing and description of similar projects should be included together with reference contacts.

Background information about your organization and the principals to be used in this assignment should be attached. Specific reference to experience with strategic planning and/or governance issues involving public or public teaching hospitals should also be addressed. Any experience with multispecialty group practices should be indicated. If outside financial and/or legal firms are used in conjunction with your work on similar projects, please include appropriate information about them.

Written proposals should be addressed to:

Mr. David W. Gitch, Executive Director  
St. Paul-Ramsey Medical Center  
640 Jackson Street  
St. Paul, MN 55101

Proposals should be received by June 28, 1984.

A Steering Committee comprised equally of representatives of the sponsoring organizations would approve consultant selection and assume responsibility for direction of the study. A technical advisory group consisting of representatives from each of the organizations will review all written proposals. Based on the written proposals, interviews may be scheduled. Recommendations will be submitted to the Steering Committee and at its direction, selected organizations may be invited to St. Paul for presentation of their proposed plan. The Steering Committee reserves the right to reject any or all proposals. Interviews with the Steering Committee and/or staff will be held at the discretion of the Steering Committee.

Mr. Richard Culbertson or Mr. David Gitch may be contacted c/o St. Paul-Ramsey Medical Center, (612) 221-2185, for clarification or to further discuss this request for proposals.

All proposals should contain references to permit access to records per Medicare regulations and a statement as to the organization's affirmative action program.

The value of the contract is approximately \$50-70,000.

## State Arts Board

### Submissions Sought from Artists for State Building Projects

The Minnesota State Arts Board, under the direction of the Department of Administration and in accordance with Minn. Stat. 16.321 (supp. 1983), is seeking submissions from artists for consideration in the purchase or commission of art for five state building projects.

Selection committees convened by the Minnesota State Arts Board will choose up to eight artists to develop models or maquettes for each of the specific sites; or to consider purchase of completed works where appropriate. A final recommendation will be made to the Arts Board from the models developed.

The following sites will be considered by the selection committee. The amount available for purchase or commission of art will not exceed the amount indicated for each project.

State Office Building (rehabilitation)	\$190,000
Rum River Rest Area	9,097
Baptism River Rest Area	6,200
Golden Valley MnDOT Office (addition)	9,800
Minnesota Correctional Facility, Shakopee	150,000

Artists should submit up to 20 slides of recent work and a current artistic resume. Artists may ask the Minnesota State Arts Board to keep these materials on file for consideration in building projects which will be chosen at a future date. Questions regarding submissions and selection should be addressed to the contact person at the Minnesota State Arts Board noted below.

Submit materials for consideration to:

John Maliga  
Minnesota State Arts Board  
432 Summit Avenue  
St. Paul, MN 55102  
612/297-2603 or 800/652-9747

Submissions to be considered for the projects listed above must be received by 4:30 p.m. June 29, 1984.

## State Designer Selection Board

### Request for Proposals for State Projects

TO ARCHITECTS AND ENGINEERS REGISTERED IN MINNESOTA:

The State Designer Selection Board has been requested to select designer for a number of State Projects. Design firms who wish to be considered for this project should submit proposals on or before 4:00 P.M., June 26, 1984, to George Iwan, Executive Secretary, State Designer Selection Board, Room G-10, Administration Building, St. Paul, Minnesota 55155-1495.

The proposal must conform to the following:

1. Six copies of the proposal will be required.
2. All data must be on 8½" × 11" sheets, soft bound.
3. The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 7 below, together with the designer's firm name, address, telephone number and the name of the contact person.
4. The proposal should consist of the following information in the order indicated below:
  - a) Number and name of project.
  - b) Identity of firm and an indication of its legal status, i.e. corporation, partnership, etc.
  - c) Names of the persons who would be directly responsible for the major elements of the work, including consultants, together with brief descriptions of their qualifications. If the applicant chooses to list projects which are relevant in type, scale, or character to the project at hand, the person's role in the project must be identified.
  - d) A commitment to enter the work promptly and to assign the people listed in "C" above and to supply other necessary staff.
  - e) A list of design projects in process or completed in the three (3) years prior to the date of this request for agencies or institutions of the State of Minnesota, including the University of Minnesota, by the firm(s) listed in "b" together with the approximate fees associated with each project.
  - f) A section of not more than fourteen (14) faces containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualification for the work. The graphic material must be identified. It must be work in which the personnel listed in "c" have had significant participation and their roles must be clearly described.

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

5. In accordance with the provisions of Minnesota Statutes, 1981 Supplement, Section 363.073; for all contracts estimated to be in excess of \$50,000, all responders having more than 20 full-time employees at any time during the previous 12 months must

## STATE CONTRACTS

have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted. Your proposal will not be accepted unless it includes one of the following:

- a) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
- b) A statement certifying that your firm has a current certificate of compliance issued by the Commissioner of Human Rights; or
- c) A statement certifying that your firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months.

6. Design firms wishing to have their proposals returned after the Board's review must follow one of the following procedures:

- a) Enclose a self-addressed stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded.
- b) Enclose a self-addressed stamped mailing envelope with the proposals. When the Board has completed its review, proposals will be returned using this envelope.

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

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

### 7a) PROJECT—16-84

Renovation of Education/Arts Building  
Bemidji State University  
Bemidji, Minnesota

**Project Scope:** Prepare plans for renovation of the Education/Arts Building.

**Purpose and Type of Project:** Rehabilitation of the building, constructed in 1950 as a Campus Laboratory School, is intended to provide facilities to properly accommodate the program requirements of the Art, Education and Anthropology departments and improvement of the building's energy efficiency.

**Site:** The Education/Arts Building is located on the Bemidji State University Campus, at the intersection of Birchmont Drive and 16th.

**Appropriation:** \$230,000.00 for the preparation of architectural plans and specifications—assume a total project cost of \$3,833,000.00 for construction and fees.

**Program Summary:** The Education/Arts Building contains 44,442 gross square feet. The following space allocation reflects current net assignable square footage—final plans will include the reconfiguration of classrooms, labs, and support areas.

TYPE OF SPACE	NUMBER	ESTIMATE SIZE/CAPACITY
Classroom	22	20,240 Sq.Ft.
Storage	21	3,355 Sq.Ft.
Office	24	4,751 Sq.Ft.
Bathroom	4	857 Sq.Ft.
Janitorial	3	145 Sq.Ft.
Mechanical	3	690 Sq.Ft.
Conference	2	474 Sq.Ft.
Student Work Room	2	295 Sq.Ft.
Art Gallery	1	1,515 Sq.Ft.
Loading Dock	1	293 Sq.Ft.

**Building Construction:** The Project involves planning the renovation of classroom, laboratories, offices, galleries and support space. This requires upgrading or replacing the exterior building envelope, and bringing the building into compliance with State Building Code.

**Architectural Responsibilities:** The architect shall be responsible for but not limited to, such tasks as: space programming, preparation of preliminary schematics and cost estimates, project design, and the preparation of final working drawings and specifications required for bidding.

**Architectural Fee:** Legislative appropriation assumed total fees at 6% of construction costs.

**Planning and Construction Schedule:** As appropriation of construction monies is anticipated in the 1985 Legislative Session, planning on this project should begin in the summer of 1984, so that construction can commence in the 1985 season.

