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STATE REGISTER

STATE OF MINNESOTA



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Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
SCHEDULE FOR VOLUME 7			
28	Monday Dec 27	Monday Jan 3	Monday Jan 10
29	Monday Jan 3	Monday Jan 10	Monday Jan 17
30	Monday Jan 10	Monday Jan 17	Monday Jan 24
31	Monday Jan 17	Monday Jan 24	Monday Jan 31

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

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

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

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

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NOTICE

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

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

The **PROPOSED RULES** section contains:

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

The **ADOPTED RULES** section contains:

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

ALL **ADOPTED RULES** and **ADOPTED AMENDMENTS TO EXISTING RULES** published in the *State Register* and filed with the Secretary of State before September 15, 1982, are published in the *Minnesota Code of Agency Rules 1982 Reprint*. **ADOPTED RULES** and **ADOPTED AMENDMENTS TO EXISTING RULES** filed after September 15, 1982, will be included in a new publication, *Minnesota Rules*, scheduled for publication in late summer 1983. In the **MCAR AMENDMENT AND ADDITIONS** listing below, the rules published in the *MCAR 1982 Reprint* are identified with an asterisk. Proposed and adopted **TEMPORARY RULES** appear in the *State Register* but are not published in the *1982 Reprint* due to the short-term nature of their legal effectiveness.

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

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Issues 14-25, inclusive	Issues 40-51, inclusive
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The listings are arranged in the same order as the table of contents of the *MCAR 1982 Reprint*.

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PROPOSED RULES

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 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Agriculture Grain Inspection Division

Proposed Amendments to Rules Governing the Licensing, Bonding and Auditing of Grain Banks, Public Grain Warehouses, and Public Terminal Warehouses (Chapter Nine: PSC 240-249)

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Department of Agriculture proposes to adopt the above-entitled rules without a public hearing. The Commissioner of Agriculture has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes § 15.0412, subdivision 4h (1980).

Persons interested in these rules shall have 30 days to submit comment on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes § 15.0412, subdivisions 4-4f. If a public hearing is requested, identification of the particular objection, the suggested modifications to the proposed language, and the reasons or data relied on to support the suggested modifications is desired.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to: Gerald Heil, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-1486.

Authority to adopt these rules is contained in Minnesota Statutes §§ 232.22, subd. 4; 232.24, subd. 1; 233.02; 235.01; and 236.08. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available upon request from Mr. Heil.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the statement of need and reasonableness, all written comments received, and the final rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as adopted, should submit a written statement of such request to Mr. Heil.

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

The commissioner is authorized by Minnesota Statutes §§ 232.22, subd. 4; 232.24, subd. 1; 233.02; 235.01; and 236.08 to set requirements for the licensing, bonding and auditing of grain banks, public grain warehouses and public terminal warehouses. The proposed amendments to the rules are of three types: (1) entirely new material developed pursuant to Laws of 1982, chapter 508 relating to the bonding and auditing of grain warehouses; (2) repeal of current rules which were incorporated into Minnesota Statutes, chapter 232 by the 1982 law; and (3) changes in language and form made by the Office of the Revisor of Statutes.

Because large portions of the current rules were incorporated into the 1982 statute, it was determined easier to repeal one of the current rules and propose current material as new material, even though there is no change in the content of the rule. The proposed amendments to the rules pertain to the following: licensing of grain banks, public grain warehouses and public terminal warehouses; requirements for the amount of bonds; provisions governing waiver or breach of bond; conditions for the movement of encumbered grain; insurance coverage and the settlement of claims; termination of storage contract; duplicate receipts; posted statements of charges; grain held for special purposes; termination of licenses; sale or lease of grain warehouses; provisions governing insufficient grain in the grain warehouse; insolvency of a grain warehouse; audits, the schedule of inspection and financial reports; grain banks subject to the rules; demand date on grain sale transaction; contents of scale tickets; limitation on service charges; complaints to the commissioner; and penalty for violations. The proposed amendments to the rules also include definitions of terms used in the rules and a general statement of purpose and authority.

Please be advised that Minnesota Statutes, chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he or she commences lobbying. A lobbyist is defined in Minnesota Statutes, Section 10A.01, subdivision 11 (Supp. 1979) 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 \$250.00, 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 \$250.00, 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, 40 State Office Building, St. Paul, MN 55155, (612) 296-5615.

Copies of this notice and proposed rules are available and may be obtained by contacting Mr. Heil.

December 20, 1982

Mark W. Seetin
Commissioner of Agriculture

Rules as Proposed

~~CHAPTER NINE: PSC 240-249~~ TWELVE ~~LOCAL~~ GRAIN WAREHOUSES

3 MCAR § 1.0260 Purpose and authority.

Rules 3 MCAR §§ 1.0260-1.0264 are prescribed by the commissioner pursuant to Minnesota Statutes, sections 232.22, subdivision 4; 232.24, subdivision 1; 233.02; 235.01; and 236.08, to govern the licensing, bonding, and auditing of grain banks, grain warehouses, and public terminal warehouses.

3 MCAR § 1.0261 Definitions.

A. Scope. For the purposes of 3 MCAR §§ 1.0260-1.0264, the terms "bond," "commissioner," "condition one bond," "depositor," "grain," "grain warehouse," "grain warehouse receipt," "person," "producer," "public grain warehouse operator," and "scale ticket," have the meanings given in Minnesota Statutes, section 233.21, and the terms defined in this section have the meanings given them.

