

179 May 7

STATE REGISTER



STATE OF MINNESOTA

RULES

PROPOSED RULES

SUPREME COURT

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VOLUME 3, NUMBER 44

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STATE REGISTER

Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices.	Issue Date
SCHEDULE FOR VOLUME 3			
45	Monday Apr 30	Monday May 7	Monday May 14
46	Monday May 7	Monday May 14	Monday May 21
47	Monday May 14	Monday May 21	Monday May 28
48	Monday May 21	Monday May 28	Monday June 4

*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 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, Suite 415, Hamm Building, 408 St. Peter Street, St. Paul, Minnesota 55102.

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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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MCAR AMENDMENTS AND ADDITIONS

The following is a listing of all proposed and adopted rules published in Volume 3, Numbers 40-42 of the *State Register*. The listing is arranged in the same order as the table of contents of the *Minnesota Code of Agency Rules* (MCAR). All adopted rules published in the *State Register* and listed below amend the rules contained in the MCAR set. Both proposed temporary and adopted temporary rules are listed here al-

though they are not printed in the MCAR due to the short term nature of their legal effectiveness. During the term of their legal effectiveness, however, adopted temporary rules do amend the MCAR. A cumulative listing of all proposed and adopted rules in Volume 3 of the *State Register* is published each quarter and at the end of the volume year.

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3 MCAR §§ 2.003, 2.022-2.023 (adopted) 1926

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6 MCAR § 2.0605 (proposed) 1853

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10 MCAR §§ 1.300-1.302, 1.304-1.305 (proposed) 1904

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11 MCAR §§ 1.0188-1.0196 (proposed) 1901

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12 MCAR §§ 3.002, 3.034, 3.062, 3.065-3.066 (proposed) 1873

TITLE 13 TAXATION

Part 1 Revenue Department

13 MCAR §§ 1.0001-1.0007 (proposed) 1984



With the disappearance of much of the natural prairie land, the bobwhite is not as common in Minnesota as it once was. It is a good friend of the farmer, feeding on cutworms and grasshoppers. The bobwhite resembles a chicken, and its reddish-brown feathers marked with black, white and buff provide it with camouflage. It is about 10 inches long. The bobwhite's call sounds like its name. (National Wildlife Federation Photograph, courtesy of Department of Education)

RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 15.0412, subd. 4, 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 as proposed 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. § 15.0412, subd. 5. Notice of his decision will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under subd. 4.

Higher Education Coordinating Board Private Institutions Registration Program Adopted Amendments to Rules Regarding Private Institutions Registration Program

The amendments to rules published at the *State Register*, Volume 3, Number 15, page 723, October 16, 1978 (3 S.R. 723) are adopted with the following amendments:

5 MCAR § 2.0904 Information required for registration. Pursuant to Minn. Stat. § 136A.64 schools subject to registration shall provide the Board with such information as the Board needs to determine the nature and activities of the school. The Board shall have the authority to verify the accuracy of the information submitted to it by inspection,

visitation or any other means it deems necessary. Any and all information submitted to the Board for the purpose of registration shall be public information except those financial records required pursuant to 5 MCAR § 2.0904 E. or a request under this rule for further financial information, which records the Board shall not disclose except for the purpose of defending at ~~Chapter 45~~ hearings under Minn. Stat. ch. 15 or other legal proceedings its decision to approve or not to approve the granting of degrees or the use of a name.

5 MCAR § 2.0918 Exemptions. Those schools and educational programs exempted from the act are exempted from these rules. Any school or educational program exempted from the act pursuant to Minn. Stat. § 136A.653 may voluntarily waive their exemption and submit to the act by informing the Board of its intent and filing the information and registration fee pursuant to ~~Board rules. 5 MCAR § 2.0903 and 5 MCAR § 2.0904.~~ Upon such filing and registration any such school or education program otherwise exempted from the act, shall be subject to all applicable requirements of that act and these rules pursuant to Minn. Stat. § 136A.653, subd. 4.

KEY: RULES SECTION — Underlining indicates additions to proposed rule language. **Strike outs** indicate deletions from proposed rule language. **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."

PROPOSED RULES

Pursuant to Minn. Stat. § 15.0412, subd. 4, agencies must hold public hearings on proposed new rules and/or proposed amendment of existing rules. Notice of intent to hold a hearing must be published in the *State Register* at least 30 days prior to the date set for the hearing, along with the full text of the proposed new rule or amendment. The agency shall make at least one free copy of a proposed rule available to any person requesting it.

Pursuant to Minn. Stat. § 15.0412, subd. 5, 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.

Energy Agency

Notice of Postponement of Hearing Regarding Proposed Rules Relating To Establishing Materials, Installation, and Labeling Standards for Thermal Insulation Products

Notice is hereby given that a public hearing on the proposed rules originally scheduled for May 14, 1979, in Room D of the Veterans Service Building, 20 West 12th Street and Columbus Avenue between Wabasha and Iglehart, St. Paul, Minnesota, pursuant to notice published in the *State Register*, Volume 3, Number 40, has been postponed. A new hearing date will be published in a future issue of the *State Register*.

