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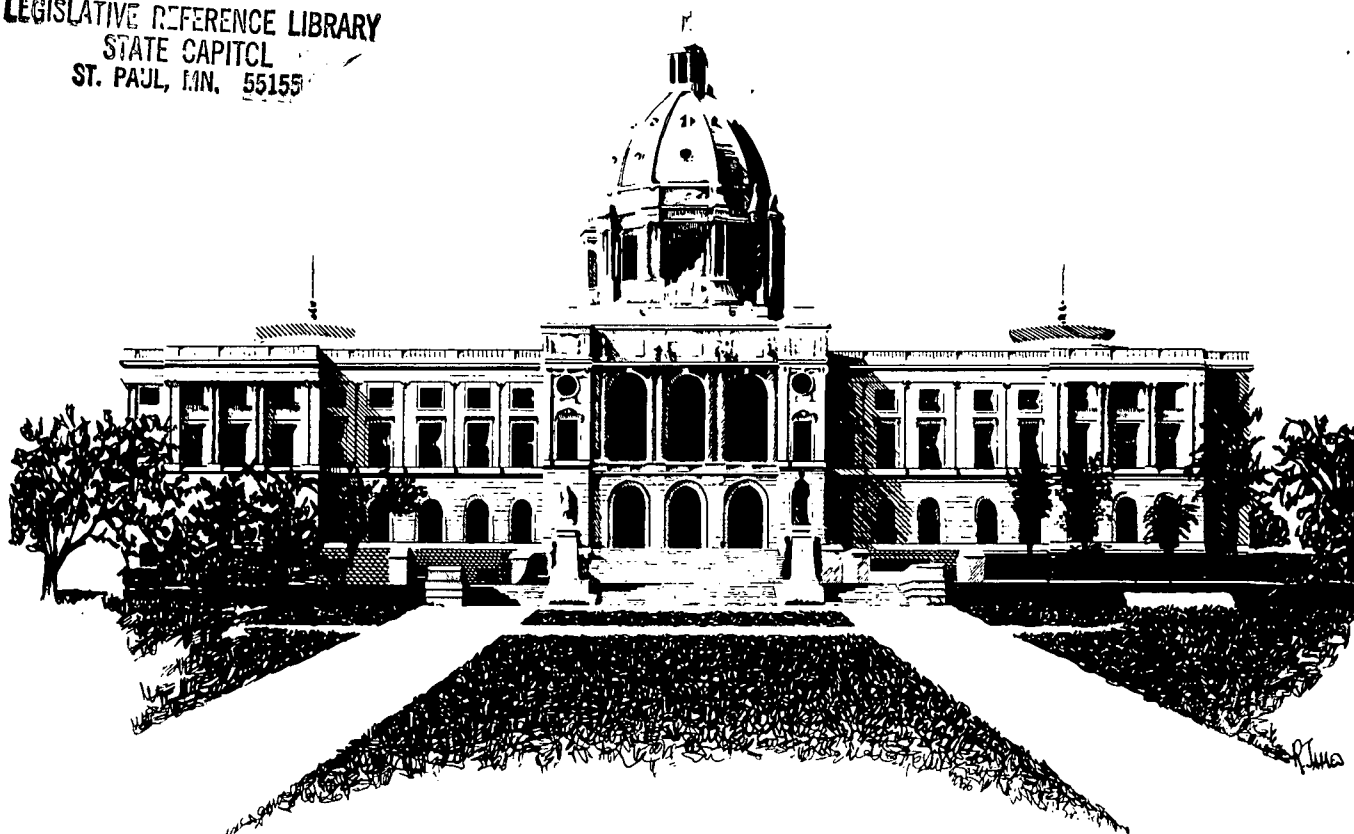
STATE REGISTER

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STATE OF MINNESOTA



VOLUME 5, NUMBER 29

January 19, 1981

Pages 1127-1154



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 5			
30	Monday Jan 12	Monday Jan 19	Monday Jan 26
31	Monday Jan 19	Monday Jan 26	Monday Feb 2
32	Monday Jan 26	Monday Feb 2	Monday Feb 9
33	Monday Feb 2	Monday Feb 9	Monday Feb 16

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

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

Issues 1-13, inclusive	Issue 39, cumulative for 1-39
Issues 14-25, inclusive	Issues 40-51, inclusive
Issue 26, cumulative for 1-26	Issue 52, cumulative for 1-52
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The listings are arranged in the same order as the table of contents of the MCAR.

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

State Board of Education (State Board for Vocational Education) Department of Education Vocational-Technical Division

Proposed Adoption, Amendment, and Repeal of Rules Governing the Distribution of Post-Secondary Vocational Education Aids

Notice of Intent to Adopt, Amend, and Repeal Rules without Further Public Hearing

Notice is hereby given that the State Board of Education (State Board for Vocational Education) proposes to adopt, amend, and repeal the above captioned rules, without further public hearing, pursuant to Laws of 1980, ch. 615 § 7 (Minn. Stat. § 15.0412, subd. 4h).

These proposed rules govern the distribution of post-secondary vocational education aids. These rules were presented at a public hearing held on August 5, 1980. After the public hearing and before these proposed rules were considered for adoption by the State Board of Education (State Board for Vocational Education), the State Department of Education found an error in the rules which had been presented at the August 5, 1980, public hearing. The error was that the rule governing area vocational-technical institute tuition and fees, 5 MCAR § 1.0104 F., was identified as being repealed. 5 MCAR § 1.0104 F. is not proposed to be repealed. 5 MCAR § 1.0104 F. is proposed to be amended as set forth herewith. The State Board of Education (State Board for Vocational Education) also proposes to adopt 5 MCAR §§ 1.01041-1.01047, except that the State Board of Education (State Board for Vocational Education) has deleted the proposed rule § 1.01045 post-secondary vocational support services aid at this time, and repeal 5 MCAR §§ 1.0105 and 1.0107 as set forth herewith. These rules are substantially the same as presented at the public hearing of August 5, 1980, with some changes made to reflect comments made as a result of that hearing.

