

81 April 20

STATE REGISTER

STATE OF MINNESOTA

RECEIVED

APR 1 1981

LEGISLATIVE REFERENCE LIBRARY
STATE CAPITOL
ST. PAUL, MN. 55155



VOLUME 5, NUMBER 42

April 20, 1981

Pages 1627-1650



Printing Schedule for Agencies

Table with 4 columns: Issue Number, *Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules, *Submission deadline for State Contract Notices and other **Official Notices, Issue Date. Includes SCHEDULE FOR VOLUME 5 with rows for issues 43-46.

*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.

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

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

The State Register is published by the State of Minnesota, State Register and Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to Minn. Stat. § 15.0411. Publication is weekly, on Mondays, with an index issue in August.

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.

Albert H. Quic
Governor

Carol Anderson Porter
Editor

David Zunker
Information Officer

James J. Hiniker, Jr.
Commissioner
Department of Administration

Paul Hoffman, Robin PanLener
Editorial Staff

Stephen A. Ordahl
Director
State Register and
Public Documents Division

Roy Schmidtke
Circulation Manager

Cindy Peterson
Secretary

CONTENTS

MCAR AMENDMENTS AND ADDITIONS

Inclusive listing for Issues 40-42..... 1630

PROPOSED RULES

Public Safety Department

Driver & Vehicle Services Division

Standards for Administration of Driver License Laws
Pertaining to Physical or Mental Qualifications..... 1631

Board of Teaching

Procedures for the Issuance of Life Licenses 1636

TAX COURT

State of Minnesota, Tax Court. Ramsey County, Regular Division.

Bituminous Roadways, Inc., Appellant, v. The
Commissioner of Revenue, Appellee. In the Matter
of the Appeal from the Commissioner's Order
Dated August 23, 1974, and His Order Dated
February 4, 1977, Relating to Use Tax of Bituminous
Roadways, Inc., for the Taxable Period Ending
1973 and 1976. Docket Nos. 2082 and 2399. Order
Dated April 7, 1981 1638

SUPREME COURT

Decisions Filed Friday, April 10, 1981

50993/Sp. Shirley Roemer, et al., v. Vincent
Eversman, et al., Appellants. Wabasha County. ... 1642
51535/11 Anastasia Kroll, Appellant, v. Independent
School District No. 593. Polk County..... 1642
49416/438 Jack Frost, Inc., v. Engineered Building
Components Company, Inc., defendant and
third-party plaintiff, Foley Fuel and Lumber
Company, Inc., defendant and third-party plaintiff,
v. Hydro-ir Engineering, Inc., third-party
defendant, Appellant, Morrison County. 1643
50646
50657/Sp. Harvey Johannsen v. Minnesota Valley

Ford Tractor Co., Inc., Appellant (50647), Ford
Motor Company, Inc., Appellant (50646). Freeborn
County. 1643
51258/Sp. State of Minnesota v. William J. Snipe, Jr.,
Appellant. Hennepin County..... 1643

Decision Filed Wednesday, April 1, 1981

51950
51958/Sp. In the Matter of the Welfare of Kelly
Patrick Hartung. Hennepin County. 1643

STATE CONTRACTS

Corrections Department

Health Care Unit

Medical Services Contracts..... 1644

OFFICIAL NOTICES

Metropolitan Council

Public Hearing on the Community Development
Block Grant Application Review Guidelines and
Housing Assistance Plan Review Guidelines..... 1645

Metropolitan Council

Public Hearing on Amendment to the Air Quality
Control Plan for Transportation 1645

Metropolitan Council

Public Hearing on Proposed Changes to the Guidelines
for Ranking Subsidized Housing Proposals 1645

Pollution Control Agency

Notice of and Order for Consolidated Hearing
Regarding the Applications by the City of
Floodwood and the City of Meadowlands for A
Phosphorous Variance from 6 MCAR § 4.8027 for
Wastewater Treatment Facilities 1645

Secretary of State's Office

Vacancies in Multi-member State Agencies..... 1647

NOTICE

How to Follow State Agency Rulemaking Action in the State Register

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

The PROPOSED RULES section contains:

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

The ADOPTED RULES section contains:

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

All **ADOPTED RULES** and **ADOPTED AMENDMENTS TO EXISTING RULES** published in the *State Register* will be published in the Minnesota Code of Agency Rules (MCAR). Proposed and adopted **TEMPORARY RULES** appear in the *State Register* but are not published in the MCAR due to the short-term nature of their legal effectiveness.

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

Issues 1-13, inclusive	Issue 39, cumulative for 1-39
Issues 14-25, inclusive	Issues 40-51, inclusive
Issue 26, cumulative for 1-26	Issue 52, cumulative for 1-52
Issue 27-38, inclusive	

The listings are arranged in the same order as the table of contents of the MCAR.

MCAR AMENDMENTS AND ADDITIONS

TITLE 5 EDUCATION

Part 3 Board of Teaching

5 MCAR § 3.002 (proposed) 1637

TITLE 6 ENVIRONMENT

Part 4 Pollution Control Agency

6 MCAR § 4.0033 (proposed) 1608
 6 MCAR § 4.0041 (proposed) 1603
 6 MCAR § 4.6086 (adopted) 1583

TITLE 11 PUBLIC SAFETY

Part 1 Public Safety Department

11 MCAR §§ 1.4092-1.4099 (proposed) 1631

TITLE 13 TAXATION

Part 1 Revenue Department

13 MCAR §§ 1.0001-1.0007 (proposed) 1572
 13 MCAR §§ 1.0022, 1.0027 (proposed) 1572

PROPOSED RULES

Pursuant to Minn. Laws of 1980, § 15.0412, subd. 4h, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

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

If, during the 30-day comment period, seven or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of § 15.0412, subds. 4 through 4g, which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

Pursuant to Minn. Stat. § 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 30 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Public Safety Driver & Vehicle Services Division

Proposed Rules Governing Standards for Administration of Driver License Laws Pertaining to Physical or Mental Qualifications [11 MCAR §§ 1.4092-1.4099]

Notice of Hearing

Notice is hereby given that a public hearing will be held pursuant to Minnesota Statutes, § 15.0412, subd. 4, in the above entitled matter, in Room G-18 Transportation Building, John Ireland Boulevard, St. Paul, MN 55155, on May 28, 1981, commencing at 9:00 a.m., and continuing until all persons or representatives of associations or other interested groups have had an opportunity to be heard concerning adoption of the proposed rules captioned above by submitting either oral or written data, statement or arguments. Written materials may be submitted by mail to Jon Lunde, Office of Hearing Examiners, Room 300, 1745 University Avenue, St. Paul, MN 55104, either before the hearing or within 5 working days after the close of the hearing (the hearing examiner may extend the written comment period up to 20 calendar days at the hearing). The proposed rules are subject to change as a result of the rule hearing process. The department therefore strongly urges those who may potentially be affected by the substance of the proposed rules to participate in the hearing process.

The commissioner proposes to adopt rules relating to the following matters: The proposed rules pertain to the administration of provisions of Minnesota Statutes Chapter 171 which are related to the granting, denying, restricting, suspending, revoking or cancelling of drivers' licenses of persons with physical or mental disabilities or diseases when the department's decision is related to the disability or disease. The disabilities or diseases dealt with in the proposed rules include: visual acuity, diabetes, mental illness and conditions resulting in loss of consciousness or voluntary control. The proposed rules include the criteria the department will use to determine the person's eligibility or ineligibility for a license pursuant to Minnesota Statutes, § 171.04 clauses (8) and (9).

The department's authority to promulgate the proposed rules is contained in Minnesota Statutes, § 15.0412, subd. 3, and ch. 171 generally.

One free copy of the proposed rules is available and may be obtained by writing to the Department of Public Safety (D.L. Rules), 211 Transportation Building, St. Paul, MN 55155. Additional copies will be available at the door on the date of the hearings.

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

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

PROPOSED RULES

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

Notice is hereby given that 25 days prior to the hearing, a Statement of Need and Reasonableness will be available for review at the Department of Public Safety and at the Office of Hearing Examiners. The Statement of Need and Reasonableness will include a summary of all of the evidence and argument which the department anticipates presenting at the hearing, justifying both the need for and reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Administrative Hearings at a minimal charge.

The department estimates that there will be no cost to local public bodies in the state to implement the rules for the two years immediately following their adoption, within the meaning of Minn. Stat. § 15.0412, subd. 7 (1980).

Please be advised that Minnesota Statutes, ch. 10A, requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. Minnesota Statutes § 10A.01, subd. 11 (1980) defines a lobbyist as any individual: (a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or (b) who spends more than \$250, not including his own traveling expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials. The Statute provides certain exceptions. Questions should be directed to Ethical Practices Board, 41 State Office Building, St. Paul, MN 55155, telephone (612) 296-5615.

The rule hearing process is governed by Minnesota Statutes, §§ 15.0411 through 15.0417 and § 15.052 and by 9 MCAR §§ 2.101 through 2.113 (Minnesota Code of Agency Rules). Questions relating to the rule hearing process and procedures may be directed to the Hearing Examiner, Jon Lunde, phone 296-5938.

John P. Sopsic
Commissioner of Public Safety

Rules as Proposed (all new material)

Chapter Nine: Standards for Administration of Driver License Laws Pertaining to Physical or Mental Qualifications

11 MCAR § 1.4092 Purpose and scope.

A. Purpose. This chapter is to set out general standards for effective administration of the driver licensing statutes relating to the issuance, restriction or denial of driving privileges with respect to persons having physical or mental disabilities under Minn. Stat. §§ 171.04; 171.13 and 171.14.

B. Scope. These rules are intended to be confined within the framework of, and consistent with, the provisions of Chapter 171 of Minnesota Statutes.

C. Definitions. When used in these rules, the following phrase shall have the following meaning: "Good cause to believe": grounds put forth in good faith which are not arbitrary, irrational, unreasonable or irrelevant and which are based on at least one of the following sources:

1. written information from an identified person
2. facts supplied by the driver or applicant
3. facts of which the commissioner or his employees or agents have personal knowledge

11 MCAR § 1.4093 Vision.

A. General. Every applicant shall submit to a vision screening or examination. The screening device, designed to screen 20/40 or better corrected vision, shall be of a type accepted by the American Medical Association.

The purpose of the vision screening is:

1. To screen each applicant to guarantee that those individuals with substandard vision are required to take the necessary steps required to achieve the best vision possible.
2. To deny driving privileges to those whose vision is likely to interfere with the safe operation of motor vehicles in traffic.

B. Corrective lenses not required. Except as otherwise provided herein, no corrective lenses will be required where the applicant:

1. scores 20/40 or better, with either one or both eyes, without corrective lenses;
2. has one eye, but scores 20/40 or better, without corrective lenses; or
3. has the recommendation of an eye specialist that corrective lenses not be worn. In these cases, the commissioner shall either require the applicant to be examined further, to impose suitable restrictions upon his driving privileges or both.

C. Corrective lens requirement. Corrective lenses shall be required in all cases when:

1. The applicant scores less than 20/40 with either one or both eyes unassisted but scores 20/40 or better with corrective lenses;
2. The applicant submits a physician's statement, in a form as may be prescribed by the commissioner, indicating that the applicant scores 20/40 or better with either eye, or both eyes together, but where the physician recommends that the applicant wear corrective lenses; or
3. The applicant is blind in one eye and scores less than 20/40 with the other eye unassisted, but scores 20/40 or better with corrective lenses.

D. Vision examinations. Any applicant shall be required to submit a vision report from a physician in a form as prescribed by the commissioner when:

1. The applicant disagrees with the results of the screening conducted by any driver examiner;
2. The applicant has cataracts;
3. The driver examiner is unable to determine the extent of the applicant's vision;
4. Any court or police officer has recommended that the applicant's vision be examined;
5. The commissioner determines, in some other situation, when he has good cause to believe that an examination is warranted;
6. The applicant has strabismus; or
7. The applicant has double vision

E. Vision restricted licenses. Applicants who score 20/50 or less corrected vision with either one usable eye or with two eyes shall, if otherwise eligible, be issued a restricted license to permit driving subject to the following restrictions:

1. Speed Restrictions

20/50	- - -	55 miles per hour
20/60	- - -	50 miles per hour
20/70	- - -	45 miles per hour

When the applicant scores 20/80 to 20/100 corrected vision, the application will be referred to the Chief Evaluator who shall determine whether a restricted license can be issued and the kinds of restrictions which are necessary to ensure that the applicant does not pose an unreasonable safety risk to himself or others. When the applicant scores 20/100 or less corrected vision, or is known to be receiving assistance for the blind, all privileges shall be denied and any existing license cancelled under authority of Minn. Stat. §§ 171.14 and 171.04 (9).

2. Restriction as to type of road. Any applicant subject to speed restrictions under Paragraph E.1. may also be restricted to those roads having a maximum speed limit equal to the maximum speed limit imposed upon the applicant, if the commissioner determines that the restriction is necessary for the safety of the applicant and the public. Any person limited to a maximum speed of 45 m.p.h. or less shall be restricted from driving on any freeway, expressway, or limited access highway with a speed limit of more than 45 m.p.h.

3. Area restrictions. Any applicant who scores 20/50 or less corrected vision with both eyes may be restricted to driving within an area to be determined by the commissioner, if the commissioner determines that the restriction is necessary for the safety of the applicant and the public.

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

PROPOSED RULES

F. Other situations. Any vision readings or problems not covered by the above general standards shall be referred to the Chief Evaluator, who shall determine whether a restricted license can be issued and the kinds of restrictions which are necessary to ensure that the applicant does not pose an unreasonable safety risk to himself or others.

11 MCAR § 1.4094 Loss of consciousness or voluntary control.

A. General. This rule applies to all drivers and applicants for driving privileges who suffer from any paroxysmal disturbances of consciousness, including, but not limited to, epilepsy. Any person suffering from narcolepsy or syncope of any cause, as well as any other type of periodic or episodic loss of consciousness or voluntary control, is included. This rule applies regardless of whether the driver or applicant has an "aura" or warning of imminent seizure or attack or whether the driver or applicant has only had nocturnal attacks, and no exceptions shall be made for such drivers or applicants.

B. Physician's report. When the commissioner has good cause to believe that a driver or applicant suffers from any of the periods of unconsciousness mentioned in A. above, a physician's report in such form as the commissioner may prescribe shall be required within 30 days or within such reasonable time that the person may require to obtain the report from the physician. This report shall include a sworn statement from the driver or applicant as to the date of his last period of unconsciousness.

C. Criteria for cancellation. If this report is not filed, or, if upon review of the doctor's report the commissioner finds that the individual has suffered from periods of unconsciousness, with the last period of unconsciousness occurring within the last 12 months, all driving privileges shall be cancelled under the authority of Minn. Stat. § 171.14 and denied under authority of Minn. Stat. § 171.04 (9). The person shall not be issued any driving privileges until the commissioner finds that the person is competent to drive safely.

D. Criteria for reinstatement. For reinstatement the commissioner shall require a satisfactory doctor's report and a satisfactory sworn statement from the person stating the date of the last period of unconsciousness and that it occurred at least 12 months previously.

E. Review of driver's condition. Except as otherwise provided below, any driver suffering from medical conditions subject to this rule shall be required to submit an annual physician's statement in the form prescribed by the commissioner, with respect to his medical history, present situation, and the prognosis with respect to the applicant's ability to operate a motor vehicle with safety to himself and others.

1. When the commissioner has good cause to doubt the stability of the driver's condition, the commissioner shall require physician's statements every six months, or at such shorter intervals as recommended by the reporting physician.

2. After three successive annual physician's statements indicating no episodes of loss of voluntary control, while on medication, the commissioner shall require a physician's report every four years, unless the physician recommends more frequent reports.

4. When the physician's statement indicates that an episode of loss of voluntary control resulted from a change or removal of medication on the physician's orders, the commissioner will not cancel the privilege to drive. However, a physician's statement shall be required every six months until the person has been episode-free for not less than one year.

5. When the physician reports that there has been only one such episode, the procedure shall be as indicated in Paragraph E 4. above.

11 MCAR § 1.4095 Diabetes.

A. General. When the commissioner has good cause to believe that a driver or applicant has diabetes, or has experienced a loss of voluntary control due to either insulin reaction or acidosis, a physician's report shall be required within 30 days or within such reasonable time that the person may require to obtain the report from the physician. If the physician's statement is not filed, or, if upon review of the report from the physician the commissioner finds that a person cannot drive safely, all driving privileges shall be cancelled under authority of Minn. Stat. § 171.14 and denied under authority of Minn. Stat. § 171.04 (9). The person shall not be issued any driving privileges until the commissioner finds that the person is competent to drive safely. For reinstatement, the commissioner shall require a satisfactory physician's report, demonstrating the individual is competent to drive safely.

B. Insulin control. When the driver or applicant uses insulin to control diabetes, a physician's statement shall be required annually in the form prescribed by the commissioner. If the person remains free of episodes of loss of voluntary control due to insulin reaction or acidosis, for a period of 5 years, the physician's report shall be required every two years, unless the physician recommends more frequent reports. If the person remains episode-free for three of these two-year review periods, the physician's report shall be required every four years unless the physician recommends more frequent reports. If there is an episode of loss of voluntary control, the physician's report shall be required every six months, until the person has been episode-free for one year.

11 MCAR 1.4096 Mental illness or deficiency.

For the purposes of this section, good cause to believe exists only if the commissioner has:

1. information that a person has operated a vehicle in an unsafe manner, or
2. information that a person lacks judgment and coordination to safely operate a vehicle based on competent medical authority, or
3. facts supplied by the driver or applicant

When the commissioner has good cause to believe that a person is mentally ill, incompetent or deficient, and that the mental illness, incompetency or deficiency will affect the person in a manner to prevent him from exercising reasonable and ordinary control over a motor vehicle while operating it upon the highways, a physician's statement, in such form as the commissioner may prescribe, shall be required within 30 days or in such reasonable time that a person may require to obtain a physician's statement. If the physician's statement is not filed, or, if upon review of the report from the physician the commissioner finds that a person cannot drive safely, all driving privileges shall be cancelled under authority of Minn. Stat. § 171.14 and denied under authority of Minn. Stat. § 171.04 (5) or (9). The person shall not be issued any driving privileges until the commissioner finds that the person is competent to drive safely.

For reinstatement, the commissioner shall require a satisfactory statement from any institution in which the person has been treated, from any treating physician, or from any competent medical authority acceptable to the commissioner, demonstrating that the individual is competent to drive safely.

11 MCAR § 1.4097 Miscellaneous physical or mental conditions.

A. When the commissioner has good cause to believe that any of the situations listed in B. exist, and would adversely affect the driver's or applicant's ability to drive safely, a physician's statement in such form as the commissioner may prescribe, shall be required within 30 days, or in such reasonable time that a person may require to obtain a physician's statement. If the physician's statement is not filed, or, if upon review of the statement the commissioner finds that the person cannot drive safely, all driving privileges shall be cancelled under authority of Minn. Stat. § 171.13 (4) or Minn. Stat. § 171.14 and denied under authority of Minn. Stat. § 171.04 (9).

The person shall not be issued any driving privileges until the commissioner finds that the person is competent to drive safely.

B. Situations covered by paragraph A. are:

1. Use of any medication, whether or not prescribed.
2. Any disease that raises reasonable doubts as to the person's ability to drive safely.
3. Use of alcohol or controlled substances.
4. Lack of physical control, such as that manifested by fainting or dizzy spells, blackouts or periods of unconsciousness.
5. Lack of physical endurance, such as that manifested by a person subject to fatigue, exhaustion, nervous tension, or adverse reaction to monotony.
6. Abnormal reflexes, such as those manifested by persons suffering from cerebral palsy, multiple sclerosis, Parkinson's disease, or similar conditions.

C. When the commissioner has good cause to doubt the adequacy of the driver's or applicant's ability to safely operate a vehicle under the conditions listed in D., a driver's license examination shall be required within 30 days or within such reasonable time that a person may need to obtain a driver's test. If the driver's test is not satisfactorily completed within 30 days, or in such reasonable time as the person may require to obtain an examination, all driving privileges shall be cancelled under the authority of Minn. Stat. § 171.13 and denied under the authority of Minn. Stat. § 171.04.

For reinstatement, the commissioner shall require proof of satisfactory completion of the driver's test.

D. Conditions covered by paragraph C. are:

1. driving procedures
2. judgment of space, time and motion

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

PROPOSED RULES

3. physical strength to operate a vehicle's controls
4. physical condition to operate a vehicle

11 MCAR § 1.4098 Other restricted licenses.

A. When a person has failed, after three attempts, to pass the driver's license examination, but can establish a genuine need to be able to drive, he may apply for a restricted license.

All such applications shall be referred to the Chief Driver Evaluator. The applicant must undergo examination by an examining supervisor, who shall determine the risk involved, and forward his/her written recommendations, including, when applicable, suggested basic restrictions, to the Chief Driver Examiner for forwarding to the Chief Driver Evaluator. The Chief Driver Evaluator shall review the entire record and determine whether any driving privileges may be authorized.

B. Any restricted licenses issued shall be subject to cancellation whenever the commissioner determines that the person has violated the restrictions imposed. The commissioner may notify local law enforcement agencies of the issuance of any special restricted license and of the restrictions involved. Any report of a violation of the restrictions shall be referred to the Chief Driver Evaluator for consideration. Any conviction indicating a violation of the restrictions shall result in cancellation. After cancellation no driving privileges may be allowed until the commissioner determines that the licensee can be trusted to operate within the restrictions imposed. Any reinstatement may be conditioned upon compliance with additional restrictions for such period as the commissioner may direct.

11 MCAR § 1.4099 Medical review board.

A. A medical review board shall be established for each of the various general types of physical and mental qualifications dealt with by these rules. Each medical review board shall consist of one or more licensed physicians nominated by the state medical association. The physicians shall preferably be specialists in the area to which the problem relates.

B. When a person disagrees with the determination of the commissioner, he may apply, in writing, for a variance from rules to . Any applicant applying for a variance shall have his treating physician or physicians provide the Commissioner with a complete medical history relating to the condition in question, together with good medical reasons why a variance should be granted. The commissioner shall then forward to the appropriate medical review board all information submitted by the applicant together with the commissioner's records relating to the matter. Each physician on the review board shall review the file and make his recommendation to the chairman of the review board, who shall communicate the recommendation of the board, whether unanimous or divided, to the commissioner.

Upon receipt of the recommendation of the review board, the commissioner shall reconsider the application, take whatever action he then deems appropriate, inform the driver or the applicant of his decision, and, if the decision differs from the recommendation of the review board, of the reasons for the decision.

This decision shall be reached and the applicant informed of the decision within 60 days of the request for a variance.

Board of Teaching

Proposed Rule Governing Procedures for the Issuance of Life Licenses

Notice of Hearing

A public hearing concerning the proposed rule will be held at Veterans Service Building, Room D, 20 West 12th Street and Columbus Avenue, St. Paul, Minnesota 55155 on May 30, 1981, commencing at 9:00 a.m. The proposed rule may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rule, you are urged to participate in the rule hearing process.

Following the agency's presentation at the hearing all interested or affected persons will have an opportunity to ask questions and make comments. Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted to Richard C. Luis, Hearing Examiner, Room 300, 1745 University Avenue, St. Paul, MN 55104, telephone (612) 296-8114 either before the hearing or within five working days after the close of the hearing. The hearing examiner may, at the hearing, order that the record be kept open for a longer period not to exceed 20 calendar days. The rule hearing procedure is governed by Minn. Stat. §§ 15.0411-15.0417 and 15.052, and by 9 MCAR §§ 2.101-2.113 (Minnesota Code of Agency Rules). If you have questions about the procedure, call or write the hearing examiner.

Notice is hereby given that 25 days prior to the hearing, a Statement of Need and Reasonableness will be available for review at the agency and at the Office of Administrative Hearings. This Statement of Need and Reasonableness will include a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and the

PROPOSED RULES

reasonableness of the proposed rule or rules. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Administrative Hearings at a minimal charge.

The board's authority to promulgate the proposed rules is provided by Minn. Stat. § 125.05, subd. 1 (1980) and Minn. Stat. § 125.185, subd. 4 (1980).

The board estimates that there will be no cost to local bodies in the state to implement the rule for two years immediately following its adoption within the meaning of Minn. Stat. § 15.0412, subd. 7 (1978).

A copy of the proposed rule is attached hereto. One free copy may be obtained by writing to Kenneth L. Peatross, 608 Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101. Additional copies will be available at the door on the date of the hearing. If you have any questions on the content of the proposed rule, contact Kenneth L. Peatross.

Notice: Any person may request notification of the date on which the Hearing Examiner's Report will be available, after which date the board 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 board. 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 the board, in the case of the board's submission or resubmission to the Attorney General.

Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 (1979 Supp.) as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any one month or more than \$250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than \$250, not including his own traveling expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

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

March 13, 1981

Kenneth L. Peatross, Executive Secretary
Board of Teaching

Rule as Proposed (all new material)

5 MCAR § 3.002 Procedures for the issuance of life licenses. Any teacher currently holding a valid license to teach granted by the Minnesota Board of Teaching have a minimum of five years teaching experience in Minnesota, who was actually employed as a classroom teacher or other similar professional employee on a regular contract in any one of three years immediately preceding July 1, 1969, may apply for and receive a life license for those grades, subjects, and fields for which Minnesota licensure was held prior to July 1, 1969, upon payment of a processing fee of twenty dollars (\$20.00). The application period to apply for a life license according to the provisions of this rule shall expire July 1, 1982. The application shall be in writing on a life license application form addressed to:

Minnesota State Department of Education
Personnel Licensing Section
Sixth Floor, Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101

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

PROPOSED RULES

Life license application forms may be obtained from:

Minnesota State Department of Education
Personnel Licensing Section
Sixth Floor, Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101
(612) 296-2046

TAX COURT

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

State of Minnesota
Ramsey County

Tax Court
Regular Division

Bituminous Roadways, Inc.,

Appellant,

v.

The Commissioner of Revenue,

Appellee.

In the Matter of the Appeal from the Commissioner's Order dated August 23, 1974, and his Order dated February 4, 1977, relating to Use Tax of Bituminous Roadways, Inc., for the taxable period ending 1973 and 1976.

Docket Nos. 2082 & 2399

Order dated April 7, 1981

The above entitled matters came on for hearing before the Honorable John Knapp, Chief Judge of the above named Court, in the Tax Court hearing room at 444 Lafayette Road, St. Paul, Minnesota, on December 11, 1978.

Gordon Rosenmeier, Attorney at Law, 72 Broadway, Little Falls, Minnesota, and Robert C. Hoene, Attorney at Law, 1004 Degree of Honor Building, St. Paul, Minnesota, appeared for and on behalf of the appellant. Thomas K. Overton, Special Assistant Attorney General, Department of Revenue, Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota, appeared for and on behalf of the appellee.

After numerous extensions of time to allow for negotiations and to await the decisions of the Minnesota Supreme Court in other cases involving issues related to the issues herein, a stipulation was filed on July 23, 1979, reducing the amount of the assessment against the appellant. Oral arguments were heard by the Honorable John Knapp, on May 13, 1980, at the above address.

By an order dated August 23, 1974, for the taxable period July 1, 1971, to and including December 31, 1973, and an order dated February 4, 1977, for the taxable period January 1, 1974, through June 30, 1976, the commissioner assessed against the appellant a total \$40,646.90 in additional sales and use taxes under Minnesota statute 297A.14. A timely appeal was filed for each of the above orders and the appeals were consolidated for trial. A chief issue is whether or not a sales price of bituminous mix includes the total consideration paid for the bituminous mix or only the cost of raw materials used in making the bituminous mix.

By negotiations and agreement embodied in a written stipulation, the additional tax claim was reduced to \$31,224.15. A portion of that amount is not disputed by the taxpayer but there is an error in the calculations in paragraph 3 of the stipulation dated July 20, 1979, so the Court is not clear as to the exact amount in dispute.

Decision

The Order of the Commissioner of Revenue as modified by the stipulation, subject to correction of the error in calculation, is hereby affirmed.

From the testimony adduced at the trial and from the files, records, and proceedings herein, including transcripts and the stipulation of facts, entered into between the parties hereto, the Court makes the following:

Findings of Fact

1. Appellant is in the asphalt paving business. Sometimes it acts as a contractor and sometimes as a sub-contractor in construction of roads, driveways, parking lots, tennis courts, pathways, and other similar projects.
2. Appellant has its own bituminous mixing plant. It uses bituminous mix from its plant and also sells bituminous mix from its plant to other contractors. Bituminous mix is a compound of asphalt cement mixed with a gravel aggregate at a hot mixing plant.
3. When appellant needs more bituminous mix than its own plant can provide or when appellant requires paving materials which it cannot produce, appellant purchases such paving materials from others. During the years in issue most such purchases were made from Midwest Asphalt, Inc. When Midwest Asphalt, Inc. sold bituminous mix to the appellant, it collected a sales tax from the appellant based on the value of the ingredients but not on the value of blending those ingredients in the production of road building materials included in the invoiced price.
4. The sales tax paid by the appellant to Midwest Asphalt, Inc. was passed along to the customer by including it as part of the cost of the materials. It was not stated as a separate item on the invoice to the customer and the appellant did not remit a separate tax to the state.
5. After an audit of the appellant, the commissioner levied a use tax based on the omitted value calculated on the gross receipts at the plant of Midwest Asphalt, Inc. from sales of road building materials to appellant.
6. The appellant used all of the purchased paving materials to improve real estate. In all cases where the appellant purchased paving materials, appellant was acting as a contractor or sub-contractor and actually placed the bituminous mix on real estate owned by others.
7. When the Commissioner of Revenue assessed the use tax on appellant's use of paving material, credit was given for any sales tax already paid on each transaction.
8. During the period in question, appellant sold some bituminous mix produced in its own plant to various other purchasers. Appellant did not charge or remit sales tax on those sales. After audit, the commissioner assessed a sales tax on those sales.
9. For the purposes of discussion and ease of reference, the parties segregated the various transactions involved in this appeal into eleven separate categories, as follows:
 1. Private roads on which the appellant was prime contractor.
 2. Private parking lots and driveways on which the appellant was prime contractor.
 3. Private roads on which the appellant was sub-contractor.
 4. Private parking lots and driveways on which the appellant was sub-contractor.
 5. Non-roads constructed for tax exempt entities on which the appellant was sub-contractor.
 - 5A. Roads constructed for tax exempt entities on which the appellant was sub-contractor.
 6. Non-roads constructed for tax exempt entities on which appellant was prime contractor.
 - 6A. Roads constructed for tax exempt entities on which appellant was prime contractor.
 7. Purchases for re-sale by the appellant.
 8. Sales by appellant — sold to others for re-sale.
 9. Crushing costs on appellant's own material.
10. With regard to the transactions with tax exempt entities shown in categories 5, 5A, 6 and 6A, there was no evidence to the effect that the buyer purchased the bituminous mix from the appellant and put it in place with its own equipment and labor force. Rather, it appears that in most instances the appellant not only delivered the bituminous mix to the site but also put it in place and was paid either a lump sum or a unit price per ton which included the cost of putting it in place.
11. The headings for categories 7 and 8 are inaccurate, in that they would tend to indicate that there was a subsequent sale. From the testimony of appellant's own witness, it appears that all of the purchases included in category 7 were purchases made by the appellant and consumed by the appellant in its own construction projects for others. It also appears that very few, if any, of the transactions listed in category 8 were sales for re-sale and that if they were sales for re-sale, proper credit was given in the audit.

Conclusions of Law

1. The sale of paving materials to a contractor who uses it to repair or improve real estate is a retail sale.
2. The use of paving materials by a contractor to improve real estate is "use" within the meaning of the sales and use tax law § 297A.01, subd. 6.
3. The industrial production exemption, § 297A.25, subd. 1(h), applies as follows:
 - a. As amended by Minnesota Laws 1973, c. 75, the exemption does not apply to any of the transactions here in question.
 - b. As it existed prior to its amendment, the exemption applies to materials used in road building. Road building does not include the building of driveways, parking lots, tennis courts or running tracks.
4. The "sales price" of bituminous mix includes the total consideration paid for the bituminous mix, not only the cost of the raw materials used in making bituminous mix.
5. The sales by appellant of bituminous mix are retail sales subject to sales tax. § 297A.09.
6. Appellant owes a "use" tax on its purchases of bituminous mix and other paving materials.
7. Appellant owes sales tax on its sales of bituminous mix and other paving materials.
8. The additional tax is to be computed as follows:

For the purpose of computing the judgment amount in accord with the stipulation of the parties, the foregoing findings and conclusions, and to correct a transaction shown at trial to be subject to use tax rather than sales tax.

- A. Use tax is due on the amount stipulated as taxable by the parties in paragraph 3 of the stipulation filed by the parties.
- B. Use tax is not due upon the amount stipulated as non-taxable by the parties in paragraph 3 of the stipulation.
- C. Of the disputed amounts (shown in Exhibits 7 & 8):
 - (a) Use tax is due upon the gross amounts shown taxable in columns 1-7 of Exhibits 7 & 8.
 - (b) Use tax is due upon any purchased materials used in the Schoell-Madison, Inc. contract shown in column 8 of Exhibits 5 & 7. Testimony at trial showed this to be a situation identical to those in (a) above. A corresponding reduction in sales tax is made in (c) below.
 - (c) Sales tax is due upon the gross amounts listed in column 8 of Exhibits 7 & 8, except the \$1,924.70 amount of the Schoell-Madison, Inc. construction contract. This was appellant's construction project rather than a sale.

Order for Judgment

The order of the Commissioner of Revenue assessing additional sales and use tax is hereby affirmed subject to amendment as per stipulation of the parties and subject to further correction of the mathematical error.

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

Minnesota Tax Court
John Knapp, Chief Judge

Memorandum

Appellant, Bituminous Roadways, Inc., is an asphalt paving contractor. It has its own bituminous mixing plant but occasionally purchases additional paving materials from other sources. Most of the transactions in question are purchases of bituminous mix by appellant from Midwest Asphalt, Inc. This material was used by appellant in completing various paving contracts for a number of different customers both public and private. These paving projects included driveways, parking lots, road and street repair, and tennis courts.

Appellant paid a sales tax on most of these purchases, usually based on the cost of the ingredients in the mix and not on the entire sale price. The commissioner assessed a use tax based on the sale prices and gave appellant credit for any sales tax actually paid.

Also during the period in question, appellant sold bituminous mix produced in its own plant to several different purchasers and did not charge or remit any sales tax on these sales. The commissioner assessed a sales tax on these transactions.

The threshold question is whether the purchases of bituminous mix made by appellant for use in completing various paving contracts were "retail sales" subject to the sales tax. It seems rather anomalous that appellant, after paying a sales tax on the cost of the materials, now claims these sales are not taxable. Nevertheless, we will attempt to consider and rule on all arguments

raised. The basic contention appellant makes is that there can be two successive "retail sales" or two-level transactions with the first sale not taxable and the second one subject to tax, if not otherwise exempt. This would mean that appellant's original purchases of paving mix would be "retail sales" but not, however, sales subject to the sales or use tax. Appellant further argues that when the paving mix was laid down in completion of appellant's paving contracts, these would be another and second "retail sale" exempt, however, because they were either sales to tax exempt public entities or exempt as "road building" under Minnesota Statute § 297A.25, subd. 1(h).

We disagree with appellant's first and fundamental contention that the Minnesota sales and use tax recognizes more than one "retail sale" as personal property moves from manufacturer or processor to the ultimate consumer. Chapter 297A clearly was intended to tax only the sale to the ultimate consumer who purchases tangible personal property.

Minnesota Statute § 297A.02 imposes a sales tax of four percent on "sales at retail."

Minnesota Statute § 297A.01, subd. 3 defines a "sale" as "any transfer of title or possession, or both, of tangible personal property . . . for a consideration in money. . . ."

Minnesota Statute § 297A.01, subd. 4 defines a "retail sale" or "sale at retail" as a "sale for any purpose other than resale in the regular course of business."

In the event a sales tax is not collected, Minnesota Statute § 297A.14 imposes a use tax of four percent of the gross sales price.

Appellant, ordinarily, would be exempt from both the sales and use tax if its original purchases from its suppliers are sales for resale in the regular course of its business.

Here it purchased the bituminous mix, not for resale but to improve real estate in completion of its paving contracts. This brings it within Minn. Statute 297A.01, subd. 4 which defines sales to contractors as "retail sales." The pertinent statutory language reads:

Sales of building materials, supplies . . . to owners, contractors, sub-contractors or builders for . . . improvement of real property are "retail sales" or "sales at retail."

In *Emil Olson, Inc. v. Commissioner*, Minn. Tax Court #2332, 1978, we held that sales of gravel to contractors for road building should be considered "retail sales" because they could not be considered sales for resale. On appeal, the Minnesota Supreme Court affirmed and found the sale of gravel to contractors who used the product to construct roadbeds (an improvement of real property) were sales at retail under Minn. Statute 297A.01, subd. 4.

Since under Minn. Stat. 297A.01, subd. 4 (1978) it is clear that the sales to the contractors involved in this case are "at retail," we necessarily conclude that the contractors are retail purchasers . . . *Emil Olson, Inc. v. Commissioner*, 293 N.W. 2d 831, 834 (1980).

The statute reflects and we accept the legislative determination that construction contractors, including paving contractors, are the ultimate consumers of the building materials and supplies that are used to improve real property. *County of Hennepin v. State of Minnesota*, 263 NW, 2d 639 (1978).

Appellant is obliged to pay the use tax assessed after being given credit for the sales tax already paid. This tax is computed on the total consideration paid not just the cost of the ingredients. Minn. Stat. § 297A.14.

The next issue to consider is appellant's claim that these purchases are exempt under Minn. Stat. § 297A.25, subd. 1(h) as material used or consumed in industrial production of personal property.

Before April 2, 1973, this exemption applied to material used in road building. *Oster & Pederson, Inc. v. Commissioner*, 266 N.W. 2d 162 (1978). By Minnesota Laws 1973, c. 75, c. 1, effective April 2, 1973, the exemption was limited to the sale and use of materials used in "the production of road building materials."

The commissioner agrees that purchases of paving mix made by appellant before the 1973 amendment and used in road building are exempt. The disagreement between the parties arises over what constitutes road building. Appellant claims it includes the use of the bituminous mix in any type of paving such as parking lots, driveways and tennis courts. We agree with the commissioner that a "road" is "a public way to travel" and that driveways, parking lots and tennis courts are not roads and material used in paving them is not "road building" and therefore not exempt. *Biaconi Construction Company v. Commissioner*, Tax Court Docket #2461 (2-27-81).

After Minnesota Stat. § 297A.25, subd. 1(h) was amended in 1973 the exemption reads in pertinent part as follows:

The gross receipts from the sale of and the storage, use, or consumption of all materials . . . used or consumed in . . . industrial production of personal property intended to be sold ultimately at retail . . . Such production shall include, but is not limited to, production of any tangible personal property, manufacturing, processing (other than by restaurants and consumers)

TAX COURT

of agricultural products whether vegetable or animal, commercial fishing, refining, smelting, reducing, brewing, distilling, printing, mining, quarrying, lumbering, generating electricity and the *production of road building materials*. (Emphasis added)

Thus the exemption, by its own terms, applies only to materials used or consumed in the "production of road building materials" and has no application in this case. Appellant did not purchase this paving mix to be used in the production of personal property intended to be sold ultimately at retail. This "industrial production" exemption only applies to materials used or consumed in the production process. The production, manufacturing or processing of bituminous mix had been completed when appellant made its purchases.

In *Emil Olson, Inc. v. Commissioner*, Minn. Tax Court #2332 (1978) we held that the sale of road construction material to contractors who use the materials to repair or improve roads was not exempt under subdivision 1(h). This was affirmed by the Minnesota Supreme Court. In *Emil Olson, Inc. v. Commissioner*, 293 N.W. 2d 831 (1980) the Court discussed subdivision 1(h) and said:

This provision does not apply to the sales involved in this case. The exemption speaks in terms of "industrial production of personal property intended to be sold ultimately at retail . . ." The crushed gravel transferred to the contractors by realtor is not used to produce personal property to later be sold at retail, but rather, the product is used to improve real property. Thus, the exemption is not available.

The appellant further claims that it is exempt from the use tax if the real estate improved is owned by a tax exempt entity. This issue has been settled in Minnesota by *Hennepin County v. State*, 263 N.W. 2d 639 (1978) which held a contractor liable for use tax on building materials used to improve realty for an exempt owner. Accord, *Christenson Corporation v. Commissioner*, Minnesota Tax Court #2536 (March 18, 1980).

Appellant also argues that the Commissioner cannot collect a use tax from the purchaser and user of property but is limited to an action to collect the sales tax from the seller. This question has also been rejected by this Court and the Minnesota Supreme Court. *Oster & Pederson, Inc. v. Commissioner*, Minn. Tax Court #1914 (March 30, 1976) aff'd, 266 N.W. 2d 162 (1978).

Finally, there remains the proper treatment of those sales where appellant produced bituminous mix in its own plant and sold this mix to customers without collecting a sales tax. No evidence was presented that these sales were sold to an exempt party. Appellant, acting as a retailer in these cases, is obliged to collect a sales tax. Minn. Statute 297A.09 provides that all sales are presumed to be retail sales subject to the sales tax until the contrary is established. Appellant is therefore liable.

For the reasons stated, the commissioner's Order should be affirmed.

SUPREME COURT

Decisions Filed Friday, April 10, 1981

Compiled by John McCarthy, Clerk

50993/Sp. Shirley Roemer, *et al.*, v. Vincent Eversman, *et al.*, Appellants. Wabasha County.