**University Contact:**

Name: Tom Faecke  
Address: Room 349, Deputy Hall  
Bemidji, Minnesota 56601  
Phone: (218) 755-2012

**State University System Contact:**

Name: David Hardin  
Address: 555 Park Street, Suite 230  
St. Paul, Minnesota 55103  
Phone: (612) 296-6624

**7b) PROJECT—17-84**

**Roof Replacement**  
**St. Cloud State University**  
**St. Cloud, Minnesota**

**PROJECT SCOPE:** Design and replace roofs on Stewart Hall, Halenbeck Hall, Headley Hall, Thomas J. Gray Building, and Business Building.

**Purpose and Type of Project:** This project is intended to maintain building integrity, eliminate water leakage and reduce energy consumption. Four of the roofs are scheduled for replacement are in excess of twenty years of age and the other is fifteen years—they all show signs of significant deterioration and are leaking. Moisture meter tests indicate substantial amounts of moisture are present.

**Site:** The five buildings involved in this project are on the St. Cloud State University campus—their specific locations are:

- Halenbeck Hall—corner of Tenth Street and Third Avenue South, southwest corner.
- Thomas J. Gray Building/Computing and Engineering Center—corner of Tenth Street and Third Avenue South, northeast corner.
- College of Business Building—adjacent to the Mississippi River on Eighth Street South.
- Stewart Hall—center of campus adjacent to the Mississippi River on what would be First Avenue and Seventh Street South.
- Headley Hall—corner of Eighth Street and Third Avenue South, northeast corner.

**Appropriation Including Fees—\$518,000.00 for construction and fees.**

**Program Summary:** The square footage of the roof surfaces is:

Halenbeck Hall	—	60,100 square feet
Headley Hall	—	2,815 square feet
Stewart Hall	—	17,780 square feet
Thomas J. Gray Building	—	54,300 square feet
College of Business Building	—	13,100 square feet
TOTAL	—	148,095 square feet

**Building Construction:** The University proposes that insulation be applied over the existing membrane, which would then be covered by a single ply rubber membrane system ballasted with rock. The institution had excellent experience with single ply, rock ballasted roof systems and for this reason prefers to continue using this type of roof surface.

The existing roofs have traditional built-up construction—each of the buildings have a considerable amount of mechanical equipment installed on the roofs. Walkways will need to be provided for equipment service. Halenbeck Hall houses two of the University's swimming pools and special attention will be required to assure proper ventilation and avoid moisture building. Because of the continuing importance of energy conservation, it is intended that the design will exceed current insulating standards.

**Architectural Responsibilities:** The architect shall be responsible for designing replacement roofs, estimating individual project costs, plans, specifications, bid documents, bid evaluation, approval of shop drawings and project supervision. The architect will also, with the owner's approval, prepare change orders, authorize payments and approve completion of the project.

**Architectural Fee:** Legislative appropriation assumed fees at 6% of construction costs.

# STATE CONTRACTS

**University Contact:**

<p>Name: William Radovich, Vice President for Administrative Affairs</p> <p>Address: St. Cloud State University St. Cloud, Minnesota 56301</p> <p>Phone: (612) 255-2286</p>	<p>Bernard Lundstrom Director, Aux. Serv. St. Cloud State University St. Cloud, Minnesota 56301 (612) 255-2266</p>
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**State University System Contact:**

Name: David Hardin  
Address: 555 Park Street, Suite 230  
St. Paul, Minnesota 55103  
Phone: (612) 296-6624

**7c) PROJECT—18-84  
Chilled Water Air Conditioning Loop  
St. Cloud State University  
St. Cloud, Minnesota**

**PROJECT SCOPE:** Design and install chilled water air conditioning loop.

**Purpose and Type of Project:** This project is intended to interconnect six separate building air conditioning systems for the purpose of increasing operating efficiency, improving load control and reducing energy consumption. These objectives are to be achieved by using the existing steam absorpsion chiller/air conditioners that are often under-utilized in cooling only one building. The buildings involved are:

- Centennial Hall
- Math-Science Building
- Administrative Services
- Atwood Memorial Center
- Performing Arts
- College of Business

The air conditioners in Centennial, Math-Science, and Administrative Services are all absorber type, while the units at Atwood, Performing Arts and Business are electrical centrifugal units.

**Site:** The 65,000 square foot Thomas J. Gray Building is located on the northeast corner of Tenth Street and Third Avenue South in St. Cloud, Minnesota.

**Appropriation Including Fees—\$745,000.00 for construction and fees.**

**Program Summary:** The buildings to be interconnected are equipped with eight chiller units having the following sizes and capacities:

Building	Function	Square Feet	No./Chillers	Size/Chiller
Centennial	Library	161,939	1	725 ton
Math-Science	Mathematics, sciences (biology, chemistry, etc.)	149,308	1	540 ton
Administrative Services	Administrative offices	59,545	1	210 ton
Atwood Center	Student Union	122,842	3	150 ton 140 ton 110 ton
Performing Arts	Theater, Music, recital halls	78,674	1	250 ton
College of Business	Business Classrooms and offices	47,375	1	118 ton

**Building Construction:** The campus has a tunnel system which can be utilized to service Math-Science, Atwood Center, the College of Business, and Performing Arts. Direct burial will be required for Centennial and Administrative Services.

While this project is based upon using a central chilled water loop serving units in a number of buildings, rather than a central

plant, planning of the system should allow for a central plant operation in the future. Operating flexibility has high priority—system operation should require only limited staffing. Central control and monitoring of the system is required.

**Consultant Responsibilities:** The consultant will be responsible for system research and design, preliminary schematics, cost estimates, working drawings, specifications, bid documents, bid evaluation, evaluation of shop drawings, and project supervision. The consultant will also, with the owner's approval, prepare change orders, authorize payments and approve completion of the project. (Because this is primarily a mechanical project involving only limited construction, consideration should be given to appointing an engineering firm to design and direct the project).

**Architectural Fee:** Legislative appropriation assumed fees at 6% of construction costs.

**Project Schedule:**

—Consultant Contract	—July	1984
—Preliminary schematics and cost estimates	—October	1984
—Preparation of work drawings and bid document	—December	1984
—Contract Award	—February	1985
—Completion of tunnel pipe	—June	1985
—Completion of direct burial	—July	1985

**University Contact:**

Name:	William Radovich, Vice President Administrative Affairs	Bernard Lundstrom, Director, Aux. Serv.
Address:	St. Cloud State University St. Cloud, Minnesota 56301	St. Cloud State University St. Cloud, MN 56301
Phone:	(612) 255-2286	(612) 255-2266

**State University System Contact:**

Name: David Hardin  
Address: 555 Park Street, Suite 230  
St. Paul, Minnesota 55103  
Phone: (612) 296-6624

**7d) PROJECT—19-84**

**Exterior Renovation of Sattgast Hall**  
Bemidji State University  
Bemidji, Minnesota

**PROJECT SCOPE:** Renovate the exterior and plan for the rehabilitation of Sattgast Hall.

**Purpose and Type of Project:** This project consists of two parts: 1)

- Correction of exterior brick movement and moisture penetration, and improvement of the building's energy efficiency
- Planning of interior rehabilitation for the purpose of correcting health and safety problems and reconfiguring classrooms, laboratories, offices and support space for the Department of Biology, Chemistry, Physics, Environmental Studies, Geology, and Medical Technology.