All interested persons may submit written comment or data on these proposed rules, within 30 days of the publication of these proposed rules in the *State Register*, to:

Robert M. Madson, Director
Post-Secondary Vocational Education
541 Capitol Square Building
St. Paul, Minnesota 55101
Telephone: 612-296-3387

No further public hearing will be held unless seven or more persons make a written request for hearing within the 30 day comment period to the above named person.

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 proposed rules may be modified if the modifications are supported by the data and views submitted. A statement of need and reasonableness is available without charge by making a written or telephone request to the above named person.

Any person who desires to be informed when these proposed rules are submitted to the Attorney General for approval may do so by writing or calling the above named person.

Howard B. Casmey
Commissioner of Education

Rules as Proposed

Chapter Six: Post-Secondary Vocational-Technical Education (all new material)

5 MCAR § 1.01041 Definition. The term allocation or preliminary allocation means the level of funding recommended to the State Board for Vocational Education by the Division of Vocational-Technical Education.

5 MCAR § 1.01042 Instructional aid. Instructional aid shall be allocated to the area vocational-technical institutes in accordance with the formula prescribed in Minn. Stat. § 124.5621.

5 MCAR § 1.01043 Post-secondary vocational supply aid.

A. Post-secondary vocational supply aid shall be allocated to each AVTI for those items of expenditure enumerated in Minn. Stat. § 124.5622, subd. 4.

B. Supply aid allocation.

1. The Division of Vocational-Technical Education shall review each instructional and support services program budget submitted by the AVTI. The budget shall be reviewed and approved, modified or reduced giving consideration to the following factors:

- a. The historical average of per student supply costs for the program.
- b. The average per student cost of supplies for all similar programs in all AVTIs offering such programs.
- c. Continued operation of the physical plant.

2. The Division of Vocational-Technical Education shall annually establish inflationary factors which will govern increases in the various categories of supplies. These inflationary factors will be a two year forecast from the base year which is the fiscal year immediately preceding the deadline for the submission of budgets to the Division of Vocational-Technical Education by the AVTIs. The Division of Vocational-Technical Education shall obtain estimates of cost for the types of items most commonly purchased by the AVTIs over the two year span of time in determining the inflationary factors from the State Economist, Department of Finance.

a. Separate factors shall be established to determine allowable increases for petroleum related supplies and non-petroleum related supplies.

(1) For petroleum related supplies, the following indexes shall be utilized:

- (a) Wholesale price index—refined petroleum products.
- (b) Wholesale price index—rubber and plastic products.

(2) For non-petroleum related supplies, the following indexes shall be utilized:

- (a) Wholesale price index—lumber and wood products.
- (b) Wholesale price index—chemicals and allied products.
- (c) Wholesale price index—metals and metal products.

b. These inflationary factors shall be transmitted to the AVTIs not less than 90 days prior to the deadline by which the AVTIs must submit budget requests to the Division of Vocational-Technical Education.

3. Each school board which has established an AVTI shall implement policies to recover the cost of supplies purchased for resale to students and the public.

a. For instructional programs in the food service area, such rates of recovery shall be established in consultation with the Division of Vocational-Technical Education. Each food service instructional program will be compared to similar programs offered in other AVTIs to annually adjust the rate of recovery by considering the following factors:

- (1) To provide maximum instructional benefits to students.
- (2) To minimize the net cost to the program.

b. For all other instructional programs, the rate of cost recovery shall ensure that the total revenue from the resale of supplies shall not be less than the cost of acquisition of supplies purchased for resale.

4. Each AVTI that submits a program budget wherein the increased cost of supplies exceeds the two year forecast of inflationary factors established in B.2. above shall justify such increases in writing. This justification shall be submitted to the Division of Vocational-Technical Education with the budget requests to receive consideration.

5. In the event that the total request for supply aid for an individual AVTI does not exceed the base year expenditure plus the inflationary factors established in B.2. above, the Division of Vocational-Technical Education shall give preliminary approval to the request subject to the later necessity of prorated reductions applied to all AVTIs subject to the following:

a. When the total requests for supply aid are equal to or less than 105 percent of the funds appropriated for this purpose, each AVTI shall have their request reduced by an equal percentage so that the allocations make maximum use of but do not exceed the funds appropriated for this purpose.

b. When the total requests by all AVTIs for supply aid exceed 105 percent of the funds appropriated for this purpose, an AVTI which requests supply aid in excess of its base year expenditures as adjusted by the inflationary factors established in B.2. above may have its request reduced to an amount equal to the base year amount. This reduction shall be accomplished on a program by program basis by the Division of Vocational-Technical Education in consultation with the AVTI Director. In effecting such reductions, consideration shall be given to the factors enumerated in B.1.a.-c. above.

5 MCAR § 1.01044 Post-secondary vocational capital expenditure aid.

A. Post-secondary vocational capital expenditure aid shall be allocated to each AVTI for those items of expenditure enumerated in Minn. Stat. § 124.5624, subd. 3.

B. Capital equipment aid allocation.

1. Each AVTI shall establish an order of priority for its capital aid requests. In establishing the order of priority, the AVTI shall give consideration to the enhancement of the safety of the students and staff and the replacement of technologically obsolete and/or worn out equipment.

2. All requests for the purchase of equipment which have a unit cost of \$1,000 or more shall be justified in writing as a part of the documentation supporting the program budget request. The Division of Vocational-Technical Education shall review such requests giving consideration to the needs of the program as compared to similar programs offered in other AVTIs.

3. All projected capital expenditures which have a unit cost of \$4,000 or more are subject to approval by the Commissioner of Education prior to purchase. This includes remodeling and site improvement projects with a cost of \$4,000 to \$50,000. These items shall be included in the appropriate program budget. Such approval shall be sought and given separately from the budget review in accordance with Minn. Stat. § 124.5624, subd. 5 (Supp. 1979).

a. These requests shall have the specific authorization of the school board which governs the AVTI.

b. The Division of Vocational-Technical Education shall review and approve, modify or reduce the request giving consideration to the following factors:

- (1) The historical pattern of capital and/or equipment expenditures for that AVTI.
- (2) A comparison with similar programs offered in other AVTIs.
- (3) Current practices for facilities or types of equipment utilized in industry.