Because appellant's affidavit raised an issue of material fact and the pleadings, affidavits, and interrogatories failed to establish all of the elements of an adverse possession claim, the trial court's granting of a motion for summary judgment was inappropriate.

Reversed. Sheran, C. J.

51535/11 Anastasia Kroll, Appellant, v. Independent School District No. 593. Polk County.

Although local boards of education are not required to adhere to the formal rules of evidence, the seriousness of teacher termination proceedings mandates some limits upon the testimony that may be considered to have probative value. In this case, in which discrepancies in the testimony of several witnesses are both numerous and highly variable, the testimony cannot constitute substantial evidence of the precise factual finding that was made.

In determining whether to terminate a teacher for "conduct unbecoming a teacher" under Minn. Stat. § 125.12, subd. 8 (1980) rather than Minn. Stat. § 125.12, subd. 6 (1980), the school board must find that the conduct is not remediable. This determination must take into account the teacher's record as a whole, the severity of the conduct in light of the teacher's record, and the actual impact of the conduct upon the teacher's students.

Reversed. Sheran, C. J. Took no part, Scott, J.

49416/438 Jack Frost, Inc., v. Engineered Building Components Company, Inc., defendant and third-party plaintiff, Foley Fuel and Lumber Company, Inc., defendant and third-party plaintiff, v. Hydro-Air Engineering, Inc., third-party defendant, Appellant. Morrison County.

The trial court was correct in granting plaintiff's post-trial motion to amend the pleadings to make Hydro-Air Engineering, Inc., originally a third-party defendant, a direct party defendant where Hydro-Air Engineering, Inc. impliedly consented to trial of the issue of its liability to plaintiff. Minn. R. Civ. P. 15.02.

The evidence adduced at trial was sufficient to support the jury's findings that defendant designer was negligent in designing the product, that defendant designer had supplied defendant manufacturer of the product with a defective design for the product, and that defendant designer's negligence was a direct cause of 55% of plaintiff's loss.

Defendant designer is liable to plaintiff for 70% of the damages assessed by the jury.

The trial court did not abuse its discretion when it decided that the misconduct of counsel for defendant manufacturer did not necessitate a new trial.

Defendant retailer is not entitled to recover attorneys fees from defendant manufacturer where defendant retailer was required to defend claims of plaintiff arising out of defendant retailer's own wrongful conduct and failed to tender defense of the action to defendant manufacturer.

Affirmed. Peterson, J. Took no part, Otis, J., Amdahl, J., and Simonett, J.

50646

50647/Sp. Harvey Johannsen v. Minnesota Valley Ford Tractor Co., Inc., Appellant (50647), Ford Motor Company, Inc., Appellant (50646). Freeborn County.

Buyer's seasonable revocation of acceptance because of a defect which substantially impairs the value of the good to buyer is not made ineffective by his failure to allow seller an opportunity to cure the defect.

Buyer's use of defective good after revocation does not constitute a second acceptance where the finder of fact finds that the continued use is reasonable.

The trial court did not err in the exclusion of an alleged warranty.

Affirmed. Peterson, J.

51258/Sp. State of Minnesota v. William J. Snipe, Jr., Appellant. Hennepin County.

Evidence of defendant's guilt of aggravated robbery was sufficient.

Trial court may admit evidence relating to a criminal defendant's financial condition or employment status if the evidence is relevant, unless the potential of the evidence for unfair prejudice substantially outweighs its probative value; *held*, trial court in this case did not clearly abuse its discretion in admitting such evidence.

Affirmed. Simonett, J.

Decision Filed Wednesday, April 1, 1981

51950

51958/Sp. In the Matter of the Welfare of Kelly Patrick Hartung. Hennepin County.

Juvenile court's stay of certification of order and placement of juvenile in formal treatment program pending immediate appeal by juvenile of the certification order did not constitute a disposition for double jeopardy purposes when the placement was at the juvenile's request and where the juvenile at the time expressly waived any claim that the placement was a disposition for double jeopardy purposes.

Juvenile court at second reference hearing, conducted after this court reversed earlier reference order and remanded for new reference hearing, properly admitted evidence of present conditions bearing on whether certification was necessary and properly determined that public safety would not be served by an attempt to treat the juvenile in the juvenile justice system.

District court judge properly denied motion by juvenile for order compelling prosecutor to present allegedly exculpatory evidence to grand jury if and when prosecutor presented case to grand jury for consideration.

Reference order affirmed; petition for writ of mandamus denied.

Sheran, C. J.

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 Corrections Health Care Unit

Notice of Request for Proposals for Medical Services Contracts

Notice is hereby given that the Minnesota Department of Corrections is seeking the following services for the period July 1, 1981 through June 30, 1982. These services are to be performed at the indicated state correctional institutions.

1. Services of a Pharmacist for the Minnesota Correctional Facility-Stillwater on a full time basis and the Minnesota Correctional Facility-Shakopee approximately 14 hours/week to supervise the total pharmacy program. The estimated amount of the contract will not exceed \$38,537.
2. Services of a Radiologist approximately 32 hours per month to provide full radiological services to Minnesota Correctional Facility-Stillwater. The estimated amount of the contract will not exceed \$23,711.
3. Services of a Registered Dietitian approximately 88 hours per month to provide the total consultant dietitian services at the Minnesota Correctional Facilities-Stillwater and Lino Lakes. The estimated amount of the contract will not exceed \$15,444.
4. Services of a Psychiatrist approximately 64 hours per month to provide psychiatric consultations at the Minnesota Correctional Facility-Stillwater and the in-patient Mental Health Unit. The estimated amount of the contract will not exceed \$50,345.

Direct inquiries for the above listed contracts to Clyde Eells, Health Services, Minnesota Correctional Facility-Stillwater, Stillwater, Minnesota 55082.

5. Services of a Psychiatrist approximately 20 hours per month to provide psychiatric consultation services to the Minnesota Department of Corrections' Mental Health Unit located at the Minnesota Correctional Facility-Stillwater. The estimated amount of the contract will not exceed \$12,840. Direct inquiries to Dr. Kenneth Carlson, Ph.D., Mental Health Unit, Minnesota Correctional Facility-Stillwater, Box 55, Stillwater, Minnesota 55082.
6. Services of a Behavior Therapist to provide: psychological evaluations including a performance evaluation prediction on sex offenders for the Minnesota Corrections Board; general consultation services to the Minnesota Corrections Board; and therapy services to inmate sex offenders. Estimated amount of the contract will not exceed \$14,083.

Direct inquiries to Mrs. Dorothy Skwiera, Minnesota Corrections Board, Suite 238, Metro Square Building, St. Paul, Minnesota 55101.

Proposals for the above listed contracts must be submitted no later than May 8, 1981.

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.

Metropolitan Council

Public Hearing on the Community Development Block Grant Application Review Guidelines and Housing Assistance Plan Review Guidelines

The Metropolitan Council will hold a public hearing on Monday, May 11, 1981 at 4:30 p.m. in the Metropolitan Council Chambers, 300 Metro Square Building, St. Paul, Minnesota 55101, on the draft community development block grant application review guidelines and housing assistance plan review guidelines. All interested persons are encouraged to attend the hearing and offer comments. Persons wishing to speak may register to do so in advance by contacting the council's public hearing coordinator at 291-6421. Those registering first will be scheduled first. Written comments may also be submitted until May 18th, 1981, to Nancy Reeves of the council staff. Copies of the draft community development block grant application review guidelines and housing assistance plan review guidelines are available free of charge from the council's Public Information Office at 291-6464.

Metropolitan Council

Public Hearing on Amendment to the Air Quality Control Plan for Transportation

The Metropolitan Council will hold a public hearing on Thursday, May 14, 1981, at 2:00 p.m. in the Council's Chambers at 300 Metro Square Building, 7th & Robert Streets, St. Paul, MN on an amendment to the Air Quality Control Plan for Transportation. The amendment addresses attainment of air quality standards for carbon monoxide in the vicinity of the intersection of Snelling and University Avenues in St. Paul, MN. All interested persons are encouraged to attend the hearing and offer comments. Persons wishing to speak may register to do so in advance by contacting the council's public hearing coordinator at 291-6421. Those registering first will be scheduled first. Written comments may also be submitted until May 25, 1981, to Lynne Takemoto of the Council staff. Copies of the proposed amendment are available free from the Council's Public Information Office at 291-6464.

