

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 842

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 8-19-82
DATE FOR REVIEW 8.27-82
DATE DUE 9-2-82

Adopted w/a hearing _____
Adopted w/o hearing ✓
Temporary rule _____

Approved August 30, 1982 - LOS Disapproved _____ Returned to Agency 8-31-82

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State 8-30-82 Revisor approved 8/19/82 disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 8.19.82 Date

N/A Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking
N/A date of Hearing

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

✓ Affidavit of Mailing Notice or rulemaking
7.14.82 At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
7.19.82 At least 30/~~20~~ days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

N/A Agency's Findings of Fact No changes

N/A LCRAR Report or agency Affidavit

Certificate of Board's Resolution Adopting Rules

Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

N/A Petition for Adoption of a Rule

N/A Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

N/A Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

SF-00006-02

DEPARTMENT ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

TO : KENT E. EKLUND
Commissioner of Energy, Planning & Development

DATE: 8/30/82

ATTN: CHRISTIE B. ELLER, Spec. Ass't. Atty. Gen.

FROM : LARRY D. STARNS
Special Assistant
Attorney General

PHONE: 297-3493

SUBJECT: In the Matter of the Proposed Amendment of Rules of the Department of Energy, Planning & Development, Energy Division, Governing Implementation of the State Energy Supply Conservation and Allocation Plan During a Petroleum Supply Shortage; 6 MCAR §§ 2.3101-2.3121

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register. This must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages to the rules in the approved set.

If you have any questions in this regard, please contact me.

LDS:drw
Encs.

cc: Ms. Kathy Burek
Mr. Duane Harves

SF-00006-02

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT ATTORNEY GENERAL - Bremer Tower

TO : JUDITH WEHRWEIN
Office of the Attorney General
Administration - Rules Review
OFFICE OF THE REVISOR OF STATUTES

DATE: August 19, 1982

FROM : CHRISTIE B. ELLER CBE
Special Assistant Attorney General

PHONE: 6-9200

SUBJECT: In the Matter of the Proposed Amendment of Rules of the Department of Energy, Planning and Development, Energy Division, Governing Implementation of the State Energy Supply Conservation and Allocation Plan During a Petroleum Supply Shortage, 6 MCAR §§ 2.3101-2.3121

On behalf of the Department of Energy, Planning and Development, Energy Division, I enclose copies of those documents required to be submitted to the Attorney General by Minn. Stat. § 15.0412, subd. 4(h) (1981 Supp.) and MCAR § 1.203 and to the Revisor by Minn. Stat. § 15.0412, subd. 10 (1981 Supp.). The Department does not propose any changes from the rules as proposed. Additionally, it should be noted that the Department received no comments, requests for a hearing or requests for notice of submission to the Attorney General.

CBE:bl

Enclosures

Department of Energy, Planning and Development

Energy Division

Adopted Amendment of Rules Governing the Petroleum Supply Shortage Conservation and Allocation Plan

Rule as Adopted

6 MCAR S 2.3120 Motor fuel emergency measures. Upon declaration of an energy supply emergency based upon a petroleum shortage, the Governor shall select from the following measures to reduce a motor fuel shortage.

A. (Unchanged.)

B. Employer-based motor fuel conservation measure.

1. The purpose of this measure is to conserve motor fuel by requiring certain employers to reduce employee commuting and business-related motor fuel consumption in an energy supply emergency. The department shall inform affected employers before May 25, 1983 of the requirements for participating in the employer-based conservation measure. The governor may not implement this measure before May 25, 1983.

2.-10. (Unchanged.)

C. School conservation measure.

1. and 2. (Unchanged.)

3. The governor may not implement the school conservation measure before October 1, 1982. School boards shall submit to the department before April 1, 1984, or within 45 days after declaration of an energy supply emergency, whichever comes first, an emergency motor fuel conservation plan as defined in paragraphs 6. or 7.

4.-9. (Unchanged.)

D.-H. (Unchanged.)

APPROVED AS TO LEGALITY
August 30, 1982
WARREN SPANNAUS, ATTORNEY GENERAL
BY Jerry D. Burns
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
AUG 30 1982
2:03 P.M.
Secretary of State

Department of Energy, Planning and Development

Energy Division

Adopted Amendment of Rules Governing the Petroleum Supply Shortage Conservation and Allocation Plan

Rule as Adopted

6 MCAR S 2.3120 Motor fuel emergency measures. Upon declaration of an energy supply emergency based upon a petroleum shortage, the Governor shall select from the following measures to reduce a motor fuel shortage.

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4.-9. (Unchanged.)

D.-H. (Unchanged.)

APPROVED AS TO LEGALITY

August 30, 1982

WARREN SPANNAUS, ATTORNEY GENERAL

BY Jerry D. Thomas

SPECIAL ASSISTANT ATTORNEY GENERAL

Department of Energy, Planning and Development

Energy Division

Proposed Amendment of Rule Governing Motor Fuel Emergency Measures

Rule as Proposed

6 MCAR S 2.3120 Motor fuel emergency measures. Upon declaration of an energy supply emergency based upon a petroleum shortage, the Governor shall select from the following measures to reduce a motor fuel shortage.

A. (Unchanged.)

B. Employer-based motor fuel conservation measure.

1. The purpose of this measure is to conserve motor fuel by requiring certain employers to reduce employee commuting and business-related motor fuel consumption in an energy supply emergency. The department shall inform affected employers before May 25, 1983 of the requirements for participating in the employer-based conservation measure. The governor may not implement this measure before May 25, 1983.

2.-10. (Unchanged.)

C. School conservation measure.

1. and 2. (Unchanged.)

3. The governor may not implement the school conservation measure before October 1, 1982. School boards shall submit to the department ~~within 18 months after the effective date of these rules~~ before April 1, 1984, or within 45 days after declaration of an energy supply emergency, whichever comes first, an emergency motor fuel conservation plan as defined in paragraphs 6. or 7.

4.-9. (Unchanged.)

D.-H. (Unchanged.)

STATE OF MINNESOTA
DEPARTMENT OF ENERGY, PLANNING AND DEVELOPMENT

In the Matter of the Proposed Amendment of Rules of the Department of Energy, Planning and Development, Energy Division, Governing Implementation of the State Energy Supply Conservation and Allocation Plan During a Petroleum Supply Shortage; 6 MCAR §§ 2.3101-2.3121

ORDER ADOPTING RULES

Notice of the Commissioner's intent to adopt the above-entitled rules without a public hearing was published in the State Register on July 19, 1982 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes Section 15.0412, Subdivision 4 on July 14, 1982. After affording interesting and affected persons an opportunity to submit comments for thirty (30) days after Notice, and receiving no comments or written requests for a public hearing within the thirty-day comment period, and determining the need for and reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED that these rules identified as Rules Governing Implementation of State Energy Conservation and Allocation Plan During a Petroleum Supply Shortage, 6 MCAR §§ 2.3101-2.3121, are adopted this 19th day

of August, 1982 pursuant to authority vested in me by Minnesota Statutes Sections 116H.08(a) and 116H.09 (1981 Supp.).

STATE OF MINNESOTA

Joseph E. Sizer

Commissioner of the Department of Energy, Planning and Development

STATE OF MINNESOTA

DEPARTMENT OF ENERGY,
PLANNING AND DEVELOPMENT

In the Matter of the Proposed Amendment of Rules of the Department of Energy, Planning and Development, Energy Division, Governing Implementation of the State Energy Supply Conservation and Allocation Plan During a Petroleum Supply Shortage; 6 MCAR §§ 2.3101-2.3121.

ORDER FOR NOTICE OF INTENT TO AMEND RULES WITHOUT A PUBLIC HEARING

IT IS ORDERED this 6 day of July, 1982, that a Notice of Intent of Amend Rules without a Public Hearing in the above-entitled matter be given to all persons who have registered their names with the Department of Energy, Planning and Development for that purpose and be published in the State Register with the Proposed rules.

DEPARTMENT OF ENERGY, PLANNING AND DEVELOPMENT

Kent Eklund

KENT EKLUND
Commissioner

DEPARTMENT OF ENERGY, PLANNING AND DEVELOPMENT

ENERGY DIVISION

Proposed Amendment of Rules Governing the Petroleum Supply Shortage Conservation and Allocation Plan

Notice of Intent to Amend Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Department of Energy, Planning and Development, hereinafter "Department", intends to adopt the above-entitled amendments without a public hearing. The Commissioner has determined that the amendment of the rules will not be controversial and has elected to follow the procedures set out in Minn. Stat. § 15.0412, subd. 4h.

Rules for the petroleum emergency plan program were adopted recently. Those rules were published in the State Register on May 24, 1982. The Department is now proposing amendments to those rules. The amendments would simply delay the availability of two emergency measures. The delay would allow schools and employers more time to prepare plans for their conservation measures and will delay possible initiation of the two affected measures to a time when their effect will be greater. Copies of the amendments now proposed may be obtained by writing or calling Ms. Abigail McKenzie at the address or telephone number given below.

Please be advised that you have an opportunity for the 30-day period following publication of this notice and the proposed amendments to submit comments in writing on the proposed

amendments and to object to the lack of public hearing on the proposed amendments. Your written comments or request for hearings should be submitted to the Department of Energy, Planning and Development, Energy Division, c/o Abigail McKenzie, 980 American Center Building, 150 East Kellogg Boulevard, Saint Paul, Minnesota 55101. Unless seven or more persons submit written requests for a public hearing on the proposed amendments within the 30-day comment period, no public hearing will be held. If seven or more persons request hearings on the proposed amendments, the Department will order public hearings in accordance with Minn. Stat. § 15.0412, subds. 4-4(f). The Department may modify the proposed amendments if modification is supported by the data and views submitted in written comments and if no substantial change results from the modification.

If no hearing is required, and the Department decides to adopt the amendments as proposed, or as modified if written comments justify modification, the Department will submit to the Attorney General for review of form, legality and substantial change the following documents: this notice with the amendments as proposed, the amendments as adopted, the order adopting the amendments, any written comments received by the Department, the Department's Statement of Need and Reasonableness supporting adoption of the amendments, and any written comments received by the Department in response to the earlier notices seeking outside opinions. Any person may request notification of the date the Department makes the submission to the Attorney General. If you desire to be so notified, you must inform the Department

in writing during the 30-day comment period.

The Department has prepared a Statement of Need and Reasonableness in support of the proposed amendments which is also available from the Department in writing to the address indicated above or calling (612) 296-8285.

The Department's authority to promulgate the proposed amendments can be found in Minn. Stat. § 116H.09.

Please be advised that Minnesota Statutes Chapter 10A requires each lobbyist to register with the Ethical Practices Board within five days after he/she becomes a lobbyist. Lobbying includes attempting to influence rulemaking by communicating or using others to communicate with public officials. A lobbyist is generally any individual who spends more than $250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than $150 per year or five hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, Saint Paul, Minnesota 55155, Telephone (612) 296-5615.

Dated: July 2, 1982

Kent E. Eklund

Department of Energy, Planning and Development

Energy Division

Proposed Amendment of Rule Governing Motor Fuel Emergency Measures

Rule as Proposed

6 MCAR S 2.3120 Motor fuel emergency measures. Upon declaration of an energy supply emergency based upon a petroleum shortage, the Governor shall select from the following measures to reduce a motor fuel shortage.

A. (Unchanged.)

B. Employer-based motor fuel conservation measure.

1. The purpose of this measure is to conserve motor fuel by requiring certain employers to reduce employee commuting and business-related motor fuel consumption in an energy supply emergency. The department shall inform affected employers before May 25, 1983 of the requirements for participating in the employer-based conservation measure. The governor may not implement this measure before May 25, 1983.

2.-10. (Unchanged.)

C. School conservation measure.

1. and 2. (Unchanged.)

3. The governor may not implement the school conservation measure before October 1, 1982. School boards shall submit to the department ~~within 18 months after the effective date of these rules~~ before April 1, 1984, or within 45 days after declaration of an energy supply emergency, whichever comes first, an emergency motor fuel conservation plan as defined in paragraphs 6. or 7.

4.-9. (Unchanged.)

D.-H. (Unchanged.)

STATE OF MINNESOTA

DEPARTMENT OF ENERGY,

PLANNING AND DEVELOPMENT

In the Matter of the Proposed Amendment of Rules of the Department of Energy, Planning and Development, Energy Division, Governing Implementation of the State Energy Supply Conservation and Allocation Plan During a Petroleum Supply Shortage 6 MCAR § § 2.3101-2.3121.

AFFIDAVIT OF MAILING

Marietta Maren Olsen being first duly sworn, deposes and says:

That on the 14th day of July, 1982, at the City of Saint Paul, County of Ramsey, State of Minnesota, She served the attached Notice of Intent to Amend Rules Without Public Hearing by depositing in the State of Minnesota Central Mail System for first class mailing or delivery by Inter-Office mail, or in the United States mail at the City of Saint Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the Department of Energy, Planning and Development for the purpose of receiving notice of the proposed amendment of rules by this agency.

Marietta Maren Olsen

Subscribed and sworn to before me this 14th day of July, 1982.

Elizabeth L. Woodhouse
Notary Public

Elizabeth L. Woodhouse
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My commission expires Mar. 1, 1987

STATE OF MINNESOTA

DEPARTMENT OF ENERGY,

PLANNING AND DEVELOPMENT

In the Matter of the Proposed Amendment of Rules of the Department of Energy, Planning and Development, Energy Division, Governing Implementation of the State Energy Supply Conservation and Allocation Plan During a Petroleum Supply Shortage; 6 MCAR §§ 2.3101-2.3121

MAILING LIST CERTIFICATE

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. § 15.0412, subd. 4, that their names be placed on file with and maintained by the Department of Energy, Planning and Development for the purpose of receiving notice of the proposed amendment of rules by this agency is accurate and complete as of 9:00 A.M., this 14th day of July, 1982.

Joseph E. Dezek

Subscribed and sworn to before me this 14th day of July, 1982.

Alan A. Madsen

ALAN A. MADSEN
Notary Public, Hennepin County, Mn.
My commission expires July 6, 1984

conditions of any agreements made pursuant to Minn. Stat. ch. 41 or 3 MCAR §§ 1.0548-1.0560 are in compliance with the statutes and rules.

Repealer. Rules 3 MCAR §§ 1.0543; 1.0544; 1.0545; 1.0546; and 1.0547 are repealed.

Department of Energy, Planning and Development Energy Division

Proposed Amendment of Rules Governing the Petroleum Supply Shortage Conservation and Allocation Plan

Notice of Intent to Amend Rules without a Public Hearing

Notice is hereby given that the Department of Energy, Planning and Development, hereinafter "department," intends to adopt the above-entitled amendments without a public hearing. The commissioner has determined that the amendment of the rules will not be controversial and has elected to follow the procedures set out in Minn. Stat. § 15.0412, subd. 4h.

Rules for the petroleum emergency plan program were adopted recently. Those rules were published in the *State Register* on May 24, 1982. The department is now proposing amendments to those rules. The amendments would simply delay the availability of two emergency measures. The delay would allow schools and employers more time to prepare plans for their conservation measures and will delay possible initiation of the two affected measures to a time when their effect will be greater. Copies of the amendments now proposed may be obtained by writing or calling Ms. Abigail McKenzie at the address or telephone number given below.

Please be advised that you have an opportunity for the 30-day period following publication of this notice and the proposed amendments to submit comments in writing on the proposed amendments and to object to the lack of public hearing on the proposed amendments. Your written comments or request for hearings should be submitted to the Department of Energy, Planning and Development, Energy Division, c/o Abigail McKenzie, 980 American Center Building, 150 East Kellogg Boulevard, Saint Paul, Minnesota 55101. Unless seven or more persons submit written requests for a public hearing on the proposed amendments within the 30-day comment period, no public hearing will be held. If seven or more persons request hearings on the proposed amendments, the department will order public hearings in accordance with Minn. Stat. § 15.0412, subds. 4-4(f). The department may modify the proposed amendments if modification is supported by the data and views submitted in written comments and if no substantial change results from the modification.

If no hearing is required, and the department decides to adopt the amendments as proposed, or as modified if written comments justify modification, the department will submit to the Attorney General for review of form, legality and substantial change the following documents: this notice with the amendments as proposed, the amendments as adopted, the order adopting the amendments, any written comments received by the department, the department's statement of need and reasonableness supporting adoption of the amendments, and any written comments received by the department in response to the earlier notices seeking outside opinions. Any person may request notification of the date the department makes the submission to the Attorney General. If you desire to be so notified, you must inform the department in writing during the 30-day comment period.

The department has prepared a statement of need and reasonableness in support of the proposed amendments which is also available from the department in writing to the address indicated above or calling (612) 296-8285.

The department's authority to promulgate the proposed amendments can be found in Minn. Stat. § 116H.09.

Please be advised that Minnesota Statutes ch. 10A requires each lobbyist to register with the Ethical Practices Board within five days after he/she becomes a lobbyist. Lobbying includes attempting to influence rulemaking by communicating or using others to communicate with public officials. A lobbyist is generally any individual who spends more than $250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than $150 per year or five hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, Saint Paul, Minnesota 55155, Telephone (612) 296-5615.

July 2, 1982

Kent E. Ecklund

Rule as Proposed

6 MCAR § 2.3120 Motor fuel emergency measures. Upon declaration of an energy supply emergency based upon a petroleum shortage, the Governor shall select from the following measures to reduce a motor fuel shortage.

A. (Unchanged.)

B. Employer-based motor fuel conservation measure.

1. The purpose of this measure is to conserve motor fuel by requiring certain employers to reduce employee commuting and business-related motor fuel consumption in an energy supply emergency. The department shall inform affected employers before May 25, 1983 of the requirements for participating in the employer-based conservation measure. The governor may not implement this measure before May 25, 1983.

2.-10. (Unchanged.)

C. School conservation measure.

1. and 2. (Unchanged.)

3. The governor may not implement the school conservation measure before October 1, 1982. School boards shall submit to the department ~~within 18 months after the effective date of these rules~~ before April 1, 1984, or within 45 days after declaration of an energy supply emergency, whichever comes first, an emergency motor fuel conservation plan as defined in paragraphs 6. or 7.

4.-9. (Unchanged.)

D.-H. (Unchanged.)

Department of Energy, Planning and Development Office of Local Government of the Planning Division

Proposed Rules Governing the Community Development Block Grant Program

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the State Department of Energy, Planning and Development proposes to adopt the above-entitled rules without a public hearing. The commissioner 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 comments 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.

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

D. Beigbeder, Department of Energy, Planning and Development
100 Hanover Building, 480 Cedar Street, St. Paul, Minnesota
55101 (612) 296-2262

Authority for the adoption of these rules is contained in Minnesota Statutes §§ 4.13 and 4.17. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies

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.

STATE OF MINNESOTA

DEPARTMENT OF ENERGY, PLANNING AND DEVELOPMENT

In the Matter of the Proposed Amendment of Rules of the Department of Energy, Planning and Development, Energy Division, Governing Implementation of the State Energy Supply Conservation and Allocation Plan During a Petroleum Supply Shortages; 6 MCAR §§ 2.3101-2.3121.

Statement of Need and Reasonableness

In May of 1982 the Department of Energy, Planning and Development adopted Petroleum Supply Emergency Rules, 6 MCAR §§ 2.3101-2.3121, to guide the actions of the Governor during a petroleum shortage. These rules, which became effective on May 29, 1982, set forth a plan for increasing conservation and maintaining essential services in order to minimize the impact of a shortage on Minnesota residents. The Petroleum Supply Emergency Rules are authorized by Minn. Stat. § 116H.09 (1981 Supp.). These rules also meet, in part, federal requirements set forth in the Emergency Energy Conservation Act of 1979, Pub. L. 96-102, Title II Section 212,42 United States Code, Section 8512.

This statement explains the need for and reasonableness of the amendments the Department is proposing which delay implementation of two ongoing measures in the rules. The amendments (see the last page of this statement for their specific wording) would delay implementation of the employer-based conservation measure one year and move the time table for the school conservation measure back four months. The amendments are proposed as noncontroversial rules pursuant to Minn. Stat. 15.0412 Subd. 4h (1981 Supp.). The Department recognizes its obligation under the statute to make an affirmative presentation of facts establishing the need for and reasonableness of these amendments. This statement is submitted for that purpose.

The primary reason for delaying the employer and schools measures is the dampening affect the world oil glut has had on concern for emergency planning and ridesharing. Between February and April of this year gasoline prices in Minnesota dropped by nearly 10 cents per gallon. The Energy Division of the Department prepares quarterly forecasts of energy prices for the Department of Finance. The forecast indicates that a recent reduction in oil production by OPEC counties will cause the price gasoline and diesel fuel to resume rising faster than the inflation rate after 1982. OPEC production was 20.5 million barrels per day in October of 1981, according to the CRU Energy Monitor, but has fallen to 15.8 million barrels per day in April of 1982. Thus, although the world oil glut has had a pronounced affect on petroleum prices, the Energy Division believes this affect to be temporary.

If the employer and schools measures were implemented this summer, the initial level of interest would be very low. These two measures require significant levels of cooperation from schools and larger employers in order to be successful; yet the oil glut has seriously reduced the motivation for such cooperation. Declining gasoline prices have diminished concern for emergency preparedness, and company ridesharing coordinators report that they are finding it difficult to maintain current levels of participation in ridesharing programs.

Because substantial expenditures are required for informing employers and schools about the measures, the Department has determined that it would be more effective to make these expenditures when the audience would be more responsive. The cost of preparing and printing the necessary workbooks is over $12,000, not including overhead. If the employer measure is delayed one year, gasoline prices will again be rising somewhat faster than the rate of inflation. At that time, mailing workbooks to affected employers and fielding questions through the Department's Energy Information Center will generate a greater level of participation in the employer measure than if the measure were

implemented this summer.

The Department wishes to delay implementation of the schools measure for another reason as well. This fall the Energy Division will be conducting a Total Energy Management Program for Schools. The outreach program will include presentations and workshops on all aspects of energy conservation for schools in a single, comprehensive package. By delaying the mailing of workbooks for schools until October of 1981, the Energy Division will be able to dovetail promotion of the schools measure with the beginning of this outreach effort. The result will be greater contact with schools and a higher level of participation.

For the above reasons the Department believes that the proposed changes will permit greater success in implementing the employer and schools measures.

Amendment to the School Conservation Measure

2.3120.C.3 The Governor must not implement the school conservation measure before October 1, 1982. School boards shall submit to the department before April 1, 1984 ~~within 10 months after the effective date of these rules,~~ or within 45 days after the declaration of an energy supply emergency, whichever comes first, an emergency motor fuel conservation plan as defined in paragraphs 6. or 7.

Amendment to the Employer-based Conservation Measure

2.3120.B.1 The purpose of this measure is to conserve motor fuel by requiring certain employers to reduce employee commuting and business-related fuel consumption in an energy supply emergency. The Department must inform affected employers before May 25, 1983 of the requirements for participating in the employer-based conservation measure. The Governor must not implement this measure before May 25, 1983.

STATE OF MINNESOTA
DEPARTMENT OF ENERGY, PLANNING AND DEVELOPMENT

In the Matter of the Proposed Amendment of Rules of the Department of Energy, Planning and Development, Energy Division, Governing Implementation of the State Energy Supply Conservation and Allocation Plan During a Petroleum Supply Shortage; 6 MCAR §§ 2.3101-2.3121

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, CHRISTIE, B. ELLER, Special Assistant Attorney General, do hereby declare that I have examined the rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

Dated: August 19, 1982

Christie B. Eller

CHRISTIE B. ELLER
Special Assistant
Attorney General