C. Preliminary allocations of post-secondary vocational capital expenditure aid for items not exceeding a unit cost of \$50,000.

1. When the total requests for capital expenditure aid are equal to or less than 105 percent of the funds appropriated for this purpose, each AVTI's request shall be reduced by an equal percentage so that the allocations make maximum use of but do not exceed the funds appropriated for this purpose.

2. If the total request for capital expenditure aid exceeds 105 percent of the funds appropriated for this purpose, each AVTI's budgets shall be reviewed by the Division of Vocational-Technical Education. The Division of Vocational-Technical Education shall contact the Director of the AVTI for the purpose of effecting reductions in the request giving consideration to the factors set forth in B.1.-3. above prior to the scheduled budget review with the Division of Vocational-Technical Education. The AVTI Director shall be notified in writing as to the amount of the reduction.

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

D. Remodeling and construction requests. Requests for remodeling or construction with an estimated cost in excess of \$50,000 but not exceeding \$150,000 are subject to prior approval by the State Board for Vocational Education in accordance with Minn. Stat. § 121.912 (Supp. 1979).

1. The State Board for Vocational Education shall review such requests giving consideration to the following factors:
 - a. The specific authorization of the request by the school board which governs the AVTI.
 - b. The remodeling or construction of facilities requested will provide adequate space for existing programs presently housed within district buildings or as a replacement for unsuitable rented space.
 - c. Construction requests for facilities identified in b. above shall be reviewed giving consideration to:
 - (1) A comparison with the facilities for similar programs offered in other AVTIs on a per student basis.
 - (2) Requirement to meet Occupational Safety and Health Act standards.

2. The State Board for Vocational Education shall review and approve, modify or reduce any requests for remodeling or construction and shall allocate available funds to meet the most critical needs as determined through the review of the factors set forth in D.1.a.-c. above.

5 MCAR § 1.01046 Final allocations shall be made by the State Board for Vocational Education pursuant to Minn. Stat. § 124.561, subd. 3a (Supp. 1979).

5 MCAR § 1.01047 Local responsibility and authority for fund expenditures. Following the final approval of all budget categories, the school board governing an AVTI has the responsibility and authority for expenditure of these categorized aids within the legal constraints of the appropriate statutes.

Amendments as Proposed

5 MCAR § 1.0104 ~~Foundation aid.~~ Tuition and fees.

~~A. A school district operating an area vocational-technical institute shall be eligible to receive post-secondary vocational foundation aid for all students attending approved post-secondary vocational-technical programs.~~

~~B. Average daily membership estimates shall be included in the annual budget request. These estimates shall be derived from uniform student accounting reports and that shall be the basis for beginning foundation aid payments. Adjustments to estimated average daily membership shall be reported by each AVTI to the Division of Vocational-Technical Education by the first of September, December, March and June.~~

~~C. Changes in estimates as authorized in Minn. Stat. § 124.11 shall be approved by the Commissioner of Education before payment is authorized by the department.~~

~~D. Final adjustment data shall be submitted by August 15 of each year.~~

~~E. Only days in which school is open and students are under the supervision and guidance of teachers and for educational purposes are eligible for foundation aid. Snow days are not to be counted.~~

~~F. Tuition and fees.~~

~~A. 1. Deductible fees shall include all charges that are uniformly assessed all students. Charges for materials or equipment that become the property of the student shall not be considered a fee.~~

~~B. 2. No tuition shall be charged to handicapped/disadvantaged students for the additional hours of instruction received beyond the approved program length as established by Minn. Stat. § 124.562, subd. 2, as amended by Laws of 1979, ch. 334, art. V, § 10.~~

~~C. 3. Students shall have their tuition prorated for less than or more than the regular instructional schedule. Tuition shall be prorated for part-time or extended-time programs, for quarters more or less than 60 days and for programs utilizing individual instruction. Daily tuition shall be prorated by dividing the quarterly tuition by 60, (the standard number of days in the quarter), and rounded downward to the nearest cent. Hourly tuition shall be prorated by dividing the daily rate by 6, (the standard number of hours in a school day), and rounded downward to the nearest cent. This formula for prorating tuition shall apply to resident and nonresident tuition.~~

~~D. 4. Collection of tuition shall be on the basis of four periods per year as determined by the local calendar. No single period shall exceed 65 school days. Tuition may not be demanded more than 15 consecutive school days in advance of the time period but a student may pay in advance. Tuition may be delayed only upon initial application for tuition subsidy in any given year or guaranteed receipt from an agency.~~

~~E. 5-~~ A late penalty may be charged not to exceed \$10.00 per period established pursuant to ~~F. 4-~~ D. of this rule. Penalty payments shall be deducted from foundation aid. The penalty assessment period is the period of time between the date tuition was demanded and the commencement of classes.

~~6-~~ The total amount of tuition deducted from foundation aid shall be calculated on the total number of ADM's in the fiscal year. This calculation shall be made at the time of the final foundation aid adjustment, with tuition deficits being charged to local funds. Tuition loss due to deferment during student application for tuition subsidy shall not be deducted from foundation aid. Students shall not apply for a tuition subsidy more than once during a collection period.

~~7-~~ Students on internships shall pay tuition for the time period claimed for foundation aid. Daily hours shall not exceed six unless the students are fully supervised under personnel provided by the institute.

~~F. 8-~~ Each district shall have an attendance policy. Students who notify the school of their withdrawal shall be dropped from the roll upon date of notification. Students absent for 15 consecutive school days shall be classified as withdrawn.

~~G. 9-~~ Students in continuous enrollment programs may be maintained on the roll for a vacation or a personal leave not to exceed 15 consecutive school days.