Charles Weaver, Chairman
Metropolitan Council

Metropolitan Council

Proposed Changes to the Guidelines for Ranking Subsidized Housing Proposals

The Metropolitan Council will hold a public hearing on Monday, May 11, 1981 at 4:00 p.m. in the Metropolitan Council Chambers, 300 Metro Square Building, St. Paul, Minnesota 55101, on the proposed changes to the guidelines for ranking subsidized housing proposals. All interested persons are encouraged to attend the hearing and offer comments. Persons wishing to speak may register to do so in advance by contacting the council's public hearing coordinator at 291-6421. Those registering first will be scheduled first. Written comments may also be submitted until May 18, 1981, to Nancy Reeves of the council staff. Copies of the proposed changes to the guidelines for ranking subsidized housing are available free of charge from the council's Public Information Office at 291-6464.

Pollution Control Agency

Notice of and Order for Consolidated Hearing Regarding the Applications by the City of Floodwood and the City of Meadowlands for A Phosphorous Variance from 6 MCAR § 4.8027 for Wastewater Treatment Facilities

It is hereby ordered and notice is hereby given that a consolidated contested case hearing concerning the above-entitled matter will be held by the Minnesota Pollution Control Agency (MPCA) pursuant to Minn. Stat. chapters 115 and 116 (1980) and 6 MCAR §§ 4.8027 and 4.8036 on Wednesday, May 20, 1981, at the City Hall Chambers, City Hall, Floodwood, Minnesota 55736, commencing at 7 p.m. If necessary, the hearing will be continued at 9 a.m. on Thursday, May 21, 1981, at the same

OFFICIAL NOTICES

location and thereafter until adjournment. However, since it is not certain that it will be necessary to continue the hearing, those who want to participate should attend the evening hearing on May 20, 1981.

The Minnesota Pollution Control Agency is authorized to hold a consolidated hearing on two or more matters pursuant to 6 MCAR §§ 4.3009 I. and 4.8036 K.3.

The City of Floodwood, City Hall, Floodwood, Minnesota 55736, and the City of Meadowlands, Minnesota 55765, have applied for variances for an indefinite period of time from 6 MCAR § 4.8027, which establishes an effluent phosphorus concentration of one milligram per liter for effluents discharged to the intrastate waters of the Lake Superior basin. The City of Floodwood and the City of Meadowlands currently operate separate wastewater treatment facilities, each consisting of primary and secondary waste stabilization ponds. The Floodwood facility is located in the SW $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 7, Township 51 N, Range 20 W in St. Louis County, and discharges treated domestic wastewater at an average rate of approximately .106 million gallons per day (mgd) into the Savanna River, a tributary to the St. Louis River. If the variance is granted for the Floodwood facility, the annual mean effluent phosphorous concentration will be, based on past operating data, approximately 2.86 milligrams per liter. The Meadowlands facility is located in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 22, Township 53N, Range 19 W in St. Louis County, and discharges treated domestic wastewater at an average rate of approximately .024 mgd into a creek to the White Face River and thence to the St. Louis River. If the variance is granted for the Meadowlands facility, the annual mean effluent phosphorous concentration, based on past operating data, will still be within the standard of one milligram per liter; however, the Meadowlands facility does have periodic excursions over the one milligram per liter standard, and these excursions would be allowed by the variance.

The Director of the MPCA has made a preliminary determination to recommend to the board of the MPCA that the requested variances be granted and that the NPDES/SDS permits for each city be modified by incorporating the variances.

The purpose of the hearing is to determine whether the variances should be granted and, if so, whether the permits should be modified by incorporating the variances. The major issues to be addressed at the hearing, as identified in the requests for the variances, are: 1) the economic burden of compliance with 6 MCAR § 4.8027; and 2) whether the granting of the variance would result in any detrimental impact to Lake Superior. In addition, such other issues as are germane to the environmental impact of the requested variances and the operation of the facilities, as may be determined during the course of a pre-hearing conference, may be addressed at the hearing.

Please be advised that these issues may, without further notice, be modified and/or amended by the Hearing Examiner during the prehearing conferences. Additionally, prehearing conferences may result in the establishment of foundation for witnesses and exhibits. A prehearing conference is currently scheduled for May 6, 1981, at 9:30 a.m., through a telephone conference call. Those interested in participating in the prehearing conference should be either at the office of Steve Ario, City Engineer, City Hall, Floodwood, Minnesota 55736, telephone: (218) 476-2751, representative for the City of Floodwood; Carl Etter, Meadowlands, Minnesota 55765, telephone: (218) 427-2358, representative for the City of Meadowlands; or John C. Bjork, 1935 West County Road B-2, Roseville, Minnesota 55112, telephone: (612) 296-7771, attorney for MPCA Staff. If others want to be included in the telephone conference call, they should contact by May 5, 1981, Mr. Allan W. Klein at the address and phone number noted below.

The hearing will be held before Mr. Allan W. Klein, Office of Administrative Hearings, Room 300, 1745 University Avenue, Saint Paul, Minnesota 55104, telephone: (612) 296-8104, a Hearing Examiner appointed by the Chief Hearing Examiner of the State of Minnesota. All parties have the right to be represented by legal counsel, themselves, or any other representative of their choice, if not otherwise prohibited as the unauthorized practice of law. The hearing will be conducted pursuant to the procedures set out in Minn. Stat. §§ 15.0411 through 15.052, 9 MCAR §§ 2.201 through 2.299 (Office of Administrative Hearings Contested Case Rules), and 6 MCAR §§ 4.3001 through 4.3013 (Minnesota Pollution Control Agency Rules of Procedure), to the extent the latter rules do not conflict with the former rules.

The above-cited procedural rules are available for inspection at the Office of Administrative Hearings and the MPCA or may be purchased from the State Register & Public Documents Division of the Department of Administration, 117 University Avenue, Saint Paul, Minnesota 55155, telephone: (612) 296-2874.

The applicants, the City of Floodwood and the City of Meadowlands, are parties to the hearing at the present time, pursuant to 6 MCAR § 4.3009. In addition, the MPCA Staff intends to file a Petition to Intervene as a party. Any other person wishing to become a party to the hearing must file a Petition to Intervene with the Hearing Examiner pursuant to 9 MCAR § 2.210 on or before May 5, 1981, and a copy must be served on all existing parties and the MPCA. The Petition may be filed after May 5, 1981, if there is good cause for the petitioner's failure to file the Petition in a timely manner. The Petition must show how the petitioner's legal rights, duties, or privileges may be determined or affected by the contested case, and shall set forth the grounds and purposes for which intervention is sought and indicate the petitioner's statutory right to intervene if one should exist. The name and address of the Hearing Examiner and the names and addresses of counsel and representatives of the City of Floodwood, the City of Meadowlands, and the MPCA Staff are noted above.

In the absence of a Petition to Intervene, any person at the hearing will nevertheless be allowed to offer testimony and introduce exhibits, note his appearance or question witnesses, but no person shall become, or be deemed to have become, a party by reason of such participation. Persons offering testimony or exhibits may be questioned by parties to the hearing.

All persons are advised that no factual information or evidence which is not part of the hearing record shall be considered by the Hearing Examiner of the MPCA in determination of the above-entitled matter. Persons attending the hearing should bring all factual information or evidence bearing on the case which they wish to have included in the record.

The applications for the variance and other documents related to this matter may be inspected and copied any time between 8:30 a.m. and 4 p.m., Monday through Friday, at the Minnesota Pollution Control Agency, 1935 West County Road B-2, Roseville, Minnesota 55113, telephone: (612) 296-7217; or at the Minnesota Pollution Control Agency, Regional Office, 1015 Torrey Building, Duluth, Minnesota 55802, telephone: (218) 723-4660.

Questions concerning the issues raised in this Notice of and Order for Hearing or concerning informal disposition or discovery may be directed to Special Assistant Attorney General John C. Bjork at the address and phone number noted above.

All persons are advised that, if they intend to appear as parties at the hearing, a Notice of Appearance form must be completed and returned to the Hearing Examiner within twenty (20) days of the date of service of the Notice of and Order for Hearing. The Notice of Appearance form may be obtained from Special Assistant Attorney General John C. Bjork at the address and phone number noted above. **SHOULD A PARTY FAIL TO APPEAR AT THE HEARING, THE ISSUES SET OUT IN THIS ORDER MAY BE DEEMED PROVED**, with the consequence that the requested variance may be granted and the proposed permit may be issued in its present form.

If persons have good reason for requesting a delay of the hearing, the request must be made in writing to the Hearing Examiner as soon as possible but, in any event, at least five days prior to the hearing. A copy of the request must be served on the MPCA and all other parties.

April 13, 1981.