April 19, 1979

Algernon H. Johnson
Director

Department of Natural Resources

Proposed Inclusion in the Minnesota Wild, Scenic and Recreational Rivers System of the Cloquet River from its Source at Cloquet Lake to its Mouth at the St. Louis River, and the Proposed Adoption of a Management Plan for the Cloquet River

Notice of Rescheduled Hearing

Notice is hereby given that public hearings on the above-captioned matter, notice of which was published at *State Register*, Volume 3, Number 24, pp. 1259-1298 along with

full text of the proposed rules, have been rescheduled. Hearings will be held, in the manner provided by Minn. Stat. § 15.0411 through 15.051, and § 15.052, at:

7 p.m., June 11, 1979 in the Two Harbors High School Auditorium, Two Harbors, Minnesota.

7 p.m., June 12, 1979 at the University of Minnesota-Duluth, Chemistry 200 Auditorium, Duluth, Minnesota. (Use campus entrance off College Street; use parking lot A or B — the lots are off Lawn Drive, enroute to Administration Building.)

The hearing shall continue until all representatives of associations and other interested or affected persons or groups have had an opportunity to be heard concerning the above-mentioned matter by submitting oral or written data, statements, or arguments.

The hearing examiner will be Howard Kaibel from the State Department of Administration, Office of Hearing Examiners, Room 300, 1745 University Avenue, St. Paul, Minnesota 55104 (612-296-8107).

Twenty-five days prior to the hearing a Statement of Need and Reasonableness will be available for review at the agency and at the Office of Hearing Examiners. This Statement of Need and Reasonableness will include a summary of all of the evidence which will be presented by the agency at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Hearing Examiners at a minimal charge.

After the public hearing written material may be submitted and recorded in the hearing record for five working days, or for a longer period not to exceed 20 calendar days if so ordered by the hearing examiner.

Notice: Any person may request notification of the date on which the hearing examiner's report will be available after which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the agency. If you desire to be so notified, you may so indicate at the hearing. After the hearing you may request notification by sending a written request to the hearing examiner (in the case of the hearing examiner's report) or to

PROPOSED RULES

the agency (in the case of the agency's submission or re-submission to the Attorney General).

The proposed management plan relates to the following matters:

Reasons for including the Cloquet River in the Minnesota Wild, Scenic and Recreational Rivers System.

The proposed classification of the river or segments of the river.

The proposed land use district boundaries which shall not exceed 320 acres per each river mile on both sides (not each side) of the river.

The proposed methods for preserving the river and its adjacent land, including the recommended land acquisition.

The proposed regulations for local land use control, including such matters as lot size and building height and setback requirements, vegetative cutting provisions, use within land use districts, and criteria for utility crossing, public roads and river crossing.

The proposed plan for recreational management within the land use district, including the location and design of campsites, rest areas, and accesses.

The proposed plan for administration of the management plan.

Copies of the management plan are available for inspection at public libraries in Duluth, Cloquet and Two Harbors, and at the Legislative Reference Library in the state Capitol. Interested individuals may receive a copy of the plan by writing or calling the Department of Natural Resources, Bureau of Planning and Research, Rivers Section, Box 10 Centennial Office Building, St. Paul, MN 55155 (612-296-6784). Copies of the management plan will also be available at the public hearing.

The proposed management plan for the Cloquet River has been prepared in accordance with Minnesota Statutes 104.35 and the Statewide Rules and Regulations relating to

the Wild, Scenic and Recreational Rivers System (Minnesota Regulations NR 78-81).

Under Minn. Stat. § 10A.01, subd. 11 (1976), a lobbyist must register with the State Ethical Practices Board within five (5) days after he commences lobbying. According to the statute, "lobbyist" means any individual engaged for pay or other consideration or authorized by another individual or association to spend money who spends more than five hours of any month or more than \$250, not including travel expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or who spends more than \$250, not including travel expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials. "Lobbyist" does not include any: (a) public official or employee of the state or any of its political subdivisions or public bodies acting in his official capacity; (b) party of his representative appearing in a proceeding before a state board, commission or agency of the executive branch unless the board, commission or agency is taking administrative action; (c) individual in the course of selling goods or services to be paid for by public funds; (d) news media or their employees or agents acting in the ordinary course of business of publishing or broadcasting news items, editorials or other comments or paid advertisements which directly or indirectly urge official action; (e) paid expert witness whose testimony is requested either by the body before which he is appearing or one of the parties to a proceeding, but only to the extent of preparing or delivering testimony; or (f) stockholder of a family farm corporation as defined in § 500.24 Subd. 1, who does not spend over \$250, excluding travel expenses, in any year in communicating with public officials.

Questions regarding lobbying should be directed to the State Ethical Practices Board, Room 41, State Office Building, Wabasha Street, St. Paul, Minnesota 55155; telephone (612-296-1720).