~~H. G-~~ Upon prior approval of the Commissioner of Education, a district may add additional hours for membership not to exceed ten percent of the approved hours of the program for disadvantaged or handicapped students. Handicapped students are those who are mentally retarded, hard of hearing, deaf, speech impaired, visually impaired, orthopedically impaired, or persons with specific learning disabilities, who by reason thereof require special education and related services, and who, because of their handicapping condition, cannot succeed in the regular vocational educational program without special education assistance or who require a modified vocational education program. Disadvantaged students are those who have academic or economic handicaps and who require special services and assistance in order to enable them to succeed in vocational education programs.

~~I. H-~~ Unless otherwise exempt from tuition, students who begin during the quarter shall pay tuition as of the date of entry based upon the prorated formula established in 5 MCAR § 1.0104 ~~F. 3-~~ c. For such students the 15 day refund established by Minn. Stat. § 124.565, subd. 3, as amended by Laws of 1979, ch. 334, art. V, § 20 shall commence with the date of scheduled entry.

~~5 MCAR § 1.0105 Capital expenditure aid.~~

~~A-~~ Districts shall be eligible for capital expenditure aid when foundation aid, tuition, and fees, are insufficient to provide for capital purchases.

~~B-~~ All equipment not approved in the budget review; purchases at a cost in excess of \$4,000.00 must be preapproved by the commissioner of education.

~~C-~~ All equipment shall be accounted for by the standard inventory control system.

~~D-~~ Repairs on facility, equipment, or improvement of grounds that exceed \$4,000.00 and not included in the budget review shall be included in ~~B-~~ for approval.

~~5 MCAR § 1.0107 Categorical aid.~~ Categorical aid shall be allocated on the following criteria for districts operating high cost programs which require expenditures in excess of funding available through foundation aid and capital expenditure aid:

~~A-~~ Preservation of the present plant and equipment.

~~B-~~ Development of programs for emerging business and industry.

~~C-~~ Unique programs designed to serve special populations.

~~D-~~ Educational services for special populations.

~~E-~~ High operating costs.

~~F-~~ Rules and regulations imposed by other regulatory bodies which may affect the student teacher ratio as well as operating equipment costs.

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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.

Pollution Control Agency

Adopted Amendments and Renumbering of WPC 14, 15, 24 and 25, and Adopted Repeal of WPC 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 21, 23, 26, 29, 31 and 32

The amendments to WPC 14, WPC 15, WPC 24, and WPC 25 (6 MCAR §§ 4.8014, 4.8015, 4.8024, and 4.8025) and the repeal of WPC 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 21, 23, 26, 29, 31 and 32 proposed and published at *State Register*, Volume 4, Number 34, pp. 1330-1392, February 25, 1980, (4 S.R. 1330) are adopted with the following changes:

6 MCAR § 4.8014 B. Water use classifications—all intrastate waters of the state. Based on considerations of best usage in the interest of the public and in conformance with the requirements of the applicable statutes, the intrastate waters of the state shall be grouped into one or more of the following classes:

B.7. Limited resource value waters. This class includes surface waters of the state which are of limited value as a water resource and where water quantities are intermittent or less than one (1) cubic feet per second at the once in ten year, seven day low flow as defined in section C.7. These waters shall be protected so as to allow secondary body contact use, to preserve the groundwater for use as a potable water supply, and to protect aesthetic qualities of the water. It is the intent of the agency that very few waters be classified as limited resource value waters. In conjunction with those factors listed in Minn. Stat. § 115.44, subd. 2 and subd. 3 (1978), the agency, in cooperation and agreement with the Department of Natural Resources with respect to determination of fisheries values and potential, shall determine the extent to which the waters of the state demonstrate the conditions set forth below:

C. General standards applicable to all intrastate waters of the state.

C.5. Means for expediting mixing and dispersion of sewage, industrial waste, or other waste effluents in the receiving intrastate waters are to be provided so far as practicable when deemed necessary by the agency to maintain the quality of the receiving intrastate waters in accordance with applicable standards. Mixing zones be established by the agency on an individual basis, with primary consideration being given to the following guidelines: (a) mixing zones in rivers should permit an acceptable passageway for the movement of fish; (b) the total mixing zone or zones at any transect of the stream should contain no more than 25% of the cross-sectional area and/or volume of flow of the stream, and should not extend over more than 50% of the width; (c) mixing zone characteristics shall not be lethal to aquatic organisms; (d) for contaminants other than heat, the 96 hour median tolerance limit for indigenous fish and fish food organisms should not be exceeded at any point in the mixing zone; (e) mixing zones should be as small as possible, and not intersect spawning or nursery areas, migratory routes, water intakes, nor mouths of rivers; and (f) overlapping of mixing zones should be minimized and measures taken to prevent adverse synergistic effects. This provision shall also apply in cases where a Class 7 water is tributary to a Class 2 water.

C.6.

Substance or Characteristic	Limit Concentration or Range*
5-Day Biochemical Oxygen Demand*	25 milligrams per liter
Fecal coliform group organisms***	200 organisms per 100 milliliters (May 1 through October 31)

***Disinfection of wastewater effluents to reduce the levels of fecal coliform organisms to the stated value is required from ~~May~~ March 1 through October 31 (Class 2 waters) and May 1 through October 31 (Class 7 waters) except that where the effluent is discharged 25 miles or less upstream of a water intake supplying a potable water system, the reduction to the stated value is required year around. The stated value is not to be exceeded in any calendar month as determined by the logarithmic mean of a

minimum of five samples, nor shall more than 10% of all samples taken during any calendar month individually exceed 400 organisms per 100 milliliters. The application of the fecal coliform group organism standards shall be limited to sewage or other effluents containing admixtures of sewage and shall not apply to industrial wastes except where the presence of sewage, fecal coliform organisms or viable pathogenic organisms in such wastes is known or reasonably certain. Analysis of samples for fecal coliform group organisms by either the multiple tube fermentation or the membrane filter techniques is acceptable.

C.8.

Item* Limits**

**If a discharger is required by the Director to implement a pretreatment program for the control of toxic pollutants from industrial contributors and the program has not yet been implemented, the discharger's effluent limitation for total suspended solids shall be 5 mg/l until such time as the program has been implemented.