B. Department. "Department" means the Department of Agriculture.

C. Grain bank. "Grain bank" has the meaning given in Minnesota Statutes, section 236.01, subdivision 3.

D. Public terminal warehouse. "Public terminal warehouse" has the meaning given in Minnesota Statutes, section 233.01, subdivisions 3 and 4.

PSC 241 3 MCAR § 1.0262 Licensing and bonding.

A. Licensing. The director of the warehouse division is ~~hereby authorized and directed to~~ shall issue, in a manner approved by the ~~commission commissioner~~, all licenses for ~~which provision is made in the statute~~ grain banks, grain warehouses, and public terminal warehouses and ~~to approve, in like manner,~~ all license renewals of a routine nature. ~~Said~~ The director shall require all licensees to maintain necessary bonds in a penal sum fixed by the ~~commission commissioner~~ and shall, at least twice annually, transmit to the ~~commission commissioner~~ a report on the status of all licensees together with any recommendations deemed pertinent. There shall be no deviation from established licensing and bonding policy without prior approval of the ~~commission commissioner~~. ~~Licenses which may be issued in this manner are:~~

<u>DESIGNATION:</u>	<u>STATUTORY AUTHORITY:</u>
A. <u>License to buy grain</u>	<u>MSA 232.02, subdivision 1</u>
B. <u>License to buy and store grain</u>	<u>MSA 232.02, subd. 2</u>
C. <u>License to buy grain (other than a licensed warehouseman)</u>	<u>MSA 232.02, subd. 3</u>
D. <u>Grain bank license</u>	<u>MSA 236.02</u>
E. <u>Itinerant grain buyer's license</u>	<u>MSA 232.02, subd. 3</u>
F. <u>Flax straw, flax tow or hay buyer's license</u>	<u>MSA 223.12, subdivision 1</u>
G. <u>Commission merchant's license</u>	<u>MSA 223.02</u>
H. <u>Public terminal warehouse license</u>	<u>MSA 233.08</u>

B. Bonding.

1. The penal sum of a public grain warehouse operator's bond must be at least \$20,000 and at least 40 percent of the local market value of all grain outstanding on negotiable grain warehouse receipts.

2. The initial penal sum of the bond shall be fixed by the commissioner effective July 1 for each license period.

3. When it is established pursuant to Minnesota Statutes, section 232.22, that the bond is insufficient to maintain 40 percent coverage based on the local market value of receipted grain in the grain warehouse, the public grain warehouse operator must within 15 days provide the commissioner with verification of the increased bond coverage to maintain the level of 40 percent coverage of receipted grain stored in the grain warehouse.

4. The amount of a bond shall not be reduced during a licensing period.

5. A public grain warehouse operator may petition the commissioner to waive an increase in the penal sum of the bond if the public grain warehouse operator certifies in writing that receipted grain obligations will be reduced prior to the next monthly statement of inventory so that the 40 percent level of bond coverage requirement is met. The commissioner need not grant a waiver, and a waiver may be granted only once during a licensing period. The waiver must terminate in 30 days.

6. A petition for waiver shall cause an immediate inspection by the department or the Agricultural Marketing Service of the United States Department of Agriculture. The public grain warehouse operator must agree to pay the cost of this inspection in the petition for waiver.

7. A breach of a bond set under this part means:

a. a failure to deliver the quantity and quality of the grain upon demand to the depositor in possession of an outstanding grain warehouse receipt; or

b. failure to make payment for receipted grain based on the local market value price of the grain less applicable charges for storage, drying, or other costs incurred in the handling and marketing of the grain, not more than 21 days after written notice to sell is received by the public grain warehouse operator from the depositor of the grain.

8. Condition one of the board covers all valid claims filed against the public grain warehouse operator storing grain for others and shall apply to the licensing and bonding period in which the outstanding grain warehouse receipt originally was issued.

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

PROPOSED RULES

C. Separate bonds. Separate bonds are required for public grain warehouse operators and grain bank operators.

3 MCAR § .0263 Public grain warehouses.

A. Movement of encumbered grain. Grain encumbered by an outstanding grain warehouse receipt may be moved from the issuing grain warehouse only under the following conditions:

1. When the original grain warehouse receipt is presented by the depositor for cancellation, the grain may be moved to any licensed grain warehouse provided a receipt is issued by the public grain warehouse operator to the depositor if requested by the depositor;

2. When a public grain warehouse operator leases space in a licensed grain warehouse within the state for the purpose of reconcentrating grain, the original grain warehouse receipts must be cancelled, with the depositor's consent, and a single receipt issued containing the current date and the information stated in Minnesota Statutes, section 232.23, subdivision 12.

B. Insurance coverage; settlement of claims. Every public grain warehouse operator must carry insurance in accordance with Minnesota Statutes, section 232.23, subdivision 16. The insurance may provide for a deductible provision not exceeding one percent of the net worth of the public grain warehouse operator. If damage occurs to receipted grain, the public grain warehouse operator shall, upon demand by the depositor and upon being presented with the grain warehouse receipt or other legal evidence of ownership, make settlement, after deducting the public grain warehouse operator's charges and advances. The value of the grain in question shall be determined on the basis of the market value less freight charges, at the time of loss or damage, at the terminal market selected by the public grain warehouse operator for the purpose of determining cash value on the insurance reporting form for the preceding month. If a settlement or other satisfactory arrangement for payment has not been made within 90 days from the date of demand, the depositor may seek recovery from the surety.