The building was constructed in 1962 to house the science programs. Since completion of construction 22 years ago, the exterior cavity walls have been penetrated by water, and there has been extensive brick movement causing structural problems as well as the deterioration of the windows.

New programs have been added to the science curriculum causing crowding in all areas of the building. The renovation of both the exterior and interior will preserve the integrity of the building and will provide a better utilization of space.

**Site:** Sattgast Hall is located in the center of the Bemidji State campus on the shore of Lake Bemidji.

**Appropriation:** \$1,050,000.00 for both phases of the project—renovation of the exterior estimated at \$850,000.00 and \$200,000.00 for planning of the interior rehabilitation.

**Program Summary:** Sattgast Hall contains 56,000 gross square feet. The following allocation reflects the current space assignment—final plans may provide for the reconfiguration of existing classrooms, labs, offices, and support areas.

# STATE CONTRACTS

Type of Space	Number	Estimate Size/Capacity
Mechanical	5	3,394 NASF total
Preparation	8	1,845 NASF total
Classroom	15	13,382 NASF total
Office	33	4,745 NASF total
Storage	3	1,560 NASF total
Laboratory	11	9,022 NASF total
Computer	2	255 NASF total
Restroom	2	475 NASF total
Janitor	2	212 NASF total
Shop	1	248 NASF total
Research	12	1,450 NASF total
Dark Room	1	84 NASF total
Walk in Cooler	1	64 NASF total
Green House	1	490 NASF total

**Building Construction:** Planning should allow the removal and replacement of existing brick, windows, and the curtain walls at the east and west ends of the building, the installation of new footings, retaining walls, expansion joints, and concrete slabs at the west end of the building and the insulation of new entry doors.

Planning the renovation of the interior will include the reconfiguration of existing classrooms, labs, offices, and storage to accommodate the needs of the various science departments.

For additional information, see "*Sattgast Hall Restoration*", a consulting report by Peterson, Clark and Associates, Incorporated Architects, on file at the State University Board Office.

**Architectural Responsibilities:** For the rehabilitation of the exterior, the architect shall be responsible for project design, working drawings and specifications, all necessary bid documents, contract documents, supplemental agreements, change orders, supervision, approval of pay requests, and final inspection.

For planning renovation of the interior, the architect shall be responsible for space programming, preparation of preliminary schematics and cost estimates, project design, and the preparation of final working drawings and specifications.

**Architectural Fee:** Legislative appropriation assumed fees at 6% of construction costs.

**University Contact:**

Name: Tom Faecke  
Address: Room 349, Deputy Hall  
Bemidji, Minnesota 56601  
Phone: (218) 755-2012

**State University System Contact:**

Name: David Hardin  
Address: 555 Park Street, Suite 230  
St. Paul, Minnesota 55103  
Phone: (612) 296-6624

Roger D. Clemence, Chairman  
State Designer Selection Board

## Department of Veterans Affairs

### Contracts Available—Fiscal Year 1985 (8 Medical, Dental, Optical, Nutrition, Podiatry, and Chaplain Contracts)

In accordance with Minn. Stat. § 16.0981, the Department of Veterans Affairs is publishing notice that the contracts listed below are available and will be awarded for Fiscal Year 1985 (July 1, 1984 to June 30, 1985).

**A. Minnesota Veterans Home—Minneapolis**

1. The Veterans Home—Minneapolis intends to engage the services of licensed individuals (where applicable) to

provide various medical and related services to the residents of the facility. The estimated amount of the individual contracts are outlined below:

a. Dental Services	\$25,000
b. Chaplain Services (Catholic)	\$ 6,000
c. Optical/related Services	\$ 3,000
d. Medical Services	\$43,000

2. The Veterans Home intends to engage services of licensed individuals (where applicable) to provide services to the residents of the Minneapolis and Hastings facilities. The estimated amounts of the contracts are as follows:

a. Dietician	\$13,000
b. Podiatry Services	\$ 6,500

3. Inquiries and formal expressions of interest in the proposed contracts outlined above should be submitted by June 15, 1984 to:

Francis W. Singer, Administrative Management Director  
Veterans Home—Minneapolis  
51st Street and Minnehaha Avenue  
Minneapolis, Minnesota 55417

**B. Minnesota Veterans Home—Hastings**

1. The Veterans Home—Hastings intends to engage the services of licensed individuals to provide various medical and related services to the residents of the facility. The estimated amount of the individual contracts are outlined below:

a. Medical/Physician Services	\$20,000
b. Dental Services	\$17,000
c. Optical/Related Services	\$ 3,500

2. Inquiries and formal expressions of interest in the proposed contracts outlined above should be submitted by June 15, 1984 to:

Roger Lindgren, Accounting Supervisor  
Veterans Home—Hastings  
1200 East 18th Street  
Hastings, Minnesota 55033

## **Waste Management Board**

### **Request for Proposals to Develop Hazardous Waste Collection and Transportation Services**

#### **I. BACKGROUND**

##### **A. Introduction**

The Minnesota Waste Management Board is required under Laws of Minnesota 1984, Chapter 644, Section 13 to request proposals for the development and operation of a statewide system of commercial collection and transportation services for hazardous waste especially designed to serve smaller Minnesota businesses and generators of small quantities of hazardous waste. The design and operation of the system should be consistent with the policies of the Minnesota Waste Management Act (Minn. Stat. Ch. 115A) and the Board's Hazardous Waste Management Plan. The policies of the Board, as expressed in the Waste Management Plan, are intended to improve waste management in Minnesota in a manner that will reduce reliance on land disposal, reduce risks to public health and the environment, and ensure that waste management services are available to all generators who need them—especially small quantity generators. Currently there is no comprehensive, statewide hazardous waste collection and transportation system available in the state.

The goal of this Request for Proposal (RFP) is to encourage and assist developers in the establishment of a statewide commercial hazardous waste collection and transportation system to serve generators of hazardous waste in Minnesota. The program will also help identify constraints which may hinder or prevent the development and operation of such facilities and the

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actions that could be taken by state and local governments or the private sector to overcome these constraints. The first phase of the statewide system must be in operation by July 1, 1985.

Grant money is available through the Board's development grant program to assist in developing facilities and services proposed by respondents to this RFP. The Board will make only one grant of up to \$350,000 for this purpose. The grant may require matching funds of up to ten percent. To be eligible for the grant, respondents must complete the prescribed grant application form and include it with their response to this RFP. This form will be available from the Board in July, 1984. The proposed grant rules are available upon request from the Board. Both the proposal and the grant application will be used by the Board to evaluate the proposer's eligibility for a grant.

### B. Other Available Assistance

The state of Minnesota has established a number of programs designed to assist the development of commercial hazardous waste processing, collection, and transportation facilities and services. These programs may be available to persons responding to the RFP.