C.16. Limited resource value waters.

a. For point source discharges to surface waters classified as limited resource value waters pursuant to section B.7. of this rule and 6 MCAR § 4.8024 the agency shall require treatment facilities which will provide effluents conforming to the following limitations:*

Substance or Characteristic	Limiting Concentration
5-day Biochemical oxygen Demand	15 milligrams per liter**

b. The agency ~~may~~ shall allow treatment works to be constructed and/or operated to produce effluents to limited resource value waters at levels up to those stated in C.6. of this rule provided that it is demonstrated that the water quality standards for limited resource value waters will be maintained during all periods of discharge from the treatment facilities.

d. The classification of surface waters as limited resource value waters pursuant to section B.7. of this rule and 6 MCAR § 4.8024 shall not supersede, alter or replace the classification and designation of such waters as public waters pursuant to applicable provisions and requirements of Minn. Stat. ch. 105.

C.17. No person who is in compliance with the terms and conditions of its permit issued pursuant to 6 MCAR § 4.8036 shall be deemed in violation of any water quality standard in this rule for which a corresponding effluent limitation is established in the permit. However, exceedances of the water quality standards in a receiving water shall constitute grounds for modification of a permit(s) for any discharger(s) to the receiving water who is (are) causing or contributing to the exceedances. 6 MCAR § 4.8036 shall govern the modification of any such permit.

C.18. For the purpose of establishing effluent limitations to meet the ammonia water quality standard, a statistic which estimates the central value (such as the mean or median) for ambient pH and temperature of the receiving water for the critical months shall be used.

D.2. Fisheries and recreation.

Class A.

Substance or Characteristic	Limit or Range
Dissolved Oxygen	Not less than 7 milligrams per liter at all times (instantaneous minimum concentration).***

*All effluent limitations specified in section C.6. shall also be applicable to dischargers to Class 7 waters, provided that unspecified toxic or corrosive substances shall be limited to the extent necessary to protect the designated uses of the receiving water or affected downstream waters.

**As measured by the arithmetic mean of all samples taken during any calendar month.

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.

ADOPTED RULES

Cyanides (CN)

0.2 0.02 milligrams per liter

Fecal coliform organisms

200 organisms per 100 milliliters as a logarithmic mean measured in not less than five samples in any calendar month, nor shall more than 10% of all samples taken during any calendar month individually exceed 400 organisms per 100 milliliters.
(Applies only between ~~May~~ March 1 and October 31).

Total Residual Chlorine**

0.003 0.005 milligrams per liter

*

$$f = \left[\frac{10^{\frac{pK_a - pH}{10}}}{10^{\frac{pK_a - pH}{10}} + 1} \right] \times 100$$

$$f = \left[\frac{1}{10^{(pK_a - pH)} + 1} \right] \times 100$$

** Applies to conditions of continuous exposure where continuous exposure refers to chlorinated effluents which are discharged for more than a total of two hours in any 24 hour period.

*** This dissolved oxygen standard shall be construed to require compliance with the standard 50 percent of the days at which the flow of the receiving water is equal to the lowest weekly flow with a once in ten year recurrence interval (7Q10).

Class B. . . .

Substance or Characteristic

Limit or Range

Dissolved Oxygen

Not less than 5 milligrams per liter at all times (instantaneous minimum concentration).***

Fecal coliform organisms

200 organisms per 100 milliliters as a logarithmic mean measured in not less than five samples in any calendar month, nor shall more than 10% of all samples taken during any calendar month individually exceed ~~400~~ 2000 organisms per 100 milliliters. (Applies only between ~~May~~ March 1 and October 31).

Total Residual Chlorine**

0.003 0.005 milligrams per liter

Class C. . . .

Substance or Characteristic

Limit or Range

Dissolved Oxygen

Not less than 5 milligrams per liter at all times (instantaneous minimum concentration).***

*** See dissolved oxygen footnote for Class 2A waters.

Fecal coliform organisms	200 organisms per 100 milliliters as a logarithmic mean measured in not less than five samples in any calendar month, nor shall more than 10% of all samples taken during any calendar month individually exceed 400 <u>2000</u> organisms per 100 milliliters. (Applies only between May <u>March 1 and October 31</u>).
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Total Residual Chlorine**	0.003 <u>0.005</u> milligrams per liter
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7. Limited resource value waters. . . .

Substance or Characteristic	Limit or Range
Dissolved Oxygen	At concentrations which will avoid odors, or putrid conditions in the receiving water provided that the concentration shall be not less than 4 milligram per liter at all times (instantaneous minimum concentration in order to avoid these conditions unless lower concentrations can be shown to avoid these conditions on a site specific basis or at concentrations at not less than 1 mg/l (daily average) provided that measurable concentrations are present at all times.

6 MCAR § 4.8015 B. Water use classifications—all interstate waters of the state. Based on considerations of best usage in the interest of the public and in conformance with the requirements of the applicable statutes, the interstate waters of the state shall be grouped into one or more of the following classes.

B.7. Limited resource value waters. This class includes surface waters of the state which are of limited value as a water resource and where water quantities are intermittent or less than one (1) cubic feet per second at the once in ten year, seven day low flow as defined in section C.7. These waters shall be protected so as to allow secondary body contact use, to preserve the groundwater for use as a potable water supply, and to protect aesthetic qualities of the water. It is the intent of the agency that very few waters be classified as limited resource value waters. In conjunction with those factors listed in Minn. Stat. § 115.44, subd. 2 and subd. 3 (1978), the agency, in cooperation and agreement with the Department of Natural Resources with respect to determination of fisheries values and potential, shall determine the extent to which the waters of the state demonstrate the conditions set forth below:

C. General standards applicable to all interstate waters of the state.

C.5. Means for expediting mixing and dispersion of sewage, industrial waste, or other waste effluents in the receiving interstate waters are to be provided so far as practicable when deemed necessary by the agency to maintain the quality of the receiving interstate waters in accordance with applicable standards. Mixing zones be established by the agency on an individual basis, with primary consideration being given to the following guidelines: (a) mixing zones in rivers should permit an acceptable passageway for the movement of fish; (b) the total mixing zone or zones at any transect of the stream should contain no more than 25% of the crosssectional area and/or volume of flow of the stream, and should not extend over more than 50% of the width; (c) mixing zone characteristics shall not be lethal to aquatic organisms; (d) for contaminants other than heat, the 96 hour median tolerance limit for indigenous fish and fish food organisms should not be exceeded at any point in the mixing zone, (e) mixing zones should be as small as possible, and not intersect spawning or nursery areas, migratory routes, water intakes, nor mouths of rivers; and (f) overlapping of mixing zones should be minimized and measures taken to prevent adverse synergistic effects. This provision shall also apply in cases where a Class 7 water is tributary to a Class 2 water.