C. Termination of storage contract; charges. The storage contract may be terminated by the depositor in accordance with Minnesota Statutes, section 232.23, subdivision 11. Delivery charges may be assessed only when actual delivery of the grain is made to the depositor or the depositor's order from the issuing grain warehouse or, at the request of the depositor, from another grain warehouse as provided under A. Nothing in C. prohibits the assessment and collection of delivery charges set by the public grain warehouse operator's posted tariff, for grain handled and delivered to cars on consignment.

D. Duplicate receipt. While a grain warehouse receipt is outstanding, no other receipt shall be issued for any of the grain represented by the original grain warehouse receipt, except that in case of a lost, stolen, or destroyed grain warehouse receipt, the depositor shall be entitled to a new receipt, plainly designated to be a duplicate or substitute for the one missing, indicating the dates of issuance of the original and the replacement grain warehouse receipts. Before issuing a duplicate, the public grain warehouse operator shall require the depositor to make and file an affidavit stating that the applicant is lawfully entitled to possession of the original receipt and that the applicant has not negotiated or assigned it, the circumstances in which it was lost or destroyed, and that, in case of loss, a diligent effort has been made to find it. The public grain warehouse operator may require the applicant to post a bond in an amount not more than double the value, at the time the bond is given, of the grain represented by the lost or destroyed receipt. The bond shall be conditioned to indemnify the public grain warehouse operator against any loss which might be sustained because of the issuance of a duplicate grain warehouse receipt, shall be in a form approved by the commissioner, and shall be executed by a corporate surety licensed to operate in the state, or by at least two individuals who are Minnesota residents each of whom owns real property within the state having a value, in excess of all exemptions and encumbrances, equal to the amount fixed as the penal sum of the bond. A valid duplicate or substitute grain warehouse receipt has the same effect as the document in lieu of which it was issued.

E. Posted statement of charges. Every public grain warehouse operator shall post conspicuously in the grain warehouse a statement of charges, including those for storage and redelivery, for the various services rendered to depositors. No charge different from that posted may be made to any depositor.

F. Grain held for special purposes. Any grain held in a special bin or received for direct consignment, custom drying, or any other purpose, which remains in a grain warehouse for a period exceeding 24 hours following completion of the service for which the grain was tendered, or subsequent to the spotting of an acceptable vehicle for the transportation of the grain, shall be considered stored grain. Scale tickets and grain warehouse receipts issued for the grain shall show the name of the owner, the kind of grain and its weight. Grade and dockage need not be shown.

G. Termination of license; sale or lease of grain warehouse. When a grain warehouse license is terminated by reason of sale, discontinuance of business, failure to renew the license, or any other reason, the public grain warehouse operator must discontinue accepting grain for storage and deliver or purchase all grain belonging to others on store in the grain warehouse. No licensee may sell or lease the grain warehouse unless proper indemnity is provided to all depositors. A written agreement by the

PROPOSED RULES

public grain warehouse operator's successor to assume liability for all grain warehouse receipts outstanding at the time of the take-over or cancellation and reissue of outstanding grain warehouse receipts by the successor shall constitute sufficient indemnity.

H. Insufficient grain on hand. Whenever it appears that a public grain warehouse operator does not have on hand grain of sufficient quality and quantity to cover outstanding grain warehouse receipt obligations, the commissioner shall notify the public grain warehouse operator that the shortage must be corrected immediately. If the public grain warehouse operator fails to comply with the order within ten days, the commissioner may petition the district court for an order authorizing the seizure of some or all of the grain stored in the grain warehouse, together with all pertinent books and records. If the petition is granted, written notice of any action taken shall be given to the public grain warehouse operator's surety. If deemed necessary, depositors of record, as shown by the public grain warehouse operator's books, may be notified to present their grain warehouse receipts for inspection or accounting. An audit or other investigation of the affairs of the grain warehouse, if approved by the court, may be made by the commissioner or the commissioner's agents for the purpose of determining the amount of shortage and computing the portion of loss sustained by each depositor. The public grain warehouse operator and the public grain warehouse operator's surety shall be notified immediately of the approximate amount of any shortage and each depositor shall also be informed by a notice mailed to the depositor's last known address as evidenced by the records of the public grain warehouse operator. Unless ordered by the court to do so sooner, the commissioner shall surrender jurisdiction when the public grain warehouse operator, the surety, or both, have satisfied all valid claims.

I. Insolvency. If, during the course of any audit or investigation conducted pursuant to the provisions of H., the commissioner finds evidence that the public grain warehouse operator is insolvent or is unable to satisfy the claims of all depositors, the court shall immediately be so informed and petitioned to appoint a receiver to operate or liquidate the business of the public grain warehouse operator in accordance with the provisions of law.

J. Audit; schedule of inspection.

1. "Audit" as used in Minnesota Statutes, section 232.24, subdivision 1, means an inspection of the financial records, a verification of grain outstanding on grain warehouse receipts showing the commodity, grade, and condition of the grain in storage, and a physical inventory of the grain in the warehouse.

2. Two inspections of grain warehouses will be performed annually.

3. One inspection must be performed by the department or the Agricultural Marketing Service of the United States Department of Agriculture. The second inspection may be performed by the above named governmental units or by a qualified nongovernmental unit.

4. A request for the second inspection to be performed by a governmental agency must be submitted to the commissioner at the time the application for renewal of license is made.

5. If the second inspection is to be performed by a nongovernmental unit, a statement of the qualifications of the nongovernmental unit desiring to conduct the inspection must be on file with the commissioner prior to the inspection.

6. As used in this part, a "qualified nongovernmental unit" means a firm able to meet the requirements for providing a financial report as described in K.

K. Audit; financial reports.

1. "Audit" as used in Minnesota Statutes, section 232.24, subdivision 2, means a financial statement prepared by a nongovernmental unit in accordance with generally accepted accounting principles.

2. The findings of an examination by a nongovernmental unit must be filed with the commissioner within 30 days after the completion of the annual financial statement.

3. The findings of a financial statement prepared by a nongovernmental unit shall include, but are not limited to, the following:

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

- a. a balance sheet of the grain warehouse;
- b. a statement of income, including profit and loss;
- c. a statement of retained earnings;
- d. a statement of changes in financial position;
- e. notes with respect to financial statements; and
- f. a statement of how the inventory was performed.

4. Each financial statement shall be accompanied by one of the following:

a. an audit or review report prepared by an independent certified public accountant or an independent public accountant in accordance with standards established by the American Institute of Certified Public Accountants, including the accountant's certifications, assurances, opinions, comments, and notes with respect to the financial statement; or

b. a compilation report accompanying the financial statement prepared in accordance with generally accepted accounting principles by a firm that has been authorized by the United States Secretary of Agriculture to provide a compilation report of financial statements.

~~PSC 243~~ 3 MCAR § 1.0264 General provisions.

A. Grain banks. All grain banks, whether operated separately or in conjunction with a ~~public local~~ grain warehouse, ~~shall be~~ are subject to the provisions of ~~Rule PSC 242~~ 3 MCAR § 1.0263 insofar as they apply to ~~such operation~~ their operations.

B. Demand date on grain sale transaction. For the purpose of determining whether a voluntary extension of credit has been made where the statutory limitation relating to bonded purchasers of grain is at issue, the demand date on any transaction which involved the sale of grain shall be no later than the end of the business day next succeeding the day upon which delivery of the grain by the seller to the buyer is completed.

C. Contents of scale tickets, receipts. All scale tickets, and negotiable and nonnegotiable grain warehouse receipts must, in addition to containing those statements required by statute, be consecutively prenumbered and have stamped or printed ~~thereon~~ on them the name and location of the issuing grain warehouse.

D. Only one receipt issued. In no event may more than one grain warehouse receipt, either negotiable or nonnegotiable, be issued against the same parcel of grain except in the case of a lost, stolen, or destroyed receipt replaced in accordance with ~~Rule PSC 242 H~~ 3 MCAR § 1.0263 D.

E. Service charges limited. The charge for receiving, handling, and delivering grain at any public terminal warehouse shall not exceed the tariff which has been filed with the ~~commission~~ commissioner by the ~~warehouseman~~ public terminal warehouse assessing ~~such~~ the charge: All filed tariffs must comply with the provisions of ~~MSA See~~ Minnesota Statutes, section 233.10.

F. Complaints to commissioner. Any complaint to the ~~commission~~ commissioner must be in writing, state specifically the charge ~~or charges~~ upon which ~~such~~ the complaint is based, and ~~must~~ be signed by the complainant.

G. Violation; penalty. The intentional violation of any of the provisions contained in ~~these rules shall make~~ 3 MCAR §§ 1.0260-1.0264 renders the violator liable ~~to~~ for the full penalty provided by law ~~in such cases~~.

H. ~~These rules replace and supersede any and all rules heretofore made and adopted by the commission for the regulation and operation of grain warehouses.~~

Repealer. Rules PSC 240 and 242 of the Department of Public Service are repealed.

Department of Commerce Insurance Division

Proposed Amendments to Rules Relating to Proxies, Consents and Authorizations

Notice of Intent to Amend Rules without a Public Hearing

Notice is hereby given that the Insurance Division proposes to adopt amendments to the above-entitled rules without a public hearing. The Commissioner of Insurance has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 15.0412, subd. 4h (1980).

Persons interested in these rules, which were published in the *State Register* January 4, 1982, shall have 30 days to submit comments. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change.

No public hearing will be held unless seven or more persons make a written request for a hearing within the 30-day comment period. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. § 15.0412, subd. 4-4f.

Persons who wish to submit comments or a written request for a public hearing should mail them to:

J. P. Koleski
Insurance Division
500 Metro Square Bldg.
St. Paul, MN 55101

Authority for the adoption of these rules is contained in Minn. Stat. § 60A.22. Additionally, a statement of need and reasonableness describing the need for and reasonableness of each provision and identifying the data and information relied upon to support the proposed rules has been prepared and is available upon request.

Any person who desires to be advised of the submission of this material to the Attorney General for approval may make this request in writing to the above named person.

Thomas L. O'Malley
Temporary Commissioner of Insurance

Department of Revenue Estate and Fiduciary Tax Division

Proposed Amendments to and Repeal of the Rule Relating to Inheritance and Estate Tax

Notice of Intent to Adopt a Rule without a Public Hearing

Notice is hereby given that the Department of Revenue proposes to adopt the above-entitled rule without a public hearing. The commissioner has determined that the proposed adoption of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes § 15.0412, subdivision 4h (1981).

Persons interested in this rule shall have thirty days to submit comments on the proposed rule. The proposed rule may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rule within the thirty-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statute § 15.0412, subdivisions 4-4f.

Persons who wish to submit such comments or a written request for a public hearing should submit such comments or requests to:

Luci Mitchell, Attorney
Commissioner's Staff
Minnesota Department of Revenue
Second Floor Centennial Building
St. Paul, Minnesota 55145
Telephone: (612) 296-1022

Authority for the adoption of this rule is contained in Minnesota Statutes § 296.27. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rule has been prepared and is available from Luci Mitchell upon request. A copy of the proposed rule is also available from Luci Mitchell.

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

Upon adoption of the final rule without a public hearing, the proposed rule, this notice, the statement of need and reasonableness, all written comments received, and the final rule as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Luci Mitchell.

The rule proposed for adoption relates to repeal of several obsolete inheritance tax rules and modification of the existing rule relating to inventory of safety deposit boxes.

Clyde E. Allen, Jr.
Commissioner of Revenue

Rule as proposed (all new material)

13 MCAR § 1.2220 Safe deposit boxes.

A. General rule. Except as provided in B. and C., the contents of a safe deposit box to which the decedent had access shall not be surrendered by the depository to any person until the contents have been inventoried by the county treasurer or a person authorized by the county treasurer to perform the inventory.

B. Exception for surviving spouse. If the person seeking access to a safe deposit box is a surviving spouse of the decedent and if the surviving spouse had a contractual right as a joint tenant to enter the safe deposit box prior to the decedent's death, the depository may grant access to the safe deposit box without requiring an inventory by the county treasurer or the county treasurer's designee.

If the person seeking access to a safe deposit box is a surviving spouse and the court-appointed personal representative of the decedent's estate, the depository may grant access to the safe deposit box without requiring an inventory by the county treasurer or the county treasurer's designee.

If the depository intends to grant access to a surviving spouse, the depository must send a notice to the county treasurer giving the name and address of the surviving spouse and must also indicate if the surviving spouse is a joint tenant or the personal representative of the decedent's estate. The depository must also indicate the date when access is to be granted.

C. Safe deposit boxes rented to organizations. The commissioner of revenue may waive the requirement of the inventory if an application is filed with the commissioner stating that the safe deposit box is rented to an organization, association, partnership, or other entity which grants authority to certain of its officers, members, or agents to enter the safe deposit box in the course of the business or activities of the organization, association, partnership, or other entity.

The application shall contain the following information:

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

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

Repealer. Rules Inh Tax 11, 12, 13, 14, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 56, 57, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 86, 87, 88, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 111, 112, 113, 114, 115, 116, 126, 127, 128, 129, 130, 136, 137, 158, 159, 174, 175, 176, 177, 178, 179, 180, 181, 186, 187, 188, and 219 are repealed.

ADOPTED 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 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.

Department of Natural Resources

Commissioner's Order No. 2136

Regulations for the Guiding of Turkey Hunters and the Issuance of Turkey Hunting Guide Licenses

Pursuant to authority vested in me by law, I, Joseph N. Alexander, Commissioner of Natural Resources, hereby prescribe the following regulations for the guiding of turkey hunters and the issuance of turkey hunting guide licenses.

Section 1. No person shall for compensation engage in guiding or otherwise assisting hunters who seek to take turkeys without first obtaining a turkey hunting guide license. No person shall be issued a turkey hunting guide license unless he has first obtained a turkey hunting license.

Sec. 2. Persons possessing a turkey hunting guide license may guide only within the zone and during the time period for which their turkey hunting license is valid.

Sec. 3. All persons engaging in the activities described in Sections 1 and 2 of this order shall be subject to all provisions of this order and the commissioner's order regulating the taking of turkeys.

Sec. 4. Applications for turkey hunting guide licenses can be obtained from the Department of Natural Resources License Bureau, 625 North Robert Street, Saint Paul, Minnesota 55101.

Sec. 5. No turkey guide license shall be issued after the day before the opening day of the season for which the guide has a valid turkey hunting license.

Sec. 6. All licensed turkey hunting guides shall complete any report form provided and return it to the Department of Natural Resources, Division of Fish and Wildlife at the specified address and by the specified date indicated on the forms. Failure to submit these reports or failure to provide all requested information shall result in ineligibility for a turkey hunting guide license for the following turkey season.

Sec. 7. This order shall remain in effect until amended, rescinded or superseded.

Dated at Saint Paul, Minnesota, this 16th day of December, 1982.

Joseph N. Alexander, Commissioner
Department of Natural Resources

SUPREME COURT

Decisions Filed Thursday, December 23, 1982

Compiled by John McCarthy, Clerk

81-974 State of Minnesota v. Paul C. Johnson, Appellant. Hennepin County.

Self-induced intoxication by a chronic alcoholic is not involuntary intoxication within the meaning of the criminal law defense of involuntary intoxication.

Trial court properly departed from presumptive sentence and sentenced defendant to 20-year prison term for criminal sexual conduct in the first degree where record established that defendant committed the crime with particular cruelty.

Affirmed. Otis, J. Took no part, Yetka, J.

SUPREME COURT

82-237 State of Minnesota v. Keith Michael Alesso, Appellant. Ramsey County.

Police officer did not violate defendant's fourth amendment rights in investigation that led to discovery of cocaine in defendant's possession.

Affirmed. Otis, J. Took no part, Peterson, J.

81-133 State of Minnesota v. Donald Manfred Carlson, Appellant. Anoka County.

The evidence supports the jury's rejection of defendant's mental illness defense.

The trial court did not err in refusing to instruct the jury as to depraved mind third-degree murder where defendant clearly intended to shoot the particular victims who were shot.

The trial court did not err in refusing to instruct the jury in accordance with the Model Penal Code definition of mental illness.

The words "or innocence" in jury verdict forms did not deny defendant a fair trial where the jury instructions as a whole were correct.

The trial court did not abuse its discretion in permitting an expert witness to testify in rebuttal for the state where his identity was first given to defendant during trial but where the prosecutor had not known of the witness until that time.

Defendant's right to counsel was not violated by failure of police to inform him of his right to counsel immediately before asking him to sign a receipt for a copy of his taped statement given to police.

Affirmed. Peterson, J.

81-447, 81-469 Barbara Marston, Appellant (81-447), and Nancy E. Williams, Appellant (81-469), v. Minneapolis Clinic of Psychiatry and Neurology, Ltd., et al. Hennepin County.

In determining whether intentional acts of employee were within scope of employment, inclusion of that part of JIG II 252 which requires consideration of whether the employee was motivated by a desire to serve the principal was prejudicial error. Rather, where employee was a psychologist and engaged in sexual acts with patients, rule for intentional torts as set forth in *Lange v. National Biscuit Company*, 297 Minn. 399, 211 N.W.2d 783 (1973), applies and use of motivation test is improper.

It is a question of fact whether sexual acts committed by employee were within scope of employment. Whether act was within scope of employment should include consideration of whether acts were foreseeable, related to and connected with duties of employee and were committed during work-related limits of time and place.

Punitive damages awarded against employee were not excessive.

Reversed in part, affirmed in part, and remanded. Yetka, J. Conc. spec. Todd, J. Dissenting, Peterson and Kelley, JJ. Took no part, Coyne, J.

82-191 Steven A. Clapp, Appellant, v. Richard E. Peterson, individually and as President of Ells Personnel Systems, Inc. Hennepin County.

Equitable defenses are available to a defendant in an action for rescission based on a technical violation of the Minnesota Franchise Act.

Affirmed. Scott, J.

81-914 State of Minnesota v. Adrian Oquist, Appellant. Itasca County.

A warrantless search by police of garbage bags placed near an alley for collection was permissible under the fourth amendment because under the facts defendant had no reasonable expectation of privacy in the contents of the garbage bags.

The trial court did not err in admitting evidence of defendant's prior convictions for impeachment purposes.

Affirmed. Coyne, 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.

Northeast Minnesota Economic Protection Trust Fund

Notice of Request for Proposals for Engineering Services

Introduction

The University of Minnesota Mineral Resources Research Center and the U.S. Bureau of Mines Research Center conduct long range research on the minerals of Northeast Minnesota and the state as a whole. There are several existing processes which might possibly offer the potential for upgrading Minnesota iron ore concentrate and/or pellets, preferably utilizing abundant energy sources such as Minnesota peat, Dakota lignites, or Western sub-bituminous coals. This Request for Proposal is seeking an engineering appraisal for the ranking of economic and technical viability of the potential processes. The successful responder should review prior reports and the most recent Battelle report dated March, 1982. We believe it would be wise to develop a program to monitor and evaluate at least the following processes on a continuing basis:

Molten Iron or Steel

1. Inred
2. Plasmamelt—SKF Sweden
3. Midrex Electrothermal
4. MRRC—Plasma Tech
5. Davy McKee—Staged Electrothermal
6. Voest—Alpine International Plasma

DRI

1. Korf
2. Plasmared—SKF Sweden
3. Elred-Lurgi and ASEA Sweden
4. Bureau of Mines—Grate Kiln Metalizing Process

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

Project Scope

The responder shall monitor and update technical and economic information relative to the ten (10) processes listed in the "introduction" section for the production of molten iron (6) and DRI (4), and any other process which achieves the goal of increased value of Minnesota resources and shows commercial potential.

The above information will be evaluated and compared on a monthly basis as directed in the "reporting relationships" section.

Use of Minnesota peat and/or lignites and coal as an energy source for all applicable processes will be encouraged and evaluated.

This project will conclude with a summary report which includes a recommendation for continued work on the process which possesses the greatest chance for commercial success.

Responder may propose additional tasks or activities if they will substantially improve the results of the project.

Goals and Objectives

To determine the available processes for utilizing and increasing the dollar value of Minnesota iron ore and peat resources, and a ranking of the technical and economic attributes of the processes which will contribute to the commercial success of each process. The ultimate goal will be the establishment of a demonstration plant or plants for such process or processes by private industry with cooperation of the State of Minnesota.

STATE CONTRACTS

Selection Criteria

1. Responder must be an engineering firm with a metallurgical background and capabilities.
2. Responder firm must be located in the Taconite Tax Relief Area.
3. Responder cannot have an economic or related interest in any of the processes referred to herein.
4. Responder must have a working knowledge of all taconite and mining facilities located in Minnesota.

Reporting Relationships

The organization selected should issue their first report 60 days after being awarded the contract and thereafter a progress report should be made on a monthly basis to the Administrator of the Northeast Minnesota Economic Protection Trust Fund.

Department Contacts

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

Ted Barker, Administrator
Northeast Minnesota Economic Protection Trust Fund
PO Box 441
Eveleth, MN 55734
218/744-4638

Submission of Proposals

All proposals must be sent to and received by:

Ted Barker, Administrator
Northeast Minnesota Economic Protection Trust Fund
PO Box 441
Eveleth, MN 55734

no later than 1:00 p.m., February 14, 1983.

Late proposals will not be accepted. Submit four (4) copies of proposal. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. Each copy of the proposal must be signed, in ink, by an authorized member of the firm. Prices and terms of the proposal as stated must be valid for the length of the project.

Project Costs

The agency has estimated that the cost of this project should not exceed \$150,000.

Project Completion Date

The project will be completed by December 31, 1983 or within ten (10) months from the date of project authorization.

Proposal Contents

The proposal, at a minimum, should include a statement of the firm's credentials and business philosophy; resumes of the principal parties who would be assigned the project; an outline of the methodology proposed; a proposal for remuneration; and an assignment of the personnel and the time responsibilities assigned to each. The credentials of the individuals assigned and their commitment in time and responsibilities will weigh heavily in the selection of the successful firm.

Evaluation

All proposals received by the deadline will be evaluated by the Board of Trustees and the Technical Advisory Committee. In some instances, an interview will be part of the evaluation process.

Evaluation and selection will be completed by February 21, 1983. Results will be sent immediately by mail to all responders.

OFFICIAL NOTICES

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

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

Department of Agriculture Agronomy Services Division

Notice of Special Local Need (SKN) Registration for "Ectrin Insecticide 10% Water Dispensible Liquid"

Pursuant to Minnesota Statutes § 18A.23, and 3 MCAR § 1.0338 B., the Minnesota Department of Agriculture (MDA), on December 21, 1982, issued a Special Local Need (SLN) Registration for "Ectrin Insecticide 10% Water Dispensible Liquid", manufactured by Diamond Shamrock Corporation.

The Commissioner of Agriculture, based upon information in the application, has deemed it in the public interest to issue such a registration, and has deemed that the information in the application indicates that the pesticide does not have the potential for unreasonable adverse environmental effects.

This Special Local Need (SLN) Registration permits the use of this product as a livestock premise spray to control flies.

The application and other data required under Minnesota Statutes, Sections 18A.22, Subdivision 2(a-d), 18A.23, and 40 CFR 162.150-162.158, Subpart B, relative to this registration (identified as SLN No. MN82-0016) is on file for inspection at:

Minnesota Department of Agriculture
Agronomy Services Division
Pesticide Control Section
90 West Plato Boulevard
Saint Paul, Minnesota 55107
Telephone: (612) 296-8547

A federal or state agency, a local unit of government, or any person or group of persons filing with the commissioner a petition that contains the signatures and addresses of 500 or more individuals of legal voting age has thirty (30) days to file written objections with the Commissioner of Agriculture regarding the issuance of this Special Local Need Registration. Upon receipt of such objections and when it is deemed in the best interest of the environment or the health, welfare, and safety of the public, the Commissioner of Agriculture shall order a hearing pursuant to Minnesota Statutes, Chapter 15, for the purpose of revoking, amending, or upholding this registration.

December 21, 1982

Mark W. Seetin, Commissioner
Minnesota Department of Agriculture

Department of Agriculture Agronomy Services Division

Notice of Special Local Need (SLN) Registration for Gramoxone Paraquat Herbicide

Pursuant to Minnesota Statutes § 18A.23, and 3 MCAR § 1.0338 B., the Minnesota Department of Agriculture (MDA), on December 21, 1982, issued a Special Local Need (SLN) Registration for Gramoxone Paraquat Herbicide, manufactured by ICI Americas, Inc.

The Commissioner of Agriculture, based upon information in the application, has deemed it in the public interest to issue such a registration, and has deemed that the information in the application indicates that the pesticide does not have the potential for unreasonable adverse environmental effects.

In addition to the uses prescribed on the product label, this Special Local Need (SLN) Registration permits the use of this product for post harvest desiccation of kentucky bluegrass seed fields to facilitate burning.

The application and other data required under Minnesota Statutes § 18A.22, subdivision 2(a-d), 18A.23, and 40 CFR 162.150-162.158, subpart B, relative to this registration (identified as SLN No. MN82-0015) is on file for inspection at:

OFFICIAL NOTICES

Minnesota Department of Agriculture
Agronomy Services Division
Pesticide Control Section
90 West Plato Boulevard
Saint Paul, Minnesota 55107
Telephone: (612) 296-8547

A federal or state agency, a local unit of government, or any person or group of persons filing with the commissioner a petition that contains the signatures and addresses of 500 or more individuals of legal voting age has thirty (30) days to file written objections with the Commissioner of Agriculture regarding the issuance of this Special Local Need Registration. Upon receipt of such objections and when it is deemed in the best interest of the environment or the health, welfare, and safety of the public, the Commissioner of Agriculture shall order a hearing pursuant to Minnesota Statutes, Chapter 15, for the purpose of revoking, amending, or upholding this registration.

December 21, 1982

Mark W. Seetin, Commissioner
Department of Agriculture

Board of Architecture, Engineering, Land Surveying and Landscape Architecture

Notice of Intent to Solicit Outside Opinion on Rules Relating to the Examination of Architects and Land Surveyors

Notice is hereby given that the Board of Architecture, Engineering, Land Surveying and Landscape Architecture is seeking information and opinions from sources outside the board in preparing revisions to board rules 4 MCARf § 7.009 Examination of Architect Applicants and 4 MCAR § 7.011 Examination of Land Surveyor Applicants. The authority for revising these rules is contained in Minn. Stat. § 326.06 (1980).

The board is considering revisions to these rules including:

1. 4 MCAR § 7.009 Examination of Architect Applicants. Revising the examination format from the current Qualifying Test; Section A, Professional Examination (12-hour Site Planning and Design Test); and Section B, Professional Examination (16-hour, four part, multiple choice test) to the new four-day Uniform Architect Registration Examination (ARE) which will be the only national examination available for use beginning in June 1983. Requiring that candidate education and experience requirements be completed as of the date of administration of the examination. Modifying credit allowances for certain non-architectural education.

2. 4 MCAR § 7.011 Examination of Land Surveyor Applicants. Revising education requirements from the current degree requirement effective January 1, 1985 to four years after the establishment of a four-year land surveying program within the State of Minnesota, whichever is later. Revising the total number of years of combined land surveying education and experience required on a scale from seven to ten years. Specifying certain areas of land surveying activity in which experience is required.

Any person with information, comments, or questions concerning the proposed rules revision should submit them either orally or in writing before January 31, 1983. Address correspondence to:

Lowell E. Torseth, Executive Secretary
Board of Architecture, Engineering, Land
Surveying and Landscape Architecture
500 Metro Square
St. Paul, Minnesota 55101
(612) 296-2388

The board expects to publish proposed rules in February, 1983. Written materials received will be made part of the record when these rules are proposed. Oral comments made will be considered by the board.

Department of Commerce Banking Division

Bulletin No. 2695: Maximum Law Rate of Interest for Mortgages and Contracts for Deed for the Month of January 1983

Notice is hereby given that pursuant to Section 47.20, Subd. 4a, Minnesota Statutes 1980, the maximum lawful rate of interest for conventional home mortgages for the month of January 1983 is thirteen and three-quarters (13.75) percentage points. Further, pursuant to Section 47.20, Minnesota Statutes, the maximum lawful rate of interest for contracts for deed for the month of January 1983 is thirteen and three-quarters (13.75) percentage points.

It is important to note that this maximum lawful interest rate does not apply to all real estate loans and contracts for deed. Under Minnesota's interest rate moratorium, which is identical to the Federal Usury Preemption, in most instances any rate may be charged on real estate mortgages and contracts for deed that constitute first liens.

This is based on the Federal National Mortgage Association (FNMA) December 20, 1982, auction results and an average yield for conventional mortgage commitments of 13.697%. Current rates regarding the monthly publication are available by telephoning the Banking Division's 24-hour information number (612) 297-2751.

December 22, 1982

Michael J. Pint
Commissioner of Banks

Metropolitan Council

Notice of Preliminary Review Schedule

Solid Waste Management Development Guide Amendments

The Metropolitan Council will begin review of proposed amendments to its Metropolitan Development Guide chapter on solid waste management. The Guide chapter will be amended to include the following:

1. Regional landfill abatement plan;
2. Schedule for development of new landfills;
3. Schedule for closing of existing landfills;
4. Standards and procedures for certificates of need for new solid waste facilities;
5. Standards and procedures for county plan implementation;
6. Allocation of cost for debt service for Council bonds sold for landfill sites.

The following is a tentative schedule for reviewing the proposed amendments.

- | | |
|-----------------|---|
| May 4, 1983 | The Metropolitan Waste Management Advisory Committee of the Metropolitan Council adopts the proposed amendments for public hearing. |
| May 12, 1983 | The Physical Development Committee of the Metropolitan Council reviews public hearing draft. |
| May 19, 1983 | The Physical Development Committee adopts the proposed amendments for public hearing. |
| May 26, 1983 | The Metropolitan Council sets public hearing. |
| June 28, 1983 | Public hearing on the proposed amendments. |
| July 8, 1983 | Hearing record closes. |
| August 3, 1983 | The Metropolitan Waste Management Advisory Committee reviews final hearing reports and adopts final amendments. |
| August 11, 1983 | The Physical Development Committee reviews final hearing report and adopts final amendments. |
| August 18, 1983 | If necessary, the Physical Development Committee adopts final amendments. |
| August 25, 1983 | The Metropolitan Council adopts plan. |

This schedule is tentative and subject to change. A subsequent notice of the public hearing will be published. If you have any questions regarding the schedule or the plan, call Paul Smith, Environmental Planner, at 291-6408.

**Department of Public Welfare
Support Services Bureau**

**Notice of Intent to Solicit Outside Opinion Concerning Revision of Rules Governing
Licensure of Child-Caring Institutions and Group Homes for Children**

Notice is hereby given that the Minnesota Department of Public Welfare is considering draft amendments to 12 MCAR § 2.005; Standards for child-caring institutions (DPW Rule 5).

This rule governs the licensure of residential facilities that engage in the provision of care and treatment for emotionally disturbed children.

Authority for this rule is found in Minn. Stat. §§ 245.783; 256.01, subd. 2; and 257.175.

The proposed changes would merge existing DPW Rules 5, Standards for Child-Caring Institutions, and 8, Standards for Group Homes, and may include revisions or deletions of portions of the existing rules as well as specific additions governing program administration, staffing requirements, physical environment of facilities, resident rights and services.

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:

Cheryl Nyhus, Supervisor
Residential Licensing
Division of Licensing
Department of Public Welfare
Centennial Office Building
St. Paul, MN 55155

Oral statements of information and comment will be received during regular business hours over the telephone at 612/296-4037.

All statements of information and comment must be received by February 2, 1983. Any written material received by the department shall become part of the hearing record.

Errata

At 7 S.R. 925, Department of Health rule 7 MCAR § 1.155 A., the fee "\$120.00" should be underlined, but not struck out.

STATE OF MINNESOTA

State Register and Public Documents Division
117 University Avenue
St. Paul, Minnesota 55155

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FOR LEGISLATIVE NEWS

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

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