Dated this 19th day of May, 1979.

Joseph N. Alexander
Commissioner

KEY: RULES SECTION — Underlining indicates additions to proposed rule language. **Strike outs** indicate deletions from proposed rule language. **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."

CALENDAR

Public Hearings on Proposed Agency Rules

May 14-18, 1979

Date	Agency and Rule Matter	Time and Place
May 14	Energy Agency Establishing Materials, Installation, and Labeling Standards for Thermal Insulation Products	Postponed
May 15	Dept. of Agriculture Disposal of Refuse from Transport Involved in Foreign Commerce Hearing Examiner: Howard Kaibel, Jr.	1:00 p.m., Conference Rm., District Transportation Bldg., 1123 Mesaba Ave., Duluth, MN
May 16	Same as above	1:00 p.m., Hearing Room, Office of Hearing Examiners, 1745 University Ave., St. Paul, MN
May 16	Dept. of Commerce Minimum Anticipated Loss Ratios for Accident & Health Insurance Policies Hearing Examiner: Natalie Baull	9:30 a.m., Hearing Rm., 500 Metro Square Bldg., 7th & Robert Sts., St. Paul, MN
May 17	Dept. of Natural Resources Standards & Criteria for Establishment of Lake Improvement Districts by Counties & Cities Hearing Examiner: Howard Kaibel	10:00 a.m., Weyerhaeuser Rm., Minnesota Historical Society, 690 Cedar St., St. Paul, MN
May 17	Dept. of Public Safety Minimum Standards for Wheelchair Securement Hearing Examiner: Peter Erickson	9:00 a.m., Rm. B-9, Transportation Bldg., John Ireland Blvd., St. Paul, MN

SUPREME COURT

Decisions Filed Friday April 27, 1979 Compiled by John McCarthy, Clerk

48554/96 Elaine Warpula, et al, Appellants, vs. Jonathan Allen Maynard, et al, Gene R. Hill. St. Louis County.

There is no sidewalk, and therefore no statutory crosswalk, where no visible pedestrian pathway exists.

Affirmed. Sheran, C. J.

47852 101 (1978) John Cracraft, a Minor, by His Father and Natural Guardian, Jack Cracraft, et al, Appellants, Leon Kasper, as Trustee for the Heirs of Kenneth Kasper, et al, Appellants, vs. City of St. Louis Park. Hennepin County.

A municipality owes only a public duty in the course of examining or inspecting buildings for fire or other hazards dangerous to the public, and therefore it cannot be held liable for negligent examination or inspection unless special circumstances exist to create a special duty to individual members of the public.

Affirmed. Todd, J. Dissenting, Kelly, Yetka, and Scott, JJ.

48835/115 Terrance Zak vs. Gypsy (Uninsured), and State Treasurer, Custodian of the Special Compensation Fund, Relator. Workers' Compensation Court of Appeals.

The rock band group calling itself "Gypsy" is an employer within the meaning of Minn. St. 176.011, subd. 10.

The Workers' Compensation Division has full jurisdiction to hear a claim for workers' compensation benefits against an alleged uninsured employer, payable by the special compensation fund pursuant to Minn. St. 176.183, where the former employer did not receive notice of the claim and did not participate in the proceedings because the employer, an unincorporated musical group, has disbanded and the addresses of the five band members were either unknown or were not ascertained prior to the hearing.

Affirmed. Yetka, J.

49089/118 State of Minnesota, Appellant, vs. In re Welfare of M.A.P. Hennepin County.

Where state did not appeal within 30 days from filing of order of juvenile court judge approving the referee's findings and recommendation, this court has no jurisdiction to hear the appeal.

Appeal dismissed. Per Curiam. Concurring specially, Peterson and Kelly, JJ.

OFFICIAL NOTICES

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

either orally or in writing.

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

Department of Economic Security

Notice of Intent to Solicit Proposals for Governor's Statewide CETA Youth Program (5% Special Grant)

What is the Governor's Statewide CETA Youth Program?

Title IV of the Comprehensive Employment and Training Act (CETA) provides for the funding of local demonstration programs to assist CETA-eligible youth in their transition into unsubsidized permanent employment. Specific Title IV funds are made available to Minnesota to contract for employment and training services which will serve as models for other areas of the state. The Youth Employment Programs Committee of the Governor's Council on Employment and Training reviews the youth proposals and makes the recommendations on funding.

How much money is available?

While the fiscal year 1980 allocation is not firm at this time, it is anticipated to be in line with the 1979 allocation, approximately \$400,000. Funds will be available October 1, 1979. Projects will be funded for one year.

What is the procedure for applying?

1. Notify the Department of Economic Security in writing by May 11, 1979, if you wish to receive the grant solicitation to apply for funds.

2. Solicitations will be mailed May 11 to those who are on the list of interested applicants. Solicitations will be sent after the May 11 date to those who submit a request.