C.6. . . .

Substance or Characteristic	Limit Concentration or Range*
5-Day Biochemical Oxygen Demand*	25 milligrams per liter

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.

ADOPTED RULES

Fecal coliform group organisms***

200 organisms per 100 milliliters
(May 1 through October 31)

***Disinfection of wastewater effluents to reduce the levels of fecal coliform organisms to the stated value is required from ~~May~~ March 1 through October 31 (Class 2 waters) and May 1 through October 31 (Class 7 waters) except that where the effluent is discharged 25 miles or less upstream of a water intake supplying a potable water system, the reduction to the stated value is required year around. The stated value is not to be exceeded in any calendar month as determined by the logarithmic mean of a minimum of five samples, nor shall more than 10% of all samples taken during any calendar month individually exceed 400 organisms per 100 milliliters. The application of the fecal coliform group organism standards shall be limited to sewage or other effluents containing admixtures of sewage and shall not apply to industrial wastes except where the presence of sewage, fecal coliform organisms or viable pathogenic organisms in such wastes is known or reasonably certain. Analysis of samples for fecal coliform group organisms by either the multiple tube fermentation or the membrane filter techniques is acceptable.

C.8. . . .

Item* Limits**

**If a discharger is required by the Director to implement a pretreatment program for the control of toxic pollutants from industrial contributors and the program has not yet been implemented, the discharger's effluent limitation for total suspended solids shall be 5 mg/l until such time as the program has been implemented.

C.16. Limited resource value waters.

a. For point source discharges to surface waters classified as limited resource value waters pursuant to section B.7. of this rule and 6 MCAR § 4.8025 the agency shall require treatment facilities which will provide effluents conforming to the following limitations:*

Substance or Characteristic	Limiting Concentration
5-day Biochemical oxygen Demand	15 milligrams per liter**

b. The agency ~~may~~ shall allow treatment works to be constructed and/or operated to produce effluents to limited resource value waters at levels up to those stated in C.6. of this rule provided that it is demonstrated that the water quality standards for limited resource value waters will be maintained during all periods of discharge from the treatment facilities.

d. The classification of surface waters as limited resource value waters pursuant to section B.7. of this rule and 6 MCAR § 4.8025 shall not supercede, alter or replace the classification and designation of such waters as public waters pursuant to applicable provisions and requirements of Minn. Stat. ch. 105.

C.17. No person who is in compliance with the terms and conditions of its permit issued pursuant to 6 MCAR § 4.8036 shall be deemed in violation of any water quality standard in this rule for which a corresponding effluent limitation is established in the permit. However, exceedances of the water quality standards in a receiving water shall constitute grounds for modification of a permit(s) for any discharger(s) to the receiving water who is (are) causing or contributing to the exceedances. 6 MCAR § 4.8036 shall govern the modification of any such permit.

C.18. For the purpose of establishing effluent limitations to meet the ammonia water quality standard, a statistic which estimates the central value (such as the mean or median) for ambient pH and temperature of the receiving water for the critical months shall be used.

D.2. Fisheries and recreation.

Class A. . . .

Substance or Characteristic	Limit or Range
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*All effluent limitations specified in section C.6. shall also be applicable to dischargers to Class 7 waters, provided that unspecified toxic or corrosive substances shall be limited to the extent necessary to protect the designated uses of the receiving water or affected downstream waters.

**As measured by the arithmetic mean of all samples taken during any calendar month.

***See dissolved oxygen footnote for Class 2A waters.

ADOPTED RULES

Dissolved Oxygen	Not less than 7 milligrams per liter at all times (instantaneous) minimum concentration).***
Cyanides (CN)	0-2 <u>0.02</u> milligrams per liter
Fecal coliform organisms	200 organisms per 100 milliliters as a logarithmic mean measured in not less than five samples in any calendar month, nor shall more than 10% of all samples taken during any calendar month individually exceed 400 organisms per 100 milliliters. (Applies only between May <u>March 1</u> and October 31).
Total Residual Chlorine**	0.003 <u>0.005</u> milligrams per liter

*

$$f = \left[\frac{10^{-\text{pK}_a - \text{pH}}}{10^{-\text{pK}_a - \text{pH}} + 1} \right] \times 100$$

$$f = \left[\frac{1}{10^{(\text{pK}_a - \text{pH})} + 1} \right] \times 100$$

where:

$$\text{pK}_a = \frac{0.0901821}{T} + 2729.92, \text{ dissociation constant for ammonia}$$

$$\text{pK}_a = \frac{0.0901821}{T} + 2729.92, \text{ dissociation constant for ammonia}$$

**Applies to conditions of continuous exposure where continuous exposure refers to chlorinated effluents which are discharged for more than a total of two hours in any 24 hour period.

***This dissolved oxygen standard shall be construed to require compliance with the standard 50 percent of the days at which the flow of the receiving water is equal to the lowest weekly flow with a once in ten year recurrence interval (7Q10).

Class B. . . .

Substance or Characteristic	Limit or Range
Dissolved Oxygen****	Not less than 5 milligrams per liter at all times (instantaneous minimum concentration).*****

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ADOPTED RULES

Fecal coliform
organisms

200 organisms per 100 milliliters as a logarithmic mean measured in not less than five samples in any calendar month, nor shall more than 10% of all samples taken during any calendar month individually exceed ~~400~~ 2000 organisms per 100 milliliters. (Applies only between ~~May~~ March 1 and October 31).

Total Residual
Chlorine**

~~0.003~~ 0.005 milligrams per liter

Class C. . . .

Substance or Characteristic

Limit or Range

Dissolved Oxygen****

Not less than 5 milligrams per liter at all times (instantaneous minimum concentration). ****

Fecal coliform organisms

200 organisms per 100 milliliters as a logarithmic mean measured in not less than five samples in any calendar month, nor shall more than 10% of all samples taken during any calendar month individually exceed ~~400~~ 2000 organisms per 100 milliliters. (Applies only between ~~May~~ March 1 and October 31).

Total Residual Chlorine**

~~0.003~~ 0.005 milligrams per liter

D.7. Limited resource value waters. . . .

Substance or Characteristic

Limit or Range

Dissolved Oxygen

At concentrations which will avoid odors, or putrid conditions in the receiving water provided that the concentration shall be not less than 4 milligram per liter at all times (instantaneous minimum concentration in order to avoid these conditions unless lower concentrations can be shown to avoid these conditions on a site specific basis or at concentrations at not less than 1 mg/l (daily average) provided that measurable concentrations are present at all times.

6 MCAR § 4.8024 B. All known present uses and/or uses which may be made of the waters in the future are included. In addition to the classification given below, all of the waters named herein are also included in classes ~~2C~~, 3C, 4A and B, 5, and 6, where such uses are possible; provided that waters specifically classified as limited resource value shall only be included in the following additional classes: 3C, 4A, 4B, 5 and 6. All other waters not specifically named herein shall be classified as 2B, 2C, 3B, 3C, 4A and B, 5 and 6. Where specific criteria are common to two or more listed classes the more restrictive value shall apply. For additional information refer to 6 MCAR § 4.8014, Criteria for the classification of the intrastate waters of the state and the establishment of standards of quality and purity.

Supplement 1

Class 7 Limited Resource Value Waters

~~Bad~~ Red River of the North Basin

****This standard shall apply to all interstate waters of the state except for the reach of the Mississippi River from the outlet of the Metro wastewater treatment works in St. Paul (River Mile 835) to Lock and Dam No. 2 at Hastings (River Mile 815). For this reach of the Mississippi River the standard shall be not less than 5 milligrams per liter from April 1 through November 30, and not less than 4 milligrams per liter at other times.

****See dissolved oxygen footnote for Class 2A waters.

Unnamed Ditch <u>County Ditch No. 63</u> Near Hutchinson West Lynn Co-op Creamery	T116 R30 S19,20,21,28,33
Mississippi-Sauk Rivers Watershed (No. 19)	.
*Two Rivers, South Branch Albany	T125 R31 S43 ,21,22,23,24
Unnamed Creek Albertville	T121 R23 S30 T121 R24 S25, 26 , <u>36</u>
Unnamed Creek Eden Valley Rumland <u>Ruhland</u> Feeds	T121 R31 S2 T122 R31 S35
Yellow Medicine River Watershed (No. 24)	.
*Boiling Springs Creek (County Ditch No. 1 & <u>B</u>) Echo	T113 R38 S5,8 T114 R37 S19,30 T114 R38 S25,26,27,32,33,34
County Ditch No. 12 (Rice Creek) Belview	T113 R36 S4,5 ,7,8,18,19 T113 R37 S15,21,22,23,24
Des Moines River Watershed (No. 38)	.
*Okebena Creek Worthington Worthington Lagoons and Allied Mills	T102 R38 S6,7 T102 R39 <u>S7</u> ,8,9,10,11,12,14,15,16, <u>18</u> T102 R40 <u>S13</u> T103 R38 S21,22,28,29,30,31
Rock River Watershed (No. 39)	.
Judicial Ditch No. 6 Worthington Campbell Soup Co.	T101 R40 S2 T102 R40 S25,26,35
Unnamed Ditch <u>Lake Benton</u>	T109 R45 S17,19,20

**** This standard shall apply to all interstate waters of the state except for the reach of the Mississippi River from the outlet of the Metro wastewater treatment works in St. Paul (River Mile 835) to Lock and Dam No. 2 at Hastings (River Mile 815). For this reach of the Mississippi River the standard shall be not less than 5 milligrams per liter from April 1 through November 30, and not less than 4 milligrams per liter at other times.

***** See dissolved oxygen footnote for Class 2A waters.

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SUPREME COURT

Decisions Filed Friday, January 2, 1981

Compiled by John McCarthy, Clerk

50977/366 Arlene Lizotte, Gregory Paul Lizotte and David Michael Lizotte, minors, by Roger Lizotte, their natural uncle and guardian ad litem, Appellant, vs. Clay County ex rel. Clay County Department of Social Services, Paul Asplin, State of Minnesota, Commissioner of the Department of Public Welfare, Amicus Curiae. Clay County.

If the facts of this case do not present a justiciable issue, this court will not render an advisory opinion.

Affirmed. Todd, J.

Decision Filed Monday, January 5, 1981

51966/Sp. State of Minnesota, Appellant, vs. Harlan Edwin Schroeder, Jr. Wabasha County.

Pretrial appeal by state in criminal case from order dismissing prosecution for want of probable cause is dismissed as being from a nonappealable order; state's remedy is to reissue the complaint.

Appeal dismissed. Sheran, C. J.

Decision Filed Tuesday, January 6, 1981

51701/Sp. In the Matter of the Welfare of Tony Joe Jackson, a.k.a. Tony Joe Martin. Ramsey County.

Juvenile court did not clearly err in its findings or abuse its discretion in determining that public safety would be endangered by keeping appellant-juvenile in juvenile court system, and accordingly the juvenile court's decision to grant the motion pursuant to Minn. Stat. § 260.125 (1978) to refer juvenile for adult prosecution is affirmed.

Affirmed. Sheran, C. J.

Decisions Filed Friday, January 9, 1981

50884/347 Herdes Koons, as guardian of Stacy Koons, Appellant, vs. National Family Insurance Company, St. Paul Property and Liability Insurance Company. Mahnomen County.

Stacking of no-fault insurance benefits is not permitted when such benefits are provided by policies that are applicable on different levels of statutory priority.

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

51136/Sp. Dean Sprenger, et al., Appellants, vs. Sol J. Jacobs, et al. Hennepin County.

Dismissed. Amdahl, J.

50703/363 Kenneth E. Anacker and Janyce R. Anacker, husband and wife, et al, Appellants, vs. County of Cottonwood, et al. Cottonwood County.

A plan designed to equalize assessments of agricultural land across a county formulated by a county assessor primarily through a sales ratio study was not proven to violate Minn. Stat. § 273.11 (1980), the uniformity clause of the state constitution, or the equal protection clause of the federal constitution.

Affirmed. Simonett, J.

51388/Sp. City of Fergus Falls vs. Timothy Raymond Sporre, petitioner, Appellant. Otter Tail County.

Held, prosecution of defendant for careless driving was barred by the prohibition in Minn. Stat. § 609.035 (1978) against serialized prosecution of multiple offenses arising from a unitary course of conduct.

Reversed. Simonett, J.

50475/385 In the Matter of the Application for the Disbarment of Warren Henry Johnson, an Attorney at Law of the State of Minnesota. Supreme Court.

Order of Disbarment deferred conditionally. Per Curiam.

50493/Sp. Cynthia A. Conat, et al, vs. Leo J. Provost, Jr., Appellant, Raymond Lee Nelson. Koochiching County.

The provision of Minn. Stat. § 65B.51 (1978), which requires the deduction of future economic loss benefits from a tort recovery is unenforceable under *Haugen v. Town of Waltham*, 292 N.W. 2d 737 (Minn. 1980).

Affirmed in part, reversed in part. Scott, J.

50650/Sp. State of Minnesota vs. George G. Chamberlain, Appellant. Hennepin County.

Evidence of defendant's guilt of several sexual offenses against different victims was sufficient.

Trial court did not clearly abuse its discretion in denying motion to prohibit impeachment of defendant with a prior felony conviction if he testified.

Trial court did not err in denying motion by defendant to prohibit prosecutor from using four counts instead of two to allege commission of criminal sexual conduct third and fourth (penetration and contact) against same victim where there were alternative provisions and theories upon which the prosecutor properly intended to rely in proving both criminal sexual conduct third and fourth.

Defendant convicted of two counts of criminal sexual conduct fourth for same criminal act is entitled to vacation of one of the two convictions.

Affirmed in part, vacated in part. Scott, J.

51402/Sp. Joyce Slater, Appellant, vs. Lowell Baker. Hennepin County.

Under Rule 801(d)(1)(B), Minn. R. Evid., we hold that the trial court erred in refusing to permit plaintiff to introduce the testimony of four witnesses who allegedly heard the plaintiff make prior consistent statements, when such testimony was offered to refute the defendant's claim that the plaintiff's testimony was a fabrication.

Reversed. Scott, J.

50865/Sp. State of Minnesota vs. George Michael Bazoff, Appellant. Anoka County.

Evidence of defendant's guilt was legally sufficient to sustain defendant's conviction of welfare fraud.

Defendant, by failing to object to trial court's cautionary instructions on other-crime evidence or a statement on the relevance of this evidence in the prosecutor's closing argument, is deemed to have forfeited his right to have the adequacy of the instructions or the propriety of the statement considered on appeal.

Affirmed. Wahl, J.

STATE CONTRACTS

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

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

Department of Economic Security Program and Management Support

Notice of Request for Proposals for Conducting Employer Seminars

Agency Name and Address

Minnesota Department of Economic Security, 390 North Robert Street, St. Paul, Minnesota 55101.

Contact Person

Richard Naymark, Public Information and Education, Minnesota Department of Economic Security, 390 North Robert Street, St. Paul, Minnesota 55101. Telephone 612/296-2369.

Complete Description of Project and Tasks

The vendor will be expected to plan, execute, and evaluate 14 outstate employer seminars, during which employers are encouraged to use services and hire job seekers from the Comprehensive Employment and Training Act. The vendor must have capabilities to: coordinate planning of each meeting, work with committees, arrange facilities, handle advertisement and

STATE CONTRACTS

promotion, secure speakers, moderate the meetings, evaluate results, and prepare follow-up publicity. (Materials to be presented during the meetings already have been prepared.)

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.

Cost Estimate

\$9,990 (including travel expenses)

Length of Contract

February 1, 1981, to September 30, 1981

Final Submission Date for Proposals

Detailed requests for proposal are available from the contact person. All proposals must be received by 4:30 p.m., January 30, 1981.

State Board of Investment

Notice of Request for Proposals for An Evaluation of the State Board's Investment Program and Recommendations for Future Investment Techniques

The State Board of Investment is requesting proposals from independent investment advisory firms for the purpose of selecting a consultant to analyze the nature and effectiveness of the investment management system relating to funds managed by the state (presently, approximately \$4.3 billion) and to suggest ways in which future investment performance may be improved.

This procurement is undertaken by the state board pursuant to the provisions of Minnesota Statutes § 16.098. The state board shall select the consultant whose proposal and oral presentation, if requested, demonstrate clear capability to best fulfill the purposes of the RFP in a cost effective manner. The state board reserves the right to accept or reject proposals in whole or in part and to negotiate separately as necessary to serve the best interests of the state.

All interested vendors shall contact the person named below by letter or telephone to request a copy of the Request for Proposal.

Carolyn Peabody, Chairperson
SBI Evaluation Committee
Room 180, State Office Building
Saint Paul, Minnesota 55155
Telephone: (612) 296-2309

All proposals must be submitted to the address listed below on or before 4:30 p.m., February 16, 1981. NO PROPOSALS RECEