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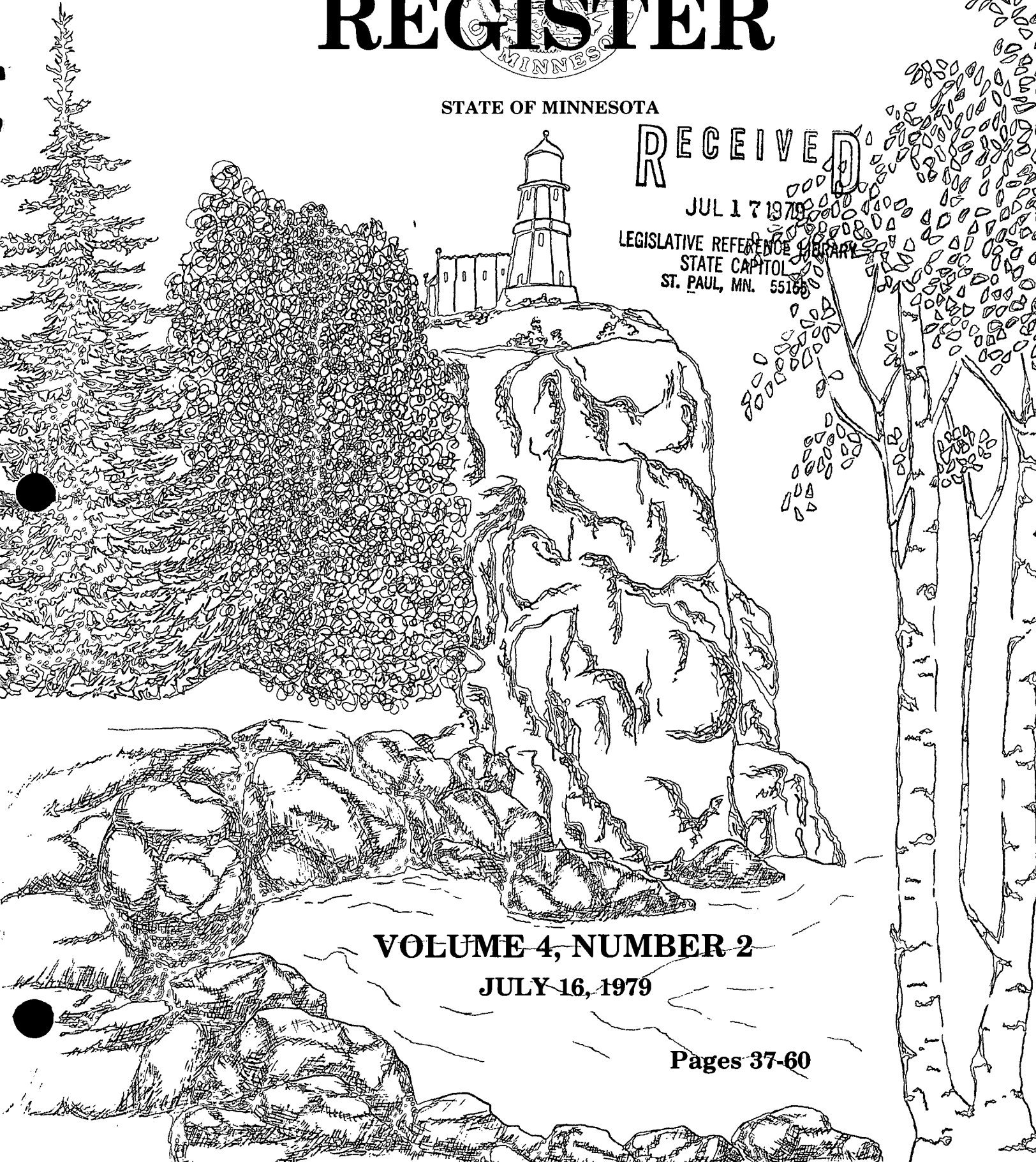
STATE REGISTER

STATE OF MINNESOTA

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VOLUME 4, NUMBER 2

JULY 16, 1979

Pages 37-60

STATE REGISTER

Volume 4 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 4			
3	Monday July 9	Monday July 16	Monday July 23
4	Monday July 16	Monday July 23	Monday July 30
5	Monday July 23	Monday July 30	Monday Aug 6
6	Monday July 30	Monday Aug 6	Monday Aug 13

*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.

The *State Register* is published by the State of Minnesota, Office of the State Register, Suite 415, Hamm Building, 408 St. Peter Street, St. Paul, Minnesota 55102, pursuant to Minn. Stat. § 15.0411. Publication is weekly, on Mondays, with an index issue in August. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at \$110 per year, and \$85 per year for additional subscriptions, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota, Publication Number 326630. (ISSN 0146-7751) No refunds will be made in the event of subscription cancellation. Single issues may be obtained at \$2.25 per copy.

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

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

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MCAR AMENDMENTS AND ADDITIONS

The following is a listing of all proposed and adopted rules published in Volume 4, Numbers 1-2 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 although

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 is published each quarter and at the end of the volume year.