1. Sites. The Board has designated an inventory of preferred areas for hazardous waste processing and collection facilities. The inventory consists of thirteen areas in the seven county Twin Cities metropolitan area, and eight areas outside of the Twin Cities. The "preferred areas" which range in size from approximately 85 to 1870 acres are located in industrially zoned or planned districts. The Board also may accept and evaluate additional sites for this inventory if application is made by the owner of the property.

Firms wishing to develop a processing or collection facility in a preferred area are eligible to take advantage of the Board's supplementary review process. Supplementary review is a procedure which allows the Board to review proposed processing or transfer/storage facilities that have received Minnesota Pollution Control Agency permits but have been denied approval by the local political subdivision. The Board can consider the issues and decide whether or not the facilities should be established. The Board's decision may override or uphold any local disapproval.

Generally, a developer of a collection facility within a "preferred area" must acquire the site property. There are, however, some very limited circumstances under which the Board could acquire a site on behalf of a developer. Development of hazardous waste processing facilities is not precluded from areas not on the inventory of preferred areas. More information on the inventory of preferred areas and the supplementary review process is available from the Waste Management Board.

### 2. Development grants

In addition to the \$350,000 grant available under this program, grants of up to \$50,000 may be available to proposers under a general development grant program. These grants are intended to assist developers of hazardous waste processing facilities and services. The rules for administering these grants have been published in the *State Register* and should be adopted in July, 1984. The Board will accept applications for both grant programs between July and September 1, 1984.

Grants may be made for market assessments, conceptual design and preliminary engineering, financial and business planning, site analysis, environmental review, permit preparation, analysis of methods to eliminate development constraints, and analysis of other factors affecting development, operation and use of a facility or service. Applicants submitting proposals under this RFP may also apply for a development grant. The proposed grant rules currently being developed may give preference in awarding the grants to respondents to the Board's RFPs. The Board may make more than one grant for a single project if the results of a previous grant justify additional work.

3. RFP for development of processing facilities and services. The Board, simultaneous with this RFP, is issuing an RFP for development and operation of processing facilities. Proposals for a wide range of hazardous waste processing facilities and appurtenant collection services are being sought under that RFP. There is no state financial assistance directly available under that program.

4. Hazardous waste collection and processing facility loans. The Minnesota Energy and Economic Development Authority is administering a program of loans for capital improvements and equipment needed for the development of hazardous waste collection and processing facilities. Loan applications must be made to the Authority. The Board must certify that loan applications are consistent with Board policies before the Authority can make a loan. Rules are currently being developed which may allow the Board to give preference to qualified loan applicants who have also responded to the Board's RFPs.

5. Planning information. The Board has prepared or compiled a number of documents on hazardous waste management in Minnesota including a Hazardous Waste Management Report, a report on Mitigation and Compensation, a report on hazardous waste processing facilities, and a Hazardous Waste Management Plan. These documents provide background information on the volumes and types of hazardous waste generated in Minnesota and the policies and objectives of the state in

regard to waste management. A thorough understanding of these documents is essential to the preparation of a proposal under this program. These and other planning documents are available upon request from the Waste Management Board.

**B. Possible Future Actions and Assistance**

The Board will evaluate the response to this RFP and report to the Legislature. Based upon that report and any recommendations made by the Board, the Legislature may take actions to help alleviate any barriers to the development of hazardous waste collection and transportation services identified by the Board. Respondents to this RFP may be eligible for future assistance under any new programs which may be enacted.

**II. PROJECT REQUIREMENTS**

The purpose of this program is to assist the development of a commercial collection and transportation service for hazardous waste especially designed to serve smaller businesses and generators of small quantities of hazardous waste that have difficulty securing effective and reliable waste management services.

A. Proposed projects must include the following elements which are available statewide at reasonable cost to all generators who wish to use it:

- (1) a collection service;
- (2) assistance to clients about on-site waste management;
- (3) a shipping coordination service, which may include transfer and temporary storage and bulking facilities and computerized inventory tracking capabilities, as the proposer deems appropriate and necessary to provide efficient and reliable combined shipment of wastes from generators to processing and disposal facilities;
- (4) a brokerage service to ensure acceptance of wastes at appropriate processing and disposal facilities.

B. Projects must offer delivery of services in stages commencing no later than July 1, 1985.

C. Projects should offer all of the elements described in A above on a statewide basis by July 1, 1988, or the proposer must state the reasons why this schedule cannot be met.

**III. PROPOSAL CONTENTS**

Proposals must describe the proposed facility or service to be developed and demonstrate how it would contribute in a significant way to the amount of collection and transportation service capacity available in the state, and the reduction of risk to public health and safety and the environment that will be achieved by the operation of the service.

A. The proposal should include the following information to the extent possible. If the information is not currently available the proposal must specify how it will be developed. The proposer must clearly indicate what work needs to be done to lead to the development and operation of the service.

1. The quantity and types of waste to be managed and the number and geographic distribution of generators to be served. This should include a schedule for developing and commencing operation of the facility or services in all parts of the state and covering all waste types. The type and geographic extent of the service must be specified and interim dates and performance standards must be indicated for six month increments from July 1, 1985 through the date by which the service will be fully operational. These performance standards should include the level of service available in various parts of the state, the number and percent of generators served, frequency and accessibility of the service, and other standards considered appropriate by the proposer. If the service will not be available by July 1, 1988, the proposer must state the reasons why it will not be fully operational.

2. A description of any waste types or generators which the project would not propose to serve and an explanation of why. The proposed service should manage as comprehensive a range of wastes, from as many generators, as possible.

3. The technical specifications of the proposed facilities or service including the processes that will be used, the types, volume, and proposed disposition of the waste, and a description of any anticipated adverse environmental effects resulting from operation of the system.

4. Recommendations on the usefulness of local or regional associations of generators to increase the efficiency and reliability of the services.

5. Recommendations on processing facilities, including mobile modular processing units, that would complement the collection and transportation system.

6. The requirements of the site or sites needed to develop and operate the facility or service and the likelihood that a suitable site or sites will be available for the facility or service. The Board has designated an inventory of preferred areas for processing and collection facilities which is described in Section I.

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7. Projections of the costs and revenues of the facility or service, the types and numbers of generators who will use it, and the fee structure and estimated user charges necessary to make the facility or services economically viable.

8. The financial, technical, institutional, legal, regulatory, and other constraints that may hinder or prevent the development or operation of the facility or service and the actions that could be taken by state and local governments and the private sector to overcome those constraints.

9. How the system would accommodate generators of different sizes, and whether the collection of wastes generated at the household level is feasible as part of the service.

10. Other factors which the proposer believes must be addressed in order to assure development of the project.

B. The proposal must describe the technical, managerial, and financial qualifications and experience of the proposer in analyzing, developing, and operating facilities and services similar to the type proposed; and the qualifications of the proposer to conduct the specific work for which the grant money would be used.

C. The proposal must specify the purpose and total cost of the work to be done with the grant money and demonstrate that the proposed work is necessary for development and operation of the proposed service.

D. The proposal must indicate the amount of matching funds, up to 10% of the grant amount, which the proposer is able to provide. Inability of the applicant to provide matching funds will not necessarily disqualify a proposal from consideration.