3. The solicitation must be completed in full and submitted to the Department of Economic Security by 4:30 p.m. on June 15, 1979.

All questions and correspondence relating to the Governor's Statewide CETA Youth Program should be addressed to:

Joyce Walker
Office of Statewide CETA Coordination
Department of Economic Security
690 American Center Building
150 East Kellogg Boulevard
St. Paul, MN 55101
(612) 296-8358

Department of Human Rights

Actions for Period of January 1, 1979 through April 9, 1979

Settlement Agreements

In addition to specific remedies, standard agreements reached prior to a hearing contain the following stipulations:

1. The agreement does not constitute an admission by the respondent of a violation of Minn. Stat. ch. 363.
2. The respondent agrees to abide by the provisions of Minn. Stat. ch. 363.

Settlement agreements were reached between the department, charging parties, and the following respondents:

Brookdale Ten Investment Company, H1017
First District Association and Jack Urlich, E3450,
E3471
Metropolitan Child Development, Inc., RP58
John Peck and Peck, Incorporated, E1346
J. C. Penney Company, Inc., E4974
Shorewood Inn, E5399
Sutton Place, PA266
Traveletter Corporation, E3440
The Vision Ease Corporation, E5068

Pre-determination Agreements

A pre-determination agreement is an agreement reached before the Commissioner has determined whether or not there is reason to believe that a discriminatory practice occurred. It is signed by the charging party, the respondent, and the Commissioner. By entering into a pre-determination

OFFICIAL NOTICES

agreement, a respondent makes no admission that a discriminatory practice has occurred. Pre-determination agreements were reached between the department, charging parties, and the following respondents:

Benefit Trust Life Insurance Company, A40
Cenex, E5515
City of Savage, E5456
Continental Telephone of Minnesota, Inc., E5361
Control Data, Inc., E5416
Cutler-Hammer, Inc., E4089
Data Dispatch, Inc., E5680
DelMonte Corporation, E5607
Donaldson Company, E5496
Donaldson's Inc., E5419
Erie Mining Company, E5493
Field Schlick, E5478
FMC Corporation, E5474
Ford Motor Company, E5650
Hallmark Electronics, E5449
Hanson, Arden, H1059
Hibbing Taconite Company, E5424
International Harvester, E5676
Litton Microwave, E3618
Magnetic Controls, E5583
Minneapolis Police Department, PS248
Northwest Airlines, E5274, E5198
Northwestern Bell Telephone Company, E5544,
E4562, E5030, E5648, PA296
Pickwick International, E5443
St. Cloud State University, E5225
St. Ores Advertising, Inc., E5457
St. Paul-Ramsey Hospital, E5404
Schwartz Manufacturing Company, E5599
Sears, Roebuck & Company, E4081
Sperry Univac, E4858, E4702, E5248
Stampings of Minnesota, Inc., RP143
Streater Industries, E4592
Trevilla of Golden Valley, E3259
University of Minnesota, E4843
West Side Bar, Inc., E5641
White Bear Lake Care Center, E5537

Hearing Examiner's Orders

A case that is not settled through conciliation is scheduled for hearing before a state hearing examiner following a complaint issued by the Commissioner and a notice and order for hearing. Based upon evidence, testimony, and exhibits, a hearing examiner makes findings of fact, and conclusions of law and issues an order. The following case was heard before a state hearing examiner:

Department of Human Rights v. Postier and Eggers, Co., Robert Domaille and Robert Postier, E2733

Complaints

Apache Plaza, Ltd., and Louis Chiolo, E3071
The United States Jaycees, PA 366, 367, 368, 369,
372, 373, 374, 375

Court Decisions

The following cases have been heard, decisions made, and orders issued:

State of Minnesota, Department of Human Rights,
by William L. Wilson, Commissioner, E2520,
E2762, E3166

Actions for Period of April 9, 1979 through April 26, 1979

Settlement Agreements

In addition to specific remedies, standard agreements reached prior to a hearing contain the following stipulations:

1. The agreement does not constitute an admission by the respondent of a violation of Minn. Stat. ch. 363.
2. The respondent agrees to abide by the provisions of Minn. Stat. ch. 363.

Settlement agreements were reached between the department, charging parties, and the following respondents:

ADC Products, Division of Magnetic Controls
Company — E5699
Blandin Paper Company — E2532
Crown Cork and Seal Company, Inc. — E5545
Department of Education — E4150
Dr. Burton Diamond — E5461
Faribault Manor Nursing Home — E5643
Gold Bond Building Products, Division of National
Gypsum Company — E4231
Minnesota State Arts Board — E3800
Northwestern Bell Telephone Co. — E5494
Perkins Cake & Steak, Inc. — E3702
Rhude and Fryberger — E5700
R. J. Lorbiecki, D.D.S. — E4077

**Department of Public Welfare
Department of Health
Department of Public Safety
Merit System**

Notice of Intent to Solicit Outside Opinion Concerning Merit System Rules

Notice is hereby given that the Minnesota Department of Public Welfare (12 MCAR), the Minnesota Department of Health (7 MCAR), and the Minnesota Department of Public Safety (11 MCAR) are considering proposed amendments to those rules affecting:

(1) non-competitive examinations for incumbents of reallocated positions where the duties of the higher and lower classification do not significantly differ;

(2) layoff provisions;

(3) the reemployment of former permanent or probationary employees; and

(4) minimum and optional leave of absence policies.