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This oil painting, *Helper at Hudson* by F. Lee Jacques, shows the helper locomotive at the Hudson, Wisconsin railroad yards, down the St. Croix River from St. Paul. (Photograph courtesy of Mr. and Mrs. Thomas K. Young, St. Paul, MN and the John Ford Bell Museum of Natural History, University of Minnesota)

EXECUTIVE ORDERS

Executive Order No. 79-29

Providing for the Delineation of Development Region Boundaries

I, Albert H. Quie, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

WHEREAS, intergovernmental cooperation on a regional basis is an effective and necessary means of uniting local governments in common problem solving, thereby better serving all citizens of the state; and,

WHEREAS, the delineation of development regions is assigned, by statute, to the Governor; and

WHEREAS, development regions have been delineated by Executive Orders in accordance with the law; and

WHEREAS, the aforementioned Executive Orders have expired or have been repealed; and

WHEREAS, it is desirable to restate the delineation of development regions so that interested and concerned parties who, because of statutory and other references, need a single, convenient, and authoritative resource document identifying the counties within each development region;

NOW, THEREFORE, I order:

1. That Region 1 consist of the counties of Kittson, Roseau, Marshall, Pennington, Red Lake, Polk, and Norman.
2. That Region 2 consist of the counties of Lake of the Woods, Beltrami, Hubbard, Clearwater, and Mahnomon.
3. That Region 3 consist of the counties of Koochiching, Itasca, St. Louis, Lake, Cook, Carlton, and Aitkin.
4. That Region 4 consist of the counties of Clay, Becker, Ottertail, Wilkin, Grant, Douglas, Stevens, Pope, and Traverse.
5. That Region 5 consist of the counties of Cass, Wadena, Crow Wing, Morrison, and Todd.
6. That Region 6E consist of the counties of Kandiyohi, Meeker, Renville, and McLeod.
7. That Region 6W consist of the counties of Big Stone, Swift, Chippewa, Lac qui Parle, and Yellow Medicine.
8. That Region 7E consist of the counties of Mille Lacs, Kanabec, Pine, Isanti, and Chisago.

EXECUTIVE ORDERS

9. That Region 7W consist of the counties of Stearns, Benton, Sherburne, and Wright.

10. That Region 8 consist of the counties of Lincoln, Lyon, Redwood, Pipestone, Murray, Cottonwood, Rock, Nobles, and Jackson.

11. That Region 9 consist of the counties of Sibley, Nicollet, Le Sueur, Brown, Watonwan, Blue Earth, Waseca, Martin and Faribault.

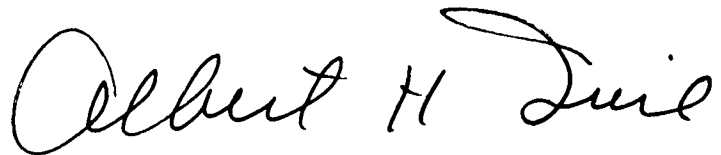
12. That Region 10 consist of the counties of Rice, Goodhue, Wabasha, Steele, Dodge, Olmsted, Winona, Freeborn, Mower, Fillmore, and Houston.

13. That Region 11 consist of the counties of Anoka, Ramsey, Washington, Hennepin, Carver, Scott, and Dakota.

I further order that nothing in this order shall modify or eliminate those exceptions duly made by and through appropriate authority.

Pursuant to Minn. Stat. §4.035 (1978), this order shall be effective 15 days after its publication in the *State Register* and filing with the Secretary of State and shall remain in effect until it is superseded or rescinded by proper authority or it expires in accordance with Minn. Stat. §4.035 (1978).

IN TESTIMONY WHEREOF, I hereunto set my hand this 14th day of June, 1979.



Emergency Executive Order No. 79-30

Declaring a State of Emergency

I, Albert H. Quie, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution of the State of Minnesota and applicable statutes, and specifically by Executive Order No. 12140 of the President of the United States, issued pursuant to the Emergency Petroleum Allocation Act of 1973 (P.L. 93-159), as amended, do hereby issue this Executive Order:

EXECUTIVE ORDERS

WHEREAS, the State of Minnesota is experiencing a shortage of motor gasoline available for retail distribution; and,

WHEREAS, the President of the United States has delegated to the Governors of the various states the authority to establish certain rules and regulations for the purpose of alleviating such shortages of motor gasoline; and,

WHEREAS, it is necessary for the protection of the public health, safety and welfare to establish a system of end-user allocation for motor gasoline by establishment of the following rules;

NOW, THEREFORE, I Order:

1. The following provisions for minimum purchases of motor vehicle fuel are hereby established:

(a) Minimum purchases of fuel shall be \$5.00 for 4-cylinder vehicles and \$7.00 for vehicles with more than 4 cylinders except as provided in Rule 5 below.

(b) In accordance with the provisions of Special Rule 2 promulgated by the U.S. Department of Energy, it shall not be in violation of federal price regulations to collect the minimum dollar amount specified in Rule 1(a) even though the customer does not purchase sufficient volumes of gasoline at the seller's posted price to reach the minimum dollar amount.

(c) In any single transaction, not more than six (6) gallons of gasoline may be sold or dispensed into any container or containers other than the fuel tank of a vehicle to be transported away from the premises of the retail seller. Such containers must meet applicable safety requirements.

2. Gasoline retailers shall not require the purchase of special goods and services, including, but not limited to, carwashes, tires, or car lubrication, as a condition to the dispensing of gasoline. In addition, except as otherwise provided in Rule 5, retailers shall not dispense gasoline on a preferential basis such as an appointment system.

3. Each gasoline retailer shall prominently display a full and complete copy of these rules in an accessible location.

4. Each gasoline retailer shall manage his/her monthly fuel allocation so that it will last through the month and shall ensure that at least one-sixth of the weekly supply is available for sale on weekends, i.e., Saturdays and Sundays.

5. The following vehicles are exempt from the provisions of these rules:

(a) Authorized emergency vehicles, defined as follows: "Authorized emergency vehicle" means any of the following vehicles when equipped and identified according to law: (1) a vehicle of a fire department; (2) a publicly owned police vehicle or a privately owned vehicle used by a police officer for police work under agreement, express or implied, with the local authority to which he is responsible; (3) a vehicle of a licensed land emergency ambulance service, whether publicly or privately owned; (4) an emergency vehicle of a municipal department or a public

EXECUTIVE ORDERS

service corporation, approved by the Commissioner of Public Safety or the chief of police of a municipality; (5) any volunteer rescue squad operating pursuant to Laws of 1959, ch. 53, (6) a vehicle designed as an authorized emergency vehicle upon a finding by the Commissioner of Public Safety that a designation of that vehicle is necessary to the preservation of life or property or to the execution of emergency governmental functions.