Louis J. Breimhurst
Executive Director

Office of the Secretary of State

Notice of Vacancies in Multi-member State Agencies

Notice is hereby given to the public that vacancies have occurred in multi-member state agencies, pursuant to Minn. Stat. § 15.0597, subd. 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul 55155; (612) 296-7876. **Application deadline is May 12, 1981.**

WORKERS' COMPENSATION COURT OF APPEALS has one vacancy open immediately for a public member. The court has appellate jurisdiction on all workers compensation claims, and original jurisdiction on peace officers dependents claims; establishes rules for the Workers' Compensation division of the Department of Labor and Industry; serve 6 year terms. Members must file with Ethical Practices Board. Full time position; members receive \$38,000 per year. For specific information contact Workers' Compensation Court of Appeals, M.E.A. Bldg., 55 Sherburne Ave., St. Paul 55103; (612) 296-6409.

POISON INFORMATION CENTER ADVISORY COUNCIL has two vacancies open, one for a Physician Toxicologist and one for a Pharmacist. The council advises the Commissioner of Health on establishing a poison information center to provide educational services to the public and to health professionals. No more than 3 members may be residents of the metropolitan area, no more than one may be a resident of any single county, and none may be affiliated with the currently designated poison information center. Members receive no compensation. For specific information contact Poison Information Center Advisory Council, 717 Delaware St. S.E., Mpls. 55414; (612) 296-5460.

ADVISORY SEED POTATO CERTIFICATION COMMITTEE has two vacancies open for a certified seed potato grower. One from the north end of the Red River Valley; the other from the Lake of the Woods area. The committee reviews quality control, research, and market development in the certified seed potato industry. Members are appointed by the Commissioner of Agriculture for 3 year terms, and are growers of certified seed potatoes. Meetings twice annually; members are compensated for expenses. For specific information contact Advisory Seed Potato Certification Committee, 90 W. Plato Blvd., St. Paul 55107; (612) 296-9310.

CITIZENS' COMMITTEE ON VOYAGEURS NATIONAL PARK has one vacancy open for a public member; resident outside of Koochiching or St. Louis counties. The committee researches all matters related to the establishment and operation of Voyageurs Natl. Park; and makes recommendations to the U.S. National Park Service and other federal and state agencies concerned. Members are appointed by the Governor; two members of the Senate are appointed by the Committee on

OFFICIAL NOTICES

Committees, and 2 members of the House are appointed by the Speaker of the House. Quarterly meetings; members receive \$35 per diem plus expenses. For specific information contact Citizens' Committee on Voyageurs National Park, 205-4th Ave., International Falls 56649; (218) 283-3507.

MINNESOTA-WISCONSIN BOUNDARY AREA COMMISSION has one vacancy for a public member, a resident of Minnesota. The commission makes recommendations on the use, development and protection of the corridor of the St. Croix and Minnesota rivers that forms the interstate border of Minnesota and Wisconsin; and assists the 2 states in their participation in federal programs affecting the rivers. Members are appointed by the Governor and confirmed by the Senate. Bi-monthly meetings; members reimbursed for expenses. For specific information contact Minnesota-Wisconsin Boundary Area Commission, 619-2nd St., Hudson, WI 54016; (612) 436-7131.

ADVISORY TASK FORCE FOR UNIFORM STANDARDS FOR STUDENT REPORTING has one vacancy for a public school employee whose position involves activities related to student reporting. The task force makes recommendations to the Legislature on policy standards for school district reporting of student data. Members are appointed by the Commissioner of Education, a representative appointed by the Minnesota Educational Computing Consortium, and a representative of the regional management information centers; members also appointed by the Board of Education. For specific information contact Advisory Task Force for Uniform Standards for Student Reporting, Capitol Square Bldg., 550 Cedar St., St. Paul 55101; (612) 296-8420.

METROPOLITAN AIRPORTS COMMISSION has 8 vacancies open for public members for staggered terms who are residents of the Metropolitan Airports Commission jurisdiction (7 county metro area plus any other territory within 35 miles of the city halls of Minneapolis and St. Paul). The commission promotes air transportation by developing the Twin Cities as an aviation center; and coordinates with other aviation facilities in the state to provide economical and effective use of aeronautic facilities and services. Members are appointed by the Governor and must file with Ethical Practices Board. Monthly meetings; members receive \$50 per diem. For specific information contact Metropolitan Airports Commission, 6040-28th Ave. S., Mpls., MN 55450; (612) 726-5770.

COUNCIL ON AFFAIRS OF SPANISH-SPEAKING PEOPLE has 6 vacancies open immediately for representatives of Spanish-Speaking Community of this state. The council advises the Governor and Legislature on issues affecting the Spanish-speaking community. Members are appointed by the Governor and confirmed by the Senate. Monthly meetings; members receive \$35 per diem. For specific information contact Council on Affairs of Spanish-Speaking People, 504 Rice St., St. Paul 55101.

ELEMENTARY-SECONDARY-VOCATIONAL (ESV) COMPUTER COUNCIL has one vacancy for a member in private management. The council advises the Commissioner of Education of ESV-IS (elementary, secondary and vocational education management information systems) and SDE-IS (State Dept. of Education information system). Members are appointed by the Governor. Members receive \$35 per diem. For specific information contact Elementary-Secondary-Vocational (ESV) Computer Council, Board of Education, Capitol Square Bldg., 550 Cedar St., St. Paul 55101; (612) 296-8420.

SOIL AND WATER CONSERVATION BOARD has one vacancy open immediately for a Soil and Water Conservation District Supervisor. The board coordinates programs and activities of 92 state soil and water conservation districts; conducts research on soil erosion and other agricultural problems; develops statewide programs; and provides information to public. Members are appointed by the Governor and confirmed by the Senate; must file with Ethical Practices Board; and receive \$35 per diem plus expenses. For specific information contact Soil and Water Conservation Board, 2nd Floor, Space Center Bldg., 444 Lafayette Rd., St. Paul 55101; (612) 296-3767.

STATE OF MINNESOTA
OFFICE OF THE STATE REGISTER
State Register and Public Documents Division
117 University Avenue
St. Paul, Minnesota 55155

ORDER FORM

State Register. Minnesota's official weekly publication for agency rules and notices, executive orders of the Governor, state contracts, Supreme Court and Tax Court decisions.

_____ Annual subscription \$120.00
_____ Single copies \$2.25 each

The 1979-80 Audio Visual Catalog. A 275-page catalog of state agency films, slides and tapes available to the public.

_____ Single copy \$4.50 + \$.18 (sales tax) = \$4.68*each

Session Laws of Minnesota—1980. One volume. Laws enacted during the 1980 legislative session. Inquire about back volumes. \$40 plus tax.

State Register Binder. Durable 3½ inch, forest green binders imprinted with the *State Register* logo.

_____ *State Register Binder* \$6.00 + \$.24 (sales tax) = \$6.24* each

Finding Aids Annual. Contains cumulative findings aids to Volume 3 of the *State Register*, including MCAR Amendments and Additions, Executive Orders List, Executive Orders Index, Agency Index, Subject Matter Index.

_____ Single copy \$3.00

Minnesota Statutes Supplement—1979. One volume. \$40 plus tax.

Workmen's Compensation Decisions. Volume 33. Selected landmark decisions of the Workmen's Compensation Court of Appeals. Available by annual subscription, with quarterly update service.

_____ Annual subscription \$50.00

Minnesota Reports. Supreme Court Decisions. Volume 312 and previous numbers. (More recent volumes available from Supreme Court, Office of Court Administrator, 317E Capitol, St. Paul, MN 55155).

_____ \$8.25 each plus tax.

*To avoid Minnesota sales tax, please include your Certificate of Exempt Status issued by the Minnesota Department of Revenue.

Please enclose full amount for items ordered. Make check or money order payable to "State of Minnesota."

Name _____

Attention of: _____

Street _____

City _____ State _____ Zip _____

Telephone _____

FOR LEGISLATIVE NEWS

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

Briefly/Preview—Senate news and committee calendar; published weekly during legislative sessions. Contact Senate Public Information Office, Room B29 State Capitol, St. Paul MN 55155, (612) 296-0504.

Perspectives—Publication about the Senate. Contact Senate Information Office.

Weekly Wrap-Up—House committees, committee assignments of individual representatives, news on committee meetings and action. House action and bill introductions. Contact House Information Office, Room 8 State Capitol, St. Paul, MN, (612) 296-2146.

This Week—weekly interim bulletin of the House. Contact House Information Office.

Legislative Reference Library
Room 111 Capitol

Interoffice