### IV. PROPOSAL COSTS ELIGIBLE FOR FUNDING

A. Eligible uses of the grant are limited to the costs of conducting the following studies or analyses necessary for the development and operation of the proposed service:

1. market assessment, including generator surveys;
2. conceptual design and preliminary engineering;
3. financial and business planning necessary to address sources of funding, financial security, liability, pricing structure, and similar matters necessary to the development and proper operation of a facility or service;
4. environmental impact and site analysis, preparation of permit applications, detailed design and engineering, and environmental and permit reviews;
5. analysis of methods to eliminate identified technical, institutional, legal, regulatory, market, or other problems in developing or operating a facility or service; and
6. analysis of other factors affecting development, operation, and use of the proposed facility or service.

B. Grant money awarded through this program may not be spent for capital improvements or equipment.

### V. PROPOSAL EVALUATION AND AWARDING OF GRANTS

A. In evaluating each proposal the Board will consider the following:

1. How the proposal addresses the factors under parts II and III of this RFP
2. The overall likelihood that the proposed service will be developed.
3. The schedule for developing and commencing operation of the service. Preference in evaluating proposals may be given to projects that will be fully operational by July, 1988.
4. The qualifications and commitment of the proposers to carry out the work and develop and operate the proposed service
5. The importance of the proposed work to the eventual development and operation of the proposed service
6. The factors specified in Laws of Minnesota 1984, Chapter 644, Section 11, subd. 3 (see appendix A) and in rules to be adopted by the Board governing the development grant program.

B. The Board, if it deems appropriate after evaluating the proposals, will award the grant by November 1, 1984. The Board may issue additional requests for proposals in the future.

### VI. SUBMISSION OF PROPOSALS

Four copies of each proposal must be received by the Board on or before 4:30 p.m., Friday, August 31, 1984. The proposals must be signed by an authorized member of the proposing group. Proposals should be sent to Andrew Datko at the address indicated below.

**VII. WASTE MANAGEMENT BOARD CONTACT**

Questions regarding this RFP should be directed to:

Andrew Datko, or Tom Johnson, or Jerry Johnson at the  
Minnesota Waste Management Board  
123 Thorson Center  
7323 58th Avenue North  
Crystal, Minnesota 55428  
phone—(612) 536-0816

**Waste Management Board****Request for Proposals to Develop Hazardous Waste Processing Facilities and Services****I. BACKGROUND****A. Introduction**

The Minnesota Waste Management Board is required under Laws of Minnesota 1984, Chapter 644, Section 12 to request proposals for the development of commercial hazardous waste processing and collection facilities and services that offer the greatest possibility of achieving the policies and objectives of the Board's waste management plan including the goal of reducing the need for and practice of disposal.

The policies of the Board, as expressed in the waste management plan, are intended to improve waste management in Minnesota in a manner that will reduce reliance on land disposal, reduce risks to public health and the environment, and ensure that waste management services are available to all generators who need them—especially small quantity generators. Currently there are no widely available commercial hazardous waste processing facilities in the state.

The goal of the Board's Request for Proposal (RFP) program is to encourage the establishment of commercial hazardous waste processing and collection facilities and services to serve generators of hazardous wastes in Minnesota. This program will also help identify constraints which may hinder or prevent the development and operation of such facilities and identify the actions that could be taken by state and local governments or the private sector to overcome these constraints.

With the exception of proposals to develop hazardous waste collection facilities and transportation services, there is no financial assistance directly available from the Board to persons who respond to this RFP. This RFP is not an offer of any contract, nor a commitment to offer any grant or other assistance to any proposer. There is, however, financial and other assistance available to proposers from the Board and other state agencies under separate but related programs. Respondents proposing to develop a statewide hazardous waste collection and transportation system are eligible for a special development grant. A description of available assistance to proposers follows.

**B. Available Assistance**

The State of Minnesota has established a number of programs designed to assist the development of commercial hazardous waste processing, collection, and transportation facilities and services. These programs may be available to persons responding to this RFP.

1. Sites. The Board has designated an inventory of preferred areas for hazardous waste processing and collection facilities. The inventory consists of thirteen areas in the seven county Twin Cities metropolitan area, and eight areas outside of the Twin Cities. The "preferred areas" which range in size from approximately 85 to 1870 acres are located in industrially zoned or planned districts. The Board also has authority to accept and evaluate additional sites for this inventory if application is made by the owner of the property.

Firms wishing to develop a processing or collection facility in a preferred area are eligible to take advantage of the Board's supplementary review process. Supplementary review is a procedure which allows the Board to review proposed processing facilities that have received Minnesota Pollution Control Agency permits but have been denied approval by the local political subdivision. The Board can consider the issues and decide whether or not the facilities should be established. The Board's decision may override or uphold any local disapproval.

Generally, a developer of a processing or collection facility within a "preferred area" must acquire the site property. There are, however, some very limited circumstances under which the Board could acquire a site on behalf of a developer. Development of hazardous waste processing facilities is not precluded in areas not on the inventory of preferred areas. More information on the inventory of preferred areas and the supplementary review process is available from the Waste Management Board.

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### 2. Development grants

Grants of up to \$50,000 are available to eligible proposers from the Board under a separate program established to assist developers of hazardous waste processing and collection facilities and services. Proposed rules for administering these grants have been published in the *State Register* for May 29, 1984, and should be adopted in July, 1984. The Board will accept grant applications between July and September 1, 1984. Grants may be made for market assessments, conceptual design and preliminary engineering, financial and business planning, site analysis, environmental review, permit preparation, analysis of methods to eliminate development constraints, and analysis of other factors affecting development, operation and use of a facility or service. Any person responding to this RFP may apply for a development grant. The grant program rules currently being proposed give preference in awarding the grants to respondents to the Board's RFPs. The Board may make more than one grant for a single project if the results of a previous grant justify additional work on the project.

3. RFP for collection facilities and transportation services. The Board, simultaneous with this RFP, is issuing an RFP for the development of a statewide hazardous waste collection and transportation system. Respondents to that RFP are eligible for a development grant of up to \$350,000. This grant is intended to assure that operation of at least the first phase of a statewide collection and transportation system begins by July 1, 1985.

4. Hazardous waste processing facility loans. The Minnesota Energy and Economic Development Authority administers a program of loans for capital improvements and equipment needed for the development of hazardous waste collection and processing facilities. Loan applications must be made to the authority. The Board must certify that loan applications are consistent with Board policies before the authority can approve an application and make a loan. Rules are currently being developed which may allow the Board to give preference to qualified loan applicants who have also responded to the Board's RFPs.

5. Planning information. The Board has prepared or compiled a number of documents on hazardous waste management in Minnesota including a Hazardous Waste Management Report, a report on Mitigation and Compensation, a report on hazardous waste processing facilities, and a Hazardous Waste Management Plan. These documents provide background information on the volumes and types of hazardous waste generated in Minnesota and the policies and objectives of the state in regard to waste management. A thorough understanding of these documents is essential to the preparation of a proposal under this program. These and other planning documents are available upon request from the Waste Management Board.

6. Tax incentives. The Minnesota Legislature, in 1984, enacted several tax incentives designed to encourage development of resource recovery for both solid and hazardous waste. Copies of the law establishing these tax incentives are available from the Board.

a. Resource recovery equipment credit. A credit of 10 percent of the net cost of equipment used for processing waste of a resource recovery facility may be deducted. (1984 Minn. Law Ch. 644 § 52.)

b. Pollution control equipment credit. Five percent of the net cost of equipment used primarily to abate or control pollutants to meet or exceed state laws, rules, or standards, or equipment used primarily to reduce the generation of hazardous waste may be tax deductible. (1984 Minn. Laws Ch. 644, § 53.)

c. Sales tax exemption. The sale of equipment used for processing solid or hazardous waste at a resource recovery facility, as defined by state law, is exempt from the state sales tax. (1984 Minn. Laws Ch. 644 § 55, subd. 1, part aa.)

### B. Possible Future Actions and Assistance

By January 1, 1985, the Board must evaluate the responses received to this RFP and report to the Minnesota Legislature. Based upon that report and the Board's recommendations, the Legislature may take actions to help alleviate any barriers to the development of hazardous waste processing facilities or collection services identified by the Board. Respondents to this RFP may be eligible for future assistance under any new programs which may be enacted.

## II. Eligible Projects

The Board requests proposals for the development of the following types of commercial facilities or services which the Board has determined are needed to meet the policies and objectives of the Hazardous Waste Management Plan. The following facility types are identified in the Hazardous Waste Management Plan and are described in that document.

A. Aqueous Treatment Facility. This facility would primarily treat oil/water mixtures, aqueous solutions with organic acids, heavy metal solutions, and sludges. It may involve biological treatment, carbon adsorption, chemical pesticide treatment, oil-water separation, emulsion breaking, dewatering, physical-chemical treatment, and alkaline chlorination.

B. Centralized recovery facility for metals. This facility would primarily treat heavy metal solutions and solid inorganic residuals from industrial processes. Technologies used at this facility would likely include acid recovery or neutralization, ion exchange, electrolysis, wet chemical metal recovery, and metal recovery. The Board has previously funded initial feasibility studies for this type of facility.

C. Waste Oil refining. This facility would refine waste oils for reuse.

D. Fuel Blending. This facility would process waste oils and solvents through fuel blending and filtration techniques.

E. Solvent Recovery. This facility would treat solvents through distillation and extraction methods.

F. Incinerator. This facility would manage a variety of organic wastes by thermal destruction, and would be developed in conjunction with other treatment processes. The Board is *not* requesting proposals for a freestanding, large-scale incinerator. The State of Minnesota, through a separate program administered by the State Planning Agency, has already initiated an RFP program for a large scale incineration and treatment facility.

G. PCB Destruction. This facility would chemically dehalogenate PCB contaminated oils.

H. Other Facilities. The Board will accept proposals to develop facilities using other technologies which would manage a significant quantity of Minnesota's hazardous wastes, or wastes which pose particular management problems, and which would contribute in a significant way to improving waste management practices in the state.

A proposal may include a combination of any of the above facilities. A proposal may also include a collection-transportation-storage-transfer system to serve the facility. Proposals to specifically develop a statewide hazardous waste transportation and collection system are being solicited concurrently by the Board under a separate RFP.

### III. Proposal Contents

A. Proposals must demonstrate how the proposed facility would contribute in a significant way to the amount of hazardous waste processing capacity available in the state, to the reduction of risk to public health and safety and the environment and to the reduction of the need for and practice of land disposal of hazardous wastes.

B. The proposals must contain the following information:

1. the quantity and types of hazardous waste to be managed and the number and geographic distribution of generators to be served;

2. the technical, managerial, and financial qualifications and experience of the proposer in developing and operating facilities and services of the type proposed;

3. the technical specifications of the proposed facility or service including the processes that will be used, the amount and types of hazardous waste that are expected to be managed, the types, volume, and proposed disposition of residuals, and a description of anticipated adverse environmental effects of the facility;

4. the requirements of the site or sites needed to develop and operate the facility or service and the likelihood that a suitable site or sites will be available for the facility or service;

5. projections of the costs and revenues of the facility or service, the types and numbers of generators who will use it, including an estimate of the number of out-of-state generators and the quantity of waste from other states, if any, and the fee structure and estimated user charges necessary to make the facility or services economically viable;

6. the schedule for developing and commencing operation of the facility or service; and

7. the financial, technical, institutional, legal, regulatory, and other constraints that may hinder or prevent the development or operation of the facility or service and the actions that could be taken by state and local governments and the private sector to overcome those constraints.

C. The information provided in the proposal must be based on current and projected market conditions, hazardous waste streams, legal and institutional arrangements, and other circumstances specific to the State of Minnesota.

### IV. Submission of Proposals

Four copies of each proposal must be received by the Board on or before 4:30 p.m., Thursday, November 1, 1984. Proposals should be sent to Andrew Datko at the address indicated below. The Board may issue additional requests for proposals in the future.

### V. Waste Management Board Contact

Responses and questions regarding this Request for Proposal should be directed to:

Andrew Datko, Tom Johnson, or Jerry Johnson at the  
Minnesota Waste Management Board  
123 Thorson Center  
7323 58th Avenue North  
Crystal, Minnesota 55428  
(612) 536-0816

# SUPREME COURT

## Decisions of the Court of Appeals Filed Tuesday, May 22, 1984

### Compiled by Wayne O. Tschimperle, Clerk

C6-83-1751 **Allen Berry v. Raymond Goetz, Appellant. Hennepin County.**

Where the only evidence is the conflicting testimony of the parties, the trial court's findings will not be disturbed except in the most unusual circumstances.

The trial court did not abuse its discretion by denying appellant's motion for a new trial.

Affirmed. Popovich, C.J.

C4-84-88 **LeGrand Supper Club, Relator, v. Lucille V. Seline, et al., and Commissioner of Economic Security. Department of Economic Security.**

The record shows sufficient evidence to support the Commissioner of Economic Security's conclusion that individual respondents were employees of relator LeGrand Supper Club and, therefore, entitled to unemployment compensation.

Affirmed. Popovich, C.J.

C0-83-1485, C0-84-282 **Dana Donrief Qualley, Appellant, v. Commissioner of Public Safety, (C0-83-1485). Lawrence Alan Yost v. Commissioner of Public Safety, Appellant (C0-84-282). Hennepin and Ramsey Counties.**

When a hearing request is not filed within the 30-day statutory period following the notice of revocation of a driver's license pursuant to the implied consent law, Minn. Stat. § 169.123, subd. 5 (1982), a trial court is without jurisdiction to order a post-revocation hearing under § 169.123, subd. 5c.

No. C0-83-1485 is Affirmed, and C0-84-282 is Reversed.

Parker, J.

C8-84-0143 **State of Wisconsin, ex. rel., Lorraine Southwell, Petitioner, v. Michael W. Chamberland, Appellant. Anoka County.**

Court-ordered child support obligations remain enforceable against the non-custodial parent even during the period when the custodial parent has removed the child from the state in violation of the dissolution decree and concealed the child's location.

A sister state may obtain a judgment for child support arrearages for reimbursement to the extent it has expended funds for the child's support.

Affirmed in part and remanded in part with directions.

Foley, J.

C4-83-1344 **Marvin E. Fallin, Appellant, v. Maplewood-North St. Paul District No. 622, et al. Washington County.**

The jury's determination of damages was supported by the evidence.

Where the jury instruction gave an incomplete standard of care, an error with respect to fundamental law was committed and is reviewable without a motion for a new trial. Since the jury could not have known the proper standard of care to require of a school district nor what the theories of negligence were under the circumstances, a new trial must be held on the issue of liability.

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

C0-83-1521 **Minnesota Valley Breeders Association v. Wesley Brandt, Appellant. Scott County.**

Parties who have agreed in writing to designate a silo attached to real estate as personal property are bound by that agreement in a replevin action. The husband, who signed the contract, has no standing to raise a defense which only involves a claimed interest of his wife who neither signed the contract nor was a named party in the lawsuit.

Affirmed. Wozniak, J.

C4-83-1926 **In the Matter of the Welfare of: A.J.M. Hennepin County.**

Appellant has no standing to challenge the search warrant used in searching the home of his co-defendant's parents' home.

Affirmed. Sedgwick, J.

C2-84-42, C1-84-257 **State of Minnesota v. Billy Wayne Kennedy, Appellant. Ramsey County.**

Defendant is not entitled to automatic resentencing under revised guidelines where trial judge neglects to state adequate departure reasons, but record supports departure.

Affirmed. Sedgwick, J.

**C1-84-582 State of Minnesota, Petitioner, v. Samuel H. Wesenberg, Appellant. Benton County.**

A defendant serving a prison sentence on one felony has the right to demand execution of a prior probationary sentence.  
Reversed. Sedgwick, J.

**C0-83-1888 Basil J. Peterson and Gladys A. Peterson, Appellants, v. James B. Marston and Jeannine Rinde. Cottonwood County.**

A letter written to the attorney for an estate in response to a published notice to present claims is a valid claim against the estate when the attorney knows the amount and the basis for the claim.  
Reversed. Lansing, J.

**C2-84-431 In the Matter of Jay M. Ackerman. Hennepin County.**

Appellant-patient was shown to be mentally ill by clear and convincing evidence.  
Affirmed. Huspeni, J.

**C4-83-1392, C4-83-1957 Michele Mohs, individually and as parent and natural guardian of Jessica Mohs, a minor, and Jessica Mohs, individually, Appellants, v. Aetna Casualty and Surety Company, (C4-83-1392), and Renee K. Cyr, Appellant, v. Mutual Service Casualty Insurance Company, (C4-83-1957). Hennepin County.**

Minn. Stat. § 65B.63 (the Minnesota assigned claims plan) does not allow a claimant to recover uninsured motorist benefits in addition to basic economic loss benefits.

Denial of uninsured motorist benefits under the assigned claims plan is not an unconstitutional deprivation of equal protection under the laws.

Affirmed. Forsberg, J.

**C2-83-1858 James E. Wilson v. G. L. Mitchell, a.k.a. Gary L. Mitchell, etc., Appellant. Marshall County.**

Time for appeal would be revived by a second motion for the same relief based upon grounds not asserted in the first motion, where reasons for omission of those grounds were satisfactory.

Provisions of Minn. Stat. § 570.02 (1980) in effect at the time of issuance of the writ of attachment were not subsequently declared unconstitutional.

This court will not consider an issue raised in an appeal from a second motion for the same relief when that issue should have been raised in the first motion.

Affirmed. Forsberg, J.

**C3-83-1237 State of Minnesota v. Lloyd Eugene McCloud, Appellant. St. Louis County.**

The trial court erred in failing to give the jury written instructions on self-defense at the request of counsel after submitting written instructions to the jury only on the definition and elements of First and Second Degree Assault.

Reversed and remanded for a new trial. Leslie, J.

**C5-83-1918 Paul Gerard Hoeschen v. South Carolina Insurance Company, Appellant. Stearns County.**

A serviceman, injured in an automobile accident while home on an unrestricted pass, is not barred by the doctrine of intramilitary tort immunity from recovering damages from a fellow serviceman.

A Minnesota resident, who owns an automobile insured and garaged in North Carolina, and is injured in a Minnesota accident, is entitled to recover underinsured motorist benefits under his North Carolina policy despite its "anti-stacking" provision.

Affirmed. Nierengarten, J.

**C8-83-1993 State of Minnesota v. Brian Eugene Ahern, Appellant. Watonwan County.**

The trial court did not abuse its discretion in sentencing defendant to twice the presumptive duration indicated for commitment by the Minnesota Sentencing Guidelines.

Affirmed. Nierengarten, J.

**C6-84-321 State of Minnesota v. Charles J. Barrett, Appellant. Hennepin County.**

Failure to file a departure report or otherwise submit written reasons for maintaining the original sentence was error.

Reversed and remanded for resentencing. Nierengarten, J.

**C8-83-1332 Enviro-Fab, Inc. v. Blandin Paper Company, Appellant. Itasca County.**

Respondent's mechanic's lien statement was timely filed. The agreements between the contractor and the subcontractor

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constituted a unitary contract, and the last date work was done on the first project could be considered in determining the mechanic's lien claim for the second project.

The subcontractor is entitled to recover reasonable overhead and profit in a mechanic's lien action, not just direct labor costs. The trial court properly denied appellant's request to post a surety bond in lieu of a cash deposit to release the lien and serve as a supersedeas bond for appeal purposes.

Affirmed. Randall, J.

**C3-83-1495 Lyle Pierce, et al., Appellants, v. National Farmers Union Property & Casualty Company, Samuel Genereux. Pennington County.**

Insurance contract required crop losses to be apportioned between insurable and noninsurable causes.

Trial court's evidentiary rulings were not reviewable on appeal because appellant-plaintiffs did not make a motion for a new trial.

Directed verdict in favor of defendant insurance agent was proper.

Plaintiffs' damages were incorrectly calculated by the trial court.

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

**C1-84-324 Harvey William LaDoucer, Appellant, v. Ramsey County Sheriff's Department; State of Minnesota; and the Attorney General of the State of Minnesota. Ramsey County.**

Where Minnesota imprisonment of petitioner is ordered concurrent with his federal imprisonment, and petitioner serves and completes the federal term, Minnesota authorities can retake his custody for the unexpired part of the state sentence.

Affirmed. Crippen, J.

## **Decisions of the Supreme Court Filed Friday, May 25, 1984**

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

**C8-83-598 National Indemnity Company, Appellant, v. Farm Bureau Mutual Insurance Company. Hennepin County.**

Arbitrators enforcing an insurer's right to indemnity under the Minnesota No-Fault Automobile Insurance Act are not bound by factual findings of a jury in a prior tort action.

A court may not award prejudgment interest where the moving party seeks confirmation of an arbitration award that did not include prejudgment interest.

Affirmed in part, reversed in part. Todd, J.

**C3-82-966 Advanced Training Systems, Inc., and Edwin J. Taylor, Appellants, v. Caswell Equipment Company, Inc., Theodore N. Busch, and Sente Company, Inc. Hennepin County.**

The plaintiffs introduced sufficient evidence to support the jury's finding of personal libel within the time limits of the statute of limitations.

The plaintiffs failed to prove special damages and therefore failed to support their claim for product disparagement. A new trial is proper, submitting a single damage question for libel only.

Proof of special damages is not required to support claims for libel.

Evidence of publication by a defendant of statements demonstrating a willful disregard of plaintiff's rights is admissible without regard to the statute of limitations.

We find no abuse of discretion in the refusal by the trial court to grant a new trial on the ground of excessive damages.

Under recent standards announced by this court and the United States Supreme Court, the permanent injunction issued by the trial court is not unconstitutional.

The trial court did not err in dismissing the defendants' counterclaims.

Affirmed in part, reversed in part, and remanded for further proceedings in accordance with this opinion. Scott, J.

Took no part, Coyne, J.

**C5-82-1021 State of Minnesota v. Jimmie E. Booker, II, Appellant. Hennepin County.**

Defendant received a fair trial, was properly found guilty of kidnapping and criminal sexual conduct in the first degree, and was properly sentenced to the presumptive sentence of 43 months in prison.

Affirmed. Scott, J.

**CX-83-148, C1-83-149 State of Minnesota v. William Joseph Odenbrett, II, Appellant. McLeod County.**

The Child Abuse Reporting Act, Minn. Stat. § 626.556 (1982), authorized a private medical staff to disclose to the authorities defendant's identity as a child abuse offender, and, to the extent so authorized, the disclosure did not violate defendant's statutory medical privilege.

On this record, we do not reached the issue whether there is a constitutional right of privacy in communications made in psychotherapy.

Affirmed. Simonett, J.

**C0-83-479 Joseph Vreeman, Appellant, v. LeRoy Davis, etc., Champion Home Builders, Inc. Winona County.**

The evidence on diminution in market value to show general damages for a defective mobile home was sufficient to create a jury issue.

Reversed and remanded for a new trial. Simonett, J.

Took no part, Kelley, J.

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## **TAX COURT**

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

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### **State of Minnesota Tax Court**

#### **A.A. Equipment Company, Appellant, v. The Commissioner of Revenue, Appellee, Docket No. 3620**

##### **Findings of Fact, Conclusions of Law, and Order for Judgement**

The above entitled matter came before the Honorable John Knapp, Chief Judge of the Minnesota Tax Court, on stipulated facts. Oral argument was heard on February 23, 1984, at the Tax Court hearing room at 444 Lafayette Road, St. Paul, Minnesota.

Gary D. Blackford, Esq., Popham, Haik, Schnobrich, Kaufman & Doty, Ltd., appeared for Appellant.

Thomas K. Overton, Special Assistant Attorney General, appeared for Appellee.

At issue is the inclusion of freight charges in the sales price of goods sold by Appellant for sales tax purposes. Both parties submitted briefs.

After considering the arguments made during the hearing, from the stipulation of facts and from the files and records herein, the Court now makes the following:

##### **FINDINGS OF FACT**

1. Appellant sells equipment used in retail grocery operations. Appellant maintains very little inventory, and most of its sales are made pursuant to a special order by the ultimate buyer.

2. The typical procedure is as follows:

a. Appellant submits a quotation to a potential customer. Appellant's quotation is generally the retail price for the equipment F.O.B. factory (*i.e.*, not including any transportation from the factory) plus sales tax, plus estimated transportation from the factory (called factory freight) plus any charges for delivery by Appellant.

## TAX COURT

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- b. The customer places its order for equipment with Appellant.
  - c. Appellant orders non-inventory items from the factory.
  - d. The non-inventory items are either shipped by the factory to Appellant customers (freight prepaid by Appellant) or they are shipped to Appellant's warehouse (freight to Minneapolis) and subsequently delivered by Appellant or picked up by the customer.
  - e. Appellant's invoice to its customer separately states the retail price of the non-inventory equipment, transportation charges and sales tax.
3. In computing sales tax, Appellant did not include any transportation charges on non-inventory items in the "sales price" subject to sales tax.
  4. The Commissioner of Revenue issued an audit report and order including factory freight charges in the "sales price" and assessing additional sales tax thereon.
  5. The following transactions are not disputed:
    - a. Factory freight from the factory to Appellant on inventory items is included in the sales price subject to sales tax.
    - b. The delivery charge for the transportation from Appellant's premises to its customers of non-inventory items and inventory items is not included in the sales price subject to sales tax.

### CONCLUSIONS OF LAW

1. Title to goods passes from Appellant to its customers when Appellant completes its performance with reference to the physical delivery of the goods.
2. In regard to those non-inventory items which are shipped by the factory directly to Appellant's customers:
  - a. Title to the goods passes from Appellant to its customer when the factory ships the goods to the customer.
  - b. Freight charges should not be included in the sales price of Appellant's goods because they occur after title passes from the buyer to the seller.
3. In regard to those non-inventory items which are shipped to Appellant's warehouse and subsequently delivered by Appellant or picked up by the customer:
  - a. Title to the goods passes from Appellant to its customer when the Appellant delivers the goods.
  - b. Freight charges should be included in the sales price of Appellant's goods because they occur before title passes from the buyer to the seller.
4. The Commissioner's Order of April 23, 1982, assessing additional sales and use taxes against Appellant for the taxable period March 1, 1979, through October 31, 1981, is reversed in part and affirmed in part.

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

May 18, 1984

By the Court,  
John Knapp, Chief Judge  
Minnesota Tax Court

## Letter from the Editor

### Re: Response to State Register Survey

Thank you! Your response to our April 2, 1984 survey was fantastic—over 29% of you filled out and returned your surveys! You were fast, too—16% returned your surveys in the first four working days. Your remarks and feedback were both quite supportive of our current efforts and very helpful in suggesting new directions.

This information is not going to “fall by the wayside” either. This survey of current subscribers is the first of a five-stage plan to improve the *State Register* within the next few months. The other stages are:

Stage 2: Survey of Former Subscribers. A survey similar to the one that you filled out is being sent to former subscribers to find out what needs they wanted us to fill. (Several months ago, our circulation manager initiated a less formal telephone followup survey, which she conducts on an ongoing basis. The information she obtains from this will also be listened to and used.) Our new survey will probably be out by the time you read this.

Stage 3: Letter to State Agencies. This stage is internal. We are writing to all state agencies required to publish in the *State Register*. This letter, which is to be mailed in early June, will solicit certain types of information that many of you requested. This information will be used in Stage 4.

Stage 4: Mockup Issue. A “mockup,” or sample of a proposed format for the *State Register* is in process. It will be completed shortly after the deadline for the second survey (target date: early July). This mockup issue will be sent to a random sample of current and former subscribers, who will be asked for reactions and feedback.

Stage 5: Implementation. Expansion and revision ideas will be implemented this year if these ideas: 1) are feasible; and 2) meet your needs better (as expressed by you in Stages 1-4). Some of you expressed concern that we not lose our current strengths. Others expressed concern that we not duplicate the fine work of other state publications. We hear you, and we will try. Let us know at any time—we are here to meet your needs in the most cost-effective way possible.

Thank you very much for your time and your thoughts—it’s a pleasure to serve you!

Sincerely,



Editor  
*State Register*

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