If adopted, these rules will alter various personnel policies in agencies under jurisdiction of the Merit System.

The proposed rule changes are:

12 MCAR § 2.493 Classification Plan

D. Incumbents of Reallocated Positions

7 MCAR § 2.138 Classification Plan

A. Presentation and Adoption

D. Incumbents of Reallocated Positions

11 MCAR § 1.093 Classification Plan

D. Incumbents of Reallocated Positions

12 MCAR § 2.503 Separation, Tenure, and Reinstatement

D. Reduction of Force

I. Reemployment of Former Permanent or Probationary Employees

7 MCAR § 1.249 Separation, Tenure and Reinstatement

D. Reduction of Force

I. Reemployment of Former Permanent or Probationary Employees

12 MCAR § 2.504 Leaves of Absence

7 MCAR § 1.250 Leaves of Absence

Pursuant to 11 MCAR § 1.091 B.3., 12 MCAR § 2.495 through 12 MCAR § 2.510 also apply to county and local emergency services agencies. In accordance therewith, if adopted, the proposed revisions to 12 MCAR § 2.503 D. and I. and 12 MCAR § 2.504 will also apply to the Department of Public Safety's emergency services agencies.

Additionally, the Minnesota Department of Public Welfare is considering proposed amendments to those rules affecting its position classification specifications.

If adopted, these rule changes will create new position classifications, under the jurisdiction of the Merit System and will alter existing position classification specifications, under the jurisdiction of the Merit System.

The proposed rules creating new classes are:

12 MCAR § 2.592 Adult Day Care Center Supervisor

12 MCAR § 2.593 Center Coordinator

12 MCAR § 2.654 Adult Day Care Center Program Coordinator

The proposed rules altering existing position classification specifications are:

12 MCAR § 2.581 Collection Services Supervisor II

12 MCAR § 2.586 Homemaker Coordinator II

12 MCAR § 2.588 Homemaker Coordinator I

12 MCAR § 2.621 Financial Worker I

12 MCAR § 2.622 Financial Worker II

12 MCAR § 2.623 Financial Assistance Specialist

12 MCAR § 2.624 Homemaker I

12 MCAR § 2.625 Homemaker II

12 MCAR § 2.626 Coordinator of Aging

12 MCAR § 2.646 Developmental Achievement Center Teacher

All interested or affected persons are requested to participate. Statements of information and comment may be made orally or in writing. Written statements of information and comment may be addressed to:

OFFICIAL NOTICES

Ralph W. Corey, Supervisor
Minnesota Merit System
Fourth Floor, Centennial Office Building
658 Cedar Street
St. Paul, Minnesota 55155

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-3996.

All statements of information and comment must be received by May 21, 1979. Any written material received by the Department shall become part of the hearing record.

Under the provisions of Minn. Stat. § 10A.01 subd. 11 (1974), any individual representing persons or associations attempting to influence administrative action, such as the promulgation of these proposed rules and amendments, must register with the Ethical Practices Board as a lobbyist within five days of the commencement of such activity by the individual. The Ethical Practices Board is located at Room 401, State Office Building, St. Paul, Minnesota 55155.

Office of the Secretary of State

Notice of Correction to the Notice of Intent to Solicit Outside Information Published at State Register April 23, 1979

The Notice of Intent to Solicit Outside Information Regarding Proposed Rules Governing Training of Election Judges and Forms and Procedures for Absentee Voting and Amendments to Rules Governing Voter Registration, Preparation of the White Ballot and Certification and Experimental and General Use of Voting Machines, published by the Secretary of State at *State Register*, Volume 3, Number 42, page 1952, April 23, 1979, contained an error.

The first paragraph of the Notice should read as follows:

Notice is hereby given that the Secretary of State is seeking information or opinions from sources outside the agency in preparing to propose rules governing the training of election judges and forms and procedures for absentee voting, which are mandated by Minn. Stat. §§ 207.08, subd. 2, and 207.085 (1978) and amendments to the rules governing voter registration (1 MCAR §§ 2.0101-2.1101), preparation of the white ballot (1 MCAR §§ 2.2101-2.2115) and certification and experimental and general use of voting machines (1 MCAR §§ 2.3101-2.3907).

Office of the Secretary of State Administration Division

Open Appointment Process: Notice of Openings on State Agencies — Application Procedures

Pursuant to Laws of 1978, ch. 592, the legislature has implemented an Open Appointment process by which the public is informed of openings on state multi-member agencies (boards, commissions, councils) created by statute and having statewide jurisdiction.

Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul, MN 55155, (612) 296-3266. Contact the Secretary of State for the Open Appointment Process information brochure and specific agency related information. **Application deadline is Friday, May 25, 1979.**

Board of Podiatry: One opening. The Board is responsible for the licensure and relicensure of Podiatrists as well as the investigation of complaints. Meetings are held every other month and members are reimbursed for travel expenses and receive a per diem of \$35. The Governor is the appointing authority.

Nursing Home Advisory Council: One opening for a registered nurse. The Council is responsible for advising and making recommendations to the Commissioner of Health on proposed rules and other matters relating to nursing homes. Meetings are held twice each month from 9:30 a.m. to 3:30 p.m. and members are reimbursed for expenses and receive per diem of \$35. The Commissioner of Health is the appointing authority.

Ethical Practices Board

Notice of Regular Meeting

The next regular meeting of the Ethical Practices Board will be held Friday, May 11, 1979, at 9:30 a.m., Room 22, State Office Building, St. Paul, MN.

Preliminary Agenda

1. Minutes (March 30, 1979)
2. Chairperson's Report
 - a. Introduction of New Member

OFFICIAL NOTICES

- b. FY 1980-81 Budget
- c. Legislative Program

- 3. Wage and Salary Committee
- 4. Election of Officers
- 5. Legal Counsel Report
- 6. Lobbyist Rules
- 7. Preliminary Report on Campaign Spending — 1978
- 8. Executive Director's Report

- a. Financial Statement
- b. Delinquent Committees and Funds
- c. Delinquent Lobbyists
- d. Delinquent Statements of Economic Interest

9. Other Business

10. Executive Session Pursuant to Minn. Stat. § 10A.02, subd. 11

Board of Grain Standards

Notice of Public Meeting

The annual meeting of the Minnesota Board of Grain Standards will be held:

June 5, 1979, 1:00 p.m.
Minneapolis Grain Exchange Building
Room 100
400 South Fourth Street
Minneapolis, Minnesota

The major agenda item will be proposed changes in the Minnesota Grades for sunflower seeds which include:

A. Minimum testweight would be changed to 25.0 lbs. for both Grade #1 and #2 for Class II sunflower seed.

B. Dockage would be recorded to the nearest 0.5% instead of the 1.0% for Class I and Class II sunflower seed.

C. Insect bored seed resulting in damaged meats would not be included in calculating the total damage for Class II sunflower seed.

D. The definition for weevilly sunflower seed would be changed to "Insect Infested" sunflower seed. "Insect Infested" would be defined as containing live insects which are injurious to stored sunflower seed.

For additional information, contact Ed Moline, 316 Grain Exchange Building, Minneapolis, Minnesota, (612) 339-9657.

Sentencing Guidelines Commission

Notice of Public Meeting

The next regular business meeting of the Sentencing Guidelines Commission will be held:

Thursday, May 17, 1979 — 6:00 p.m.
Thunderbird Motel — Winnebago Room (2nd level)
2201 East 78th Street
Bloomington, MN

The major agenda items will be:

Review Severity Ranking Exercise from previous meeting

General discussion and impressions of regional meetings

Presentation of final report on Plea Negotiation Study by Crime Control Planning Board

For additional information, contact Linda Anderson, Room 284 Metro Square Bldg., St. Paul, MN (612-296-7508).

STATE CONTRACTS

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

Department of Administration procedures require that notice of any

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

Department of Administration Information Systems Division (ISD) Notice of Request for Proposals for Consulting and Writing Services

Notice of need for consulting and writing services to develop and write Administrative Procedures for ISD/User Work Flow using the System Development Methodology: PRIDE.

The Department of Administration, Information Systems Division needs the services on or about May 15, 1979, for the purpose of documenting the administrative steps to be followed by ISD and User Agency personnel in the development of information systems.

The consultant will work with a designated project leader.

The estimated contract is about \$150,000.00. This includes consulting, analysis, graphic arts and the printing of drafts.

Direct inquiries to Mr. Marvin Christenson, or Mr. Norbert Bohn, Information Systems Division, Fifth Floor Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, Telephone (612) 296-6326.

Department of Economic Security Vocational Rehabilitation Division Notice of Contracts Available — Fiscal Year 1980

In accordance with Laws of 1978, Chapter 480, the Minnesota Department of Economic Security, Division of Vocational Rehabilitation is publishing notice that the contracts listed below are available and will be awarded for Fiscal Year 1980 (July 1, 1979 to June 30, 1980):

A. Medical, Psychiatric, and Psychological Services

1. The Client Services Section is seeking to employ individuals under contract who will meet with local staff of the section in order to provide them with advice, consultation, and training on medical and psychiatric or psychological aspects affecting the rehabilitation process for specific clients and for the agency, in general. This section will be seeking at least one medical and one psychiatric or psychological contractor in each of the following locations: Bemidji, Brainerd, Duluth, Fergus Falls, Mankato, Minneapolis, Rochester, St. Cloud, St. Paul, Virginia, Willmar and Worthington. All individuals will be paid at a rate of \$35.00 per hour. Most contracts will require an average of two to four hours per week. Inquiries and formal expressions of interest should be directed to:

William O. Niederloh, Director of Client Services
Division of Vocational Rehabilitation -
3rd Floor, Space Center, 444 Lafayette Road
St. Paul, MN 55101

2. The Social Security Disability Determination Services Section is seeking to employ individuals under contract who will advise and consult with disability examiner staff and others on medical and psychological aspects of disability determination for specific claimants including the nature and severity of disease processes, appropriate medical development and case documentation, and assessment of the claimants residual level of functioning. The contractor will also be required to certify the determination of disability as required by the Social Security Administration. The section will be seeking one certified psychologist and eighteen medical contractors. All services will be utilized in St. Paul. All individuals will be paid at a rate of \$35.00 per hour. Contracts will vary from four to twenty hours per week. Inquiries and formal expressions of interest should be directed to:

Irene Pierson, Assistant Director for Medical Services
Disability Determination Section, Division of Vocational Rehabilitation
Suite 460, Metro Square, Seventh and Robert Streets
St. Paul, MN 55101

STATE CONTRACTS

B. Psychometric Testing Services

1. The Client Services Section is seeking a contractor who would provide psychometric testing to about 4,500 disabled clients. The testing would be provided by the contractor in 85 testing locations located throughout the State of Minnesota. The contractor would be required to administer any of seven psychometric tests and provide test scores, together with an interpretation of the test results, within two weeks of the testing date. Inquiries and formal expressions of interest should be directed to:

William O. Niederloh, Director of Client Services
Division of Vocational Rehabilitation
3rd Floor, Space Center, 444 Lafayette Road
St. Paul, MN 55101

C. Mobile Medical Examination Services

1. The Social Security Disability Determination Services Section is seeking the services of a contractor to provide qualified physicians in certain specialties (psychiatry, neurology, orthopedics, and internal medicine) to travel to six (6) Minnesota cities (Brainerd, Bemidji, Crookston, Moorhead, Rochester, and St. Cloud) to perform consultative examinations and provide written results of these examinations. Compensation is based on a rate of \$260.00 for a four (4) hour block of time. Total contract is not expected to exceed \$45,000. Reimbursement for mileage according to State regulations is provided. Inquiries and formal expressions of interest should be directed to:

Irene Pierson, Assistant Director for Medical Services
Disability Determination Section, Division of Vocational Rehabilitation
Suite 460, Metro Square, Seventh and Robert Streets
St. Paul, MN 55101

D. Medical Transcription Services

1. The Social Security Disability Determination Services Section is seeking the services of a contractor to receive by telephone, transcribe, and deliver medical reports dictated by consulting and treating physicians. The telephone line is to be used exclusively by this section. Dictation recording equipment are to be provided by the contractor. Compensation is based on a 10-12 word line. The contract is not expected to exceed 400,000 lines or \$36,000. Inquiries and formal expressions of interest should be directed to:

Irene Pierson, Assistant Director for Medical Services
Disability Determination Section, Division of Vocational Rehabilitation
Suite 460, Metro Square, Seventh and Roberts Streets
St. Paul, MN 55101

All expressions of interest must be submitted to the persons named above by June 10, 1979. Contractors will be selected from individuals expressing interest based on qualifications and appropriate experience. Documentation concerning these will be requested, if needed.

Board of Electricity Notice of Request for Proposals for Electrical Inspectors

The State Board of Electricity, 1954 University Avenue, St. Paul, Minnesota 55104, is seeking services of contract electrical inspectors, who must hold a Class A Journeyman or Class A Master electrician's license in Minnesota, to make electrical inspections in designated geographical areas. Compensation is based upon 85% of the inspection fee paid by installer of wiring when inspections are completed.

All expressions of interest must be submitted to the person named below by July 1, 1979. Contractors will be selected from individuals expressing interest based on qualifications and appropriate experience. All persons inquiring will be sent a Request for Proposal which will give more specifics.

John Quinn
Assistant Executive Secretary
State Board of Electricity
1954 University Avenue
St. Paul, Minnesota 55104

Department of Public Service Utilities Division

Notice of Request for Proposals for Consultant Services

The Minnesota Department of Public Service is seeking proposals from persons and organizations with experience in public utility rate-making proceedings for consultant services in connection with the Department's review of Northwestern Bell Telephone Company's pending rate increase request.

The consultant services required include:

A. Investigating the relationship between Northwestern Bell Telephone Company and Western Electric, including

STATE CONTRACTS

the purchasing procedures of Northwestern Bell, the sales, earnings, and productivity of Western Electric, and the reasonableness of the prices charged by Western Electric.

The consultant will review testimony submitted by Northwestern Bell on these subjects, will assist in examining these witnesses, prepare and deliver testimony on these subjects, and review documents prepared by Department employees on these subjects in the course of the hearing.

The estimated amount of the contract is \$16,000.

B. Investigation of Bell Telephone Laboratories' Business Information System (BIS) services purchased by Northwestern Bell Telephone Company including the efficiency of computer software program development, the relative value of the services, the availability of alternate sources of similar services, and the cost saving to Northwestern Bell of implementing these services.

The consultant will review testimony submitted by Northwestern Bell on these subjects, will assist in examining these witnesses, prepare and deliver testimony on these subjects, and review documents prepared by Department employees on these subjects in the course of the hearing.

The estimated amount of the contract is \$30,000.

C. Investigating the License Contract between American Telephone and Telegraph Company and Northwestern Bell Telephone Company including the services provided under the contract, the relative value of the services, funding and effectiveness of research and development under the contract, and the cost control procedures utilized by AT&T.

The consultant will review testimony submitted by Northwestern Bell on these subjects, will assist in examining these witnesses, prepare and deliver testimony on these subjects, and review documents prepared by Department employees on these subjects in the course of the hearing.

The estimated amount of the contract is \$12,000.

D. Investigating the cost of capital to Northwestern Bell Telephone Company, to American Telephone and Telegraph Company, and to Western Electric, including the reasonableness of the capitalization for regulatory purposes.

The consultant will review testimony submitted by Northwestern Bell on these subjects, will assist in examining these witnesses, prepare and deliver testimony on these subjects, and review documents prepared by Department employees on these subjects in the course of the hearing.

The estimated amount of the contract is \$35,000.

E. Investigating the pricing methodology and philosophy

of Northwestern Bell Telephone Company's proposed rates for retail telephone services in metropolitan areas including basic services, intra-exchange calling, extended area service, intrastate toll, and vertical services.

The consultant will review testimony submitted by Northwestern Bell on these subjects, will assist in examining these witnesses, prepare and deliver testimony on these subjects, and review documents prepared by Department employees on these subjects in the course of the hearing.

The estimated amount of the contract is \$43,000.

The contracts will be let on or about May 30, 1979.

Direct any inquiries and send proposals to:

JoAnn Hanson
Department of Public Service
Seventh Floor, American Center Building
160 East Kellogg Boulevard
St. Paul, Minnesota 55101
(612) 296-7132

Proposals must be received by May 28, 1979.

Department of Transportation Duluth Operations Division

Notice of Request for Proposals for Duluth Employee Assistance Program

The Minnesota Department of Transportation (Mn/DOT) is seeking the services of a licensed professional counselor to provide professional counseling and diagnostic and referral services to District One employees. The service will be provided to employees within an 80 mile radius of Duluth for the purpose of resolving problems adversely affecting the ability of the employees to perform in a proficient and productive manner. These services shall include:

The conducting of personal counseling sessions with employees upon supervisory or self-referral.

Referral of certain employees with personal problems to an appropriate community agency or private practitioner.

Referral of employees needing medical care to competent medical authorities.

STATE CONTRACTS

Advising supervisors and managers in appropriate techniques of dealing with problem employees.

It is further required that the contractor file a monthly written report of activities and progress with the Mn/DOT District Business Manager at the time of invoice submittal. This report shall include:

1. For each employee counseled, the dates and lengths of the counseling sessions conducted, categorization of problems dealt with, and summaries of problem resolutions where there have been supervisor and/or Personnel Office involvement.

2. Summaries of training sessions conducted.

3. Program evaluation.

To meet the Employee Assistance needs of Mn/DOT, the contractor must possess:

1. A Masters degree in Psychology, Sociology, or Counseling.

2. Considerable experience in the practice of clinical counseling.

3. A minimum of five years practice in the area of clinical counseling.

4. Experience as a professional counselor with an

employer of 1,000 plus personnel ranging from managers and professionals to trades persons, technicians, and clerks.

5. Transportation to meet with employees within this geographical area. Travel expenses shall be borne by the counselor.

6. Reasonable office space, shall be available during normal work hours, and shall return calls within several hours.

A contract for the requested services will commence July 1, 1979 and terminate on June 30, 1980. The compensation limit during the contract period is \$25/hr. with payment not to exceed \$300 per month. Payments will be made monthly for the hours listed on the monthly reports. Services are to be provided to Mn/DOT employees at least 3 days in each work week. It will be required that the same counselor will personally service all the employees within an 80 mile radius of Duluth (approximately 200 employees). The only exception to this 80 mile radius is Grand Marais, which will also be covered by the contract.

Qualified professionals should submit their resumes and work plan proposals not later than May 30, 1979, to:

Jim Laumeyer, District Business Manager
Minnesota Department of Transportation
1123 Mesaba Avenue
Duluth, Minnesota 55811

STATE OF MINNESOTA
OFFICE OF THE STATE REGISTER

Suite 415, Hamm Building
408 St. Peter Street
St. Paul, Minnesota 55102
(612) 296-8239

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