(b) Other emergency repair and service vehicles, whether public or private, used for functions directly related to the protection of life, property, or public health.

(c) Vehicles operated in an unusual emergency situation in the judgment of the gasoline retailer.

(d) Motorcycles, mopeds, and similar two-wheeled vehicles.

6. Each gasoline retailer must comply with these Rules and may be charged for violations thereof. The vehicle operator and the gasoline retailer are separately required to comply with the provisions of Rule 1. Either or both may be charged for violation of Rule 1.

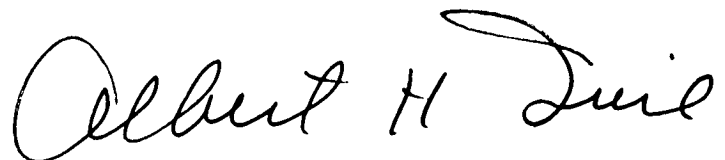
7. Violations of these Rules are subject to civil and criminal penalties as set forth in Section 5 of the Emergency Petroleum Allocation Act of 1973 (P.L. 93-159), Federal Regulation 10 C.F.R. Section 205.203, and other applicable federal statutes. Local authorities shall have the responsibility for monitoring compliance with these Rules. Any violations should be reported to the Minnesota Energy Agency for referral to federal authorities.

8. Rule 3 shall not take effect until July 16, 1979.

9. If a retailer orders gasoline in accordance with his monthly allocation and his supplier cannot deliver that gasoline within forty-eight hours of the time the order is placed, the supplier shall immediately notify the retailer. The notification shall include a firm delivery time for the gasoline and shall set forth the reasons for the delay.

10. This Emergency Executive Order, which is issued for the protection of the citizens of the State, shall be effective immediately, and shall remain in force until such date as the shortage of motor gasoline available for retail distribution has ended, or until this Emergency Executive Order is otherwise superceded or terminated.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 28th day of June, 1979.



EXECUTIVE ORDERS

Emergency Executive Order No. 79-31 **Amending Emergency Executive Order No. 79-30**

I, Albert H. Quie, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution of the State of Minnesota and applicable statutes, and specifically by Executive Order No. 12140 of the President of the United States, issued pursuant to the Emergency Petroleum Allocation Act of 1973 (P.L. 93-159), as amended, do hereby issue this Executive Order:

WHEREAS, Executive Order No. 79-30 was issued on June 28, 1979, establishing a system of end-user allocation for motor gasoline; and

WHEREAS, it is necessary for the protection of the public health, safety and welfare to amend and clarify Emergency Executive Order No. 79-30;

NOW, THEREFORE, I Order:

Emergency Executive Order No. 79-30 is hereby amended by the addition of the following paragraphs:

11. Rule 1(a) shall not apply to purchases of gasoline for new and used vehicles being prepared for sale by new or used vehicle dealers, nor to purchases of gasoline for vehicles with fuel tanks of nine gallons, or less, total capacity. Vehicles with rotary engines are subject to the \$5.00 minimum purchase obligation; vehicles with five cylinders are subject to the \$7.00 minimum purchase obligation.

12. Rule 1(c) shall not apply to sales for proven commercial purposes, including but not limited to, construction companies which have no bulk delivery, lawn maintenance or landscaping concerns, and equipment repair businesses. The purchaser must establish to the gasoline retailer's satisfaction that the gasoline is being purchased for commercial purposes. The following guidelines shall be used by the retailer:

(a) Vehicles carrying the non-vehicle fuel containers shall indicate by their design, size, recognizable company identification, or vehicle registration that they are obviously being used for commercial purposes, or,

(b) Individually-owned vehicles carrying the non-vehicle containers shall evidence use of fuel for commercial purposes by presence of specialized equipment, gasoline-powered motors or instruments, or tools of the trade.

13. The requirement of rule 4 that at least one-sixth of the retailer's weekly supply of gasoline be available for sales on weekends shall not apply to any gasoline retailer whose normal business practice on a month-to-month basis in the corresponding months of 1978, was to remain closed on Saturdays and Sundays.

EXECUTIVE ORDERS

This Emergency Executive Order, which is issued for the protection of the citizens of the State, shall be effective immediately, and shall remain in force until such date as the shortage of motor gasoline available for retail distribution has ended, or until Emergency Executive Order No. 79-30 is otherwise superseded or terminated.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 7th day of July, 1979.

Albert H. Jure

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.

Housing Finance Agency

Adoption and Extension of Temporary Rules Governing the Urban Indian Housing Program

The temporary rules for the Urban Indian Housing Program, 12 MCAR § § 3.150 to 3.157, are extended until the earlier of July 1, 1980 or the date on which permanent rules are adopted, pursuant to a Resolution of the Board of the Agency adopted pursuant to Laws of 1979, ch. 327, § 5. The rules were published at *State Register*, Volume 3, Number 15, pp. 726-778 (3 S.R. 726), with amendments published at *State Register*, Volume 3, Number 32, pp. 1557-1558 (3 S.R. 1557).

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.

Pollution Control Agency Proposed Rule Governing Air Pollution Control Requirements During Air Pollution Episodes

Notice of Rescheduling of Hearing

Notice is hereby given that rule hearings in the above-entitled matter scheduled for Tuesday, July 31, at 9:30 a.m., in the Board Room of the Minnesota Pollution Control Agency, 1935 W. County Road B2, Roseville, Minnesota, notice of which was published at 3 S.R. 2295 (July 2, 1979), is hereby rescheduled. The hearing will be held on Wednesday, August 8, 1979, at 9:30 a.m. in the Board Room of the Minnesota Pollution Control Agency, 1935 W. County Road B2, Roseville, Minnesota. Questions concerning this matter should be directed to Mr. Douglas Benson, Division of Air Quality, Minnesota Pollution Control Agency, 1935 W. County Road B2, Roseville, Minnesota (612/296-7740).

July 2, 1979

Terry Hoffman
Executive Director

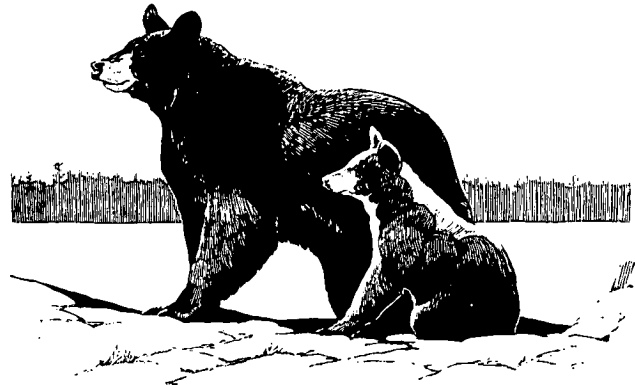
KEY: RULES SECTION — Underlining indicates additions to proposed rule language. **Strike outs** indicate deletions from proposed rule language. **PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. **Strike outs** indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."

PROPOSED RULES

PUBLIC HEARINGS ON AGENCY RULES

JULY 23-27, 1979

Date	Agency & Rule Matter	Time & Place
July 23	Pollution Control Agency Power Plants; Opacity; Malfunctions & Breakdowns of Control Equipment & Process Equipment Hearing Examiner: Myron Greenberg	9:30 a.m., Board Rm., Pollution Control Agency, 1935 W. Co. Rd. B2, Roseville, MN
July 23	Pollution Control Agency Granting an Exemption for Sparsely Populated Areas from Certain Sanitary Land-fill Operating Standards Hearing Examiner: Howard Kaibel	1:00 p.m., Mesabi State Community College, Room 135, 9th Ave. & W. Chestnut, Virginia, MN
July 24	See above	Bemidji State University, Lower Student Union, Crying Wolf Room, 14th & Birchmont, Bemidji, MN



The black bear was originally found throughout Minnesota, but now lives only in northern woodlands. The black bear is omnivorous, but less than 10% of its food is animal matter. The adult weighs between 250 and 300 pounds, stands two to three feet at the shoulders and has a coat color variation from light brown to deep black. In 1971 the Minnesota legislature gave full big game animal status to the black bear. The Department of Natural Resources now establishes hunting zones, seasons and bag limits.

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 contract person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal.

Department of Economic Development Tourism Division

Notice of Request For Proposals for Development of a Five Year Tourism Marketing Plan

The Minnesota Department of Economic Development, 480 Cedar Street, Saint Paul, Minnesota 55101, is requesting proposals for the development of a five year tourism marketing plan.

The study to be performed will draw upon two previously completed studies: 1) a marketing study of tourism habits in the Upper Midwest; and 2) an evaluation of Division of Tourism advertising efforts in previous years. The contractor selected to perform the work will be responsible for merging the marketing study with the advertising evaluation to create a step-by-step five year marketing plan.

The estimated cost for the work is \$20,000.00.

A complete Request for Proposals that outlines the scope of the work to be performed may be obtained from the Research Division of the Department of Economic Development, by calling (612) 296-3871. Proposals must be submitted by 4:00 p.m. on July 30, 1979.

**Department of Economic
Security
Employment and
Training Division**

**Notice of Request For Proposals
for a Training Program**

The Minnesota Department of Economic Security has received a special budget from the United States Department of Labor to improve productivity in the Minneapolis Job Service office. Part of this budget is designated for refresher and upgrading training of placement interviewers and first-line supervisors.

The proposed training program should include at least eight hours training for eighty placement interviewers; the following areas should be covered:

1. Listening—how to sort out information that is job-related and how to reduce barriers to effective listening
2. Questioning—how to elicit background information and job-related work experience and education from the applicant
3. Feedback—how to give appropriate feedback to the applicant
4. Selling—how to encourage and persuade the applicant to accept employment interviews
5. Coaching—how to teach the applicant appropriate interview behavior

Further, the proposed training program should include at least thirty-six hours of training for thirty supervisors and specialists. This group should participate in an interviewing skills session similar to the one described above, and additional sessions should cover the following topics:

1. Management Systems—documentation of daily activities and methods of gaining better managerial control. Small group work should provide practice in giving work assignments and doing effective follow-up.
2. Communication Skills—feedback and the need for clear communication in the day-to-day job of management. Participants should evaluate self-knowledge and perceptions of knowledge others have of them.
3. Motivation—what motivates the employee and the role of the supervisor in employee motivation. Small group work should explore the consequences of supervisor style on employee motivation.
4. Diagnosing Problems and Taking Corrective Action—the need to document poor performance, methods of dealing with the performance problem without focusing on the individual and communicating performance issues up the management ladder.
5. Performance Appraisal—how to establish clear work objectives, how to appraise performance, how to conduct the performance discussion and how to build development plans.

6. Leadership Effectiveness—self-assessment of basic leadership style, style range and style adaptability. Emphasis should be placed upon the necessity of flexibility in managing while giving participants a means for assessing their options.

One award will be granted for a maximum of \$12,000 for all services and expenses.

Inquiries and formal expressions of interest should be directed to Robert L. Peterson, Employee Development Specialist, at the Minnesota Department of Economic Security, 390 North Robert Street, St. Paul, Minnesota 55101, telephone (612) 296-3691. Proposals must be submitted to Mr. Peterson no later than 12:00 p.m. (noon) August 7, 1979.

**Department of Economic
Security
Office of Statewide CETA
Coordination**

**Notice of Request For Proposals
for Operation of Displaced
Homemaker Program**

In accordance with Laws of 1979, Chapter 336, the Minnesota Department of Economic Security, Office of Statewide CETA Coordination (OSCC) is requesting proposals from qualified bidders to operate a displaced homemakers program in the Twin Cities Metropolitan area. The estimated amount of this contract is \$290,000.

Request for proposal application is available upon request. Inquiries and requests should be directed to:

Joline Gitis
Office of Statewide CETA Coordination
690 American Center Building
St. Paul, Minnesota 55101
296-8006

Request for proposal applications will be accepted to 4:00 P.M., Friday, August 17, 1979.

**Department of Labor and
Industry
Workers' Compensation
Division**

**Notice of Request For Proposals
for Court Reporter Services**

Notice is hereby given that the Workers' Compensation Division of the Department of Labor and Industry will be contracting with qualified court reporters during the fiscal year of July 1, 1979 through June 30, 1980.

Information and specifications on submitting proposals will be furnished to persons or associations who make a written request for same to:

Ray Adel, Assistant Commissioner
Department of Labor and Industry
444 Lafayette Road
St. Paul, Minnesota 55101

The written requests must be received by 4:30 p.m. Tuesday, July 31, 1979. Final proposals must be received by the Department of Labor and Industry by 4:30 p.m. Wednesday, August 15, 1979. General information may be obtained by telephone from Mr. Adel at (612) 296-6490.

Pollution Control Agency

Notice of Request For Proposal for an Environmental Impact Statement

The Minnesota Pollution Control Agency wishes to retain a consultant for the preparation of an environmental impact statement (EIS) on the proposed expansion of the Woodlake Sanitary Landfill at Medina, Minnesota.

The 40-acre expansion will occur at an existing landfill site which is adjacent to a type III wetland, and has a stream running through the site which eventually drains into a major regional park reserve (Morris T. Baker Park Reserve). The company has proposed to install a leachate collection system in the expansion area. The expected volume for the expansion site is approximately 330,000 cubic yards/year of municipal refuse. Leachate is entering the wetland from the existing site due to the previous owner filling part of the wetland. In addition, there is effluent from the Loretto Sewage Treatment Plant which appears to contribute to water quality degradation in the wetland.

Copies of the Request for Proposal and other information on the project are available from:

Janet M. Cain (612) 296-7394
Environmental Planning & Review Unit
Minnesota Pollution Control Agency
1935 West County Road B2
Roseville, Minnesota 55113

Proposals to be considered must be submitted to the Minnesota Pollution Control Agency before 4:30 p.m. on August 6, 1979 or three weeks from the date of first publication of this notice, whichever is later.

A draft EIS is to be completed by January 1, 1980, and the final EIS to be completed by March 15, 1980.

Department of Revenue Property Equalization Division

Request For Proposals for Appraisal Contract

The Department of Revenue is requesting proposals for an appraisal contract not to exceed \$160,000. The contract is to include appraisals of railroad operating property within the State of Minnesota. Deadline for submission of proposals is 4:30 p.m., July 23, 1979. Contractor must be able to proceed immediately with the appraisals.

Interested parties can receive Request for Proposal documents from:

Dennis J. Erno
Department of Revenue
2nd floor, Centennial Office Building
St. Paul, Minnesota 55145
(612) 296-1022

Office of the State Treasurer Unclaimed Property Division

Request For Proposals for Services and Technical Advice

The Unclaimed Property Division of the State Treasurer's Office is requesting the services and technical advice with respect to administration and enforcement of Minnesota's Unclaimed Property Act. The individual shall provide assistance for the internal auditors in connection with audits of property holders, for in-office compliance program, and in obtaining compliance by the federal government with the Unclaimed Property Act.

For further information contact:

Faith E. Woodman, Director of Unclaimed Property
G-21 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155
Telephone (612) 296-2568

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.

Minnesota State Arts Board

Notice of Availability of 1979-80 Grants Assistance to Individual Artists, Non-Profit, Tax-Exempt Organizations, Units of Government and Departments or Agencies of the State for Arts Services, Programs and Projects

Purpose

Funds are available to assist individual artists, non-profit, tax exempt organizations, units of government and departments and agencies of the state for the production or sponsorship of arts services, programs and projects.

Effect of Grant Rules

These grants are subject to the provisions of Minnesota State Arts Board Rules, 5 MCAR § § 5.001-5.012.

How to Apply for Funds

Program Information, which describes the categories of assistance available, rules, which describe eligibility and review standards, application forms and instructions are available from the Minnesota State Arts Board, 314 Clifton Avenue, Minneapolis, MN, 55403, (612) 341-7170. After July 31, 1979 the agency will be located at 2500 Park Avenue South, Minneapolis, MN, 55404. Application deadlines for fiscal year 80 are as follows:

Individual Artist Assistance — September 15, 1979 and February 1, 1980;

Production Assistance for Organizations — January 15, 1980;

Sponsor Assistance for Organizations — February 15, 1980.

Minnesota State Arts Board

Notice of Meetings of the Board for the Remainder of 1979

The members of the Minnesota State Arts Board will meet at 2:00 p.m. on the following dates:

August 29, 1979, Minnesota Church Center, 122 West Franklin Av., Minneapolis, MN;

September 28, 1979, Minnesota State Arts Board office, 2500 Park Avenue South, Minneapolis, MN;

October 19, 1979, Minnesota State Arts Board office;

December 14, 1979, Minnesota State Arts Board office;

Meeting dates and locations are subject to change. Official meeting notices are posted at the Minnesota State Arts Board office. Members of the public may also call the Arts Board at (612) 341-7170, to confirm meeting schedules.

A schedule of meetings for 1980 will be available in December 1979.

Department of Commerce Banking Division

Bulletin No. 2102: Maximum Lawful Rate of Interest for Mortgages for the Month of July 1979

Notice is hereby given that the Banking Division, Department of Commerce, State of Minnesota, pursuant to House File No. 564, Chapter 279, 1979 Session Laws, as it amended Section 47.20, Subd. 4, Minnesota Statutes, effective May 31, 1979, hereby determines that the maximum lawful rate of interest for home mortgages for the month of July, 1979, is eleven and three-quarters (11.75) percent.

June 28, 1979

Michael J. Pint
Commissioner of Banks

Department of Personnel

Notice of Intent to Solicit Outside Opinion Regarding Rules of the Department of Personnel

The Department of Personnel is drafting rules to implement Minn. Stat. ch. 43 as amended by Laws 1979, ch. 332.

The Department will also be drafting changes in Personnel Rules for the purpose of clarifying and simplifying existing procedures.

The subjects covered by the proposed rule changes include the following:

labor service; temporary designation of positions in the unclassified service; reallocation of positions; work-out-of-class; severance pay; eligibility to compete in promotional examinations; rating results of selection processes; reemployment list; removal of names from eligible lists; statement of availability; temporary appointment; emergency appointment; transfers; duration of probationary period; suspension; layoff; demotion; reinstatement after resignation, retirement, or expiration of leave of absence; restoration of seniority; holidays; absence because of illness or injury for which worker's compensation is paid; general regulations governing leaves of absence with pay; vacation; sick leave; other leaves with pay; child bearing/child rearing leaves of absence without pay; other leaves of absence without pay; availability of performance appraisal reports; training standards; travel expense reimbursement; relocation expenses; and the definitions of "agency," "agency promotional list," "open competitive list," "permanent employee," "reallocation," "reemployment list," and "statewide promotional list."

The Department invites interested persons or groups to provide written information, comments and advice on these subjects to James Lee, Minnesota Department of Personnel, 3rd Floor, Space Center Building, 444 Lafayette Road, St. Paul, Minnesota 55101.

Written statements will be made part of the public hearing record and must be submitted by July 27, 1979 to be considered in the original rules draft.

Barbara L. Sundquist
Commissioner

Pollution Control Agency

Proposed Rules on Standards of Performance for Coal Handling Facilities and Fugitive Emissions Within Designated Areas

Correction of Notice of Hearing

The Notice of Hearing in the above-captioned matter, which appeared in the July 9, 1979, issue of the *State Register*, did not state the date of the portion of the hearing to be held in Duluth, Minnesota. Notice is hereby given that one day of hearing will be held on the above-captioned rules on Thursday, August 16, 1979, in the St. Louis County Commissioners Board Room in the St. Louis County Courthouse, Duluth, Minnesota, commencing at 1:00 p.m., and reconvening at 7:00 p.m.

The remainder of the Notice of Hearing is correct as published on July 9, 1979.

Dated: July 6, 1979

Terry Hoffman
Executive Director

Pollution Control Agency Water Quality Division

Notice of Approval of the Metropolitan Council's 208 Plan and Recommendation for Certification by the Governor

On June 26, 1979, pursuant to 40 CFR 130.12 and 131.20, the Minnesota Pollution Control Agency (MPCA) approved the Metropolitan Council's 208 Water Quality Management Plan (WQMP) and recommended it to the Governor for certification as the official WQMP for the 7-county metropolitan area. It is expected that the Governor will certify the Plan and forward it to the U.S. Environmental Protection Agency (EPA) by July 23, 1979.

Once the Plan has been certified by the Governor and approved by the U.S. EPA, no grant for construction of municipal treatment works pursuant to § 201(g) of PL 92-500 may be made except in conformity with the Plan, and no National Pollutant Discharge Elimination System permit which is in conflict with the Plan may be issued pursuant to § 402 of PL 92-500.

Copies of the Metropolitan Council's 208 WQMP are on file at the MPCA (contact Paul E. Davis, 296-7241) and the Metropolitan Council (contact Edward Maranda, 291-6436).

Terry Hoffman
Executive Director

**Department of Public
Welfare
Social Services Bureau**

**Notice of Intent to Solicit Outside
Opinion Concerning Subsidized
Adoption**

Notice is hereby given that the Minnesota Department of Public Welfare is considering draft amendments to DPW Rule 200, Adoption (12 MCAR § 2.200).

This rule governs adoption services affecting families and children from the time the child becomes available for adoption until after legal adoption. These services are provided through local social service and licensed child-placing agencies.

The proposed changes affect the section in the Rule on subsidized adoption. The Commissioner of Public Welfare may make subsidy payments to families adopting children who are under state guardianship or who are Minnesota residents from a licensed child-placing agency. These payments are to be made according to rules promulgated by the Commissioner and are not to exceed the \$500,000 appropriated for the biennium ending June 30, 1981. Statutory authority is in Minn. Stat. § 259.40, Subd. 2, 7 and 10 effective July 1, 1979.

All interested or affected persons or groups 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:

Ruth C. Weidell, Supervisor
Adoption Unit
Minnesota Department of Public Welfare
Centennial Building
St. Paul, MN 55155

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-3740.

All statements of information and comment must be received by August 6, 1979. Any written material received by the Department shall become part of the hearing record.

**Office of the Secretary of
State
Election and Legislative
Manual Division**

**Notice of Vacancy in Multi-
Member Agency — Application
and Appointment Procedures**

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 Bldg., St. Paul, Mn. 55155; (612) 296-2805. Application deadline is Tuesday, July 31, 1979.

Real Estate Advisory Council: One vacancy open immediately for a member who is a real estate broker for a term expiring July 1, 1983. The council advises the Commissioner of Securities on policy matters relating to the licensing of real estate brokers and salespersons. Meetings are held quarterly. Members are compensated \$35 per day plus mileage. The appointing authority is the Commissioner of Securities. For specific information contact Carol Groppoli, Department of Commerce, Securities Division, Metro Square Bldg, St. Paul, Mn. 55155; (612) 296-9439.

Minnesota Indian Scholarship Committee: Nine vacancies open August 1, 1979, for terms expiring August 1, 1981. The committee advises the State Board of Education on the amounts and types of scholarships granted American Indian post-secondary students. The committee meets 10-12 times a year. Members are compensated for expenses. The appointing authority is the State Board of Education. For specific information contact Joe Aitkin, 1705 U.S. Highway 2 West, Bemidji, Mn. 56001; (218) 755-2926 or Department of Education, Indian Education Section, 800 Capitol Square Bldg., St. Paul, Mn. 55101; (612) 296-6458.

Department of Transportation

Notice of Application and Opportunity for Hearing Regarding Authority to Retire and Remove all Trackage Serving Geo. Hormel & Company Located at Austin, Minnesota

Notice is hereby given that Chicago and North Western Transportation Company with attorneys at 4200 IDS Center, 80 South 8th Street, Minneapolis, Minnesota 55402 has filed a petition with the Commissioner of Transportation pursuant to Minn. Stat. § 219.741 and § 218.041, Subd. 3 (10) to retire and remove all trackage serving Geo. Hormel & Company located at Austin, Minnesota.

The petition recites among other matters that: "The subject tracks are no longer needed for rail transportation service, constitute a continuing and burdensome maintenance expense, and is an unnecessary safety hazard. The tracks are not used at the present time, and there is no present prospect that the subject tracks will be needed in the future. The only shippers, patrons or members of the public who might have any interest in the retention of the tracks or facilities, or who have used the same to any substantial degree within the past

several years is Geo. Hormel & Company, P.O. Box 800, Austin, MN 55912."

Any person may file a written objection to the proposed action by means of a letter addressed to the Commissioner of Transportation, Transportation Building, Saint Paul, Minnesota 55155, not later than the date specified below. An objection must be received on or before August 6, 1979. The objection should state specifically how the objector's interest will be adversely affected by the proposed action.

Upon receipt of a written objection, the Commissioner will, with respect to the named petitioner, set the matter down for hearing. If no objections are received, the Commissioner may grant the relief sought by the petitioner.

If this matter is set for hearing, any person who desires to become a party to this matter must submit a timely petition to intervene to the Hearing Examiner pursuant to 9 MCAR § 2.210, showing how the person's legal rights, duties and privileges may be determined or affected by the decision in this case. The petition must also set forth the grounds and purposes for which intervention is sought. All parties have the right to be represented by legal counsel or any other representative of their choice. In the event the objecting party does not do so, or otherwise does not participate in the hearing, the statements contained in the application filed may be taken as true.

July 6, 1979

Richard P. Braun
Commissioner

SUPREME COURT

Decisions Filed Friday, July 6, 1979

Compiled by John McCarthy, Clerk

47974/ State of Minnesota vs. Jack Durand
265 (1978) Tibbetts, Appellant. Dakota County.

Minn. St. § 609.341, subd. 11, denies a defendant who is charged with criminal sexual conduct the constitutional right to require that every element of the offense be proved beyond a reasonable doubt before the accused may be found guilty.

Reversed and remanded for a new trial. Otis, J. Dissenting, Scott, Kelly, and Todd, JJ.

48753/391 Butler Taconite, et al, Appellants, vs.
Arthur C. Roemer, Commissioner of the
Department of Revenue. Ramsey County.

Article IX of the Omnibus Tax Bill, L. 1977, c. 423, is unconstitutional insofar as it requires collection of the occupation tax prior to May 1 of the calendar year following the year of mining or production.

Reversed and remanded. Wahl, J. Took no part, Todd, J.

48824/27 Dennis A. Vetsch vs. Schwan's Sales Enterprises, et al and Prudential Insurance Company of America, intervenor, Relator. Workers Compensation Court of Appeals.

A health insurer who was excluded from participating in negotiations resulting in a full, final and complete settlement of an employee's workers' compensation claim and who was not a party to the "stipulation for an award" is entitled to full reimbursement of the expenses it paid or incurred on behalf of the employee under an insurance policy excluding claims covered by workers' compensation, notwithstanding its fail-

SUPREME COURT

ure to present any evidence relating to the compensability of employee's claim.

Reversed and remanded. Kelly, J.

48647/74 Cy I. Kaster, Appellant, vs. Independent School District No. 625. Ramsey County.

Where a defendant-employer, who utilized a subjective interviewing process devoid of procedural safeguards to select applicants for promotion, repeatedly failed to promote plaintiff, who was Jewish, despite his outstanding qualifications, an inference of discrimination was raised establishing a prima facie case.

Because defendant did not rebut the prima facie case by demonstrating any evidence of a legitimate non-discriminatory purpose for his actions, plaintiff's burden was satisfied and defendant was liable for damages under Minn. St. § 363.03.

Reversed and remanded for determination of appropriate relief in accordance with Minn. St. § 363.14. Kelly, J. Took no part, Todd, J.

48621/135 State of Minnesota vs. Alberto Rosillo, Appellant. Faribault County.

Jury instruction of duress defense properly required that defendant reasonably be in fear of immediate death.

Affirmed. Kelly, J.

48434/285 State of Minnesota vs. Frederick A. Armell, Appellant. Washington County.

Evidence that defendant committed aggravated robbery was not, as defendant contends, legally insufficient.

Trial court, in sentencing defendant who was convicted of escape and several other crimes committed after his escape was complete, did not violate Minn. St. § 609.035 in sentencing defendant for the escape conviction or for a burglary conviction and two convictions for aggravated robbery but court did not violate statute.

Affirmed. Per Curiam.

49081/293 Edna Morgan, widow of James R. Morgan, deceased, Relator, vs. State of Minnesota, University of Minnesota (self-insured). Workers Compensation Court of Appeals.

The denial of dependency compensation is affirmed because review of the record establishes that claimant did not sustain her burden of proving a causal relationship between the deceased employee's exposure to asbestos during his work and his death.

Affirmed. Per Curiam.

48692/295 State of Minnesota vs. Andre Billy Bryant, Appellant. Hennepin County.

The trial court's questioning of two jurors out of defendant's presence was, if error, nonprejudicial.

Since the record does not show any request by defendant for submission of either third-degree murder or first-degree manslaughter, we must assume that no request was made, and we therefore conclude that defendant impliedly waived any right to have these offenses submitted.

Evidence on issue of intent to kill was not, as defendant contends, legally insufficient.

Affirmed. Per Curiam.

Errata

Tables 4 and 5 of Pollution Control Agency proposed rules 6 MCAR § 4.0039 Emergency episodes appearing at 3 S.R. 2300-2302 were incorrectly printed. Following is their correction.

TABLE 4

EMISSION REDUCTION OBJECTIVES FOR NITROGEN OXIDES

<u>SOURCE OF AIR CONTAMINATION</u>	<u>AIR POLLUTION ALERT</u>	<u>AIR POLLUTION WARNING</u>	<u>AIR POLLUTION EMERGENCY</u>
1. Steam-electric power generating facilities.	a. Substantial reduction by utilization of fuel which results in the formation of less air contaminant. b. Substantial reduction by diverting electric power generation to facilities outside of Alert Area.	a. Maximum reduction by utilization of fuel which results in the formation of less air contaminant. b. Maximum reduction by diverting electric power generation facilities outside of Warning Area.	a. Maximum reduction by diverting electric power generation to facilities outside of Emergency Area.
2. Process steam generating facilities.	a. Substantial reduction by utilization of fuel which results in the formation of less air contaminant. b. Reduction of steam load demands consistent with continuing plant operations.	a. Maximum reduction by utilization of fuel which results in the formation of less air contaminant. b. Reduction of steam load demands consistent with continuing plant operations. c. Making ready for use a plan of action to be taken if an emergency develops.	a. Maximum reduction by reducing heat and steam demands to absolute necessities consistent with preventing equipment damage.
3. A — Manufacturing and processing industries. AND B — Other persons required by this rule to prepare standby plans.	a. Substantial reduction of air contaminants from manufacturing operations by curtailing, postponing, or deferring production and allied operations. b. Maximum reduction by deferring trade waste disposal operations which emit particles, gases, vapors or malodorous substances. c. Reduction of heat load demands for processing consistent with continuing plant operations.	a. Maximum reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable economic hardship by postponing production and allied operations. b. Maximum reduction by deferring trade waste disposal operations which emit particles, gases, vapors or malodorous substances. c. Reduction of heat load demands for processing consistent with continuing plant operations.	a. Elimination of air contaminants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment. b. Elimination of air contaminants from trade waste disposal process which emit particles, gases, vapors, or malodorous substances. c. Maximum reduction of heat load demands for processing.
4. Stationary internal combustion engines.	a. Reduction of power demands for pumping consistent with continuing operations. b. Maximum reduction by utilization of fuels or power source which results in the formation of less air contaminants.	a. Reduction of power demands for pumping consistent with continuing operations. b. Maximum reduction by utilization of fuels or power source which results in the formation of less air contaminants.	a. Maximum reduction by reducing power demands to absolute necessities consistent with personnel safety and preventing equipment damage. b. Maximum reduction by utilization of fuels or power source which results in the formation of less air contaminants.
5. Refuse disposal operations.	a. Maximum reduction by prevention of open burning. b. Substantial reduction by limiting burning of refuse in incinerators to the hours between 12:00 noon and 4:00 p.m.	a. Maximum reduction by prevention of open burning. b. Complete elimination of the use of incinerators.	a. Maximum reduction by prevention of open burning. b. Complete elimination of the use of incinerators.

TABLE 5
EMISSION REDUCTION OBJECTIVES FOR HYDROCARBONS

<u>SOURCE OF AIR CONTAMINATION</u>	<u>AIR POLLUTION ALERT</u>	<u>AIR POLLUTION WARNING</u>	<u>AIR POLLUTION EMERGENCY</u>
1. Petroleum products storage and distribution.	a. Substantial reduction of air contaminants by curtailing, postponing, or deferring transfer operations.	a. Maximum reduction of air contaminants by assuming reasonable economic hardship by postponing transfer operations.	a. Elimination of air contaminants by curtailing, postponing, or deferring transfer operations to the extent possible without causing damage to equipment.
2. Surface coating and preparation.	a. Substantial reduction of air contaminants by curtailing, postponing, or deferring transfer operations.	a. Maximum reduction of air contaminants by assuming reasonable economic hardship by postponing transfer operations.	a. Elimination of air contaminants by curtailing, postponing, or deferring transfer operations to the extent possible without causing damage to equipment.
3. A — Manufacturing and processing industries. AND B — Other persons required by this rule to prepare standby plans.	a. Substantial reduction of air contaminants from manufacturing operations by curtailing, postponing, or deferring production and allied operations. b. Maximum reduction by deferring trade waste disposal operations which emit particles, gases, vapors or malodorous substances. c. Reduction of heat load demands for processing consistent with continuing plant operations.	a. Maximum reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable economic hardship by postponing production and allied operations. b. Maximum reduction by deferring trade waste disposal operations which emit particles, gases, vapors or malodorous substances. c. Reduction of heat load demands for processing consistent with continuing plant operations.	a. Elimination of air contaminants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment. b. Elimination of air contaminants from trade waste disposal processes which emit particles, gases, vapors or malodorous substances. c. Maximum reduction of heat load demands for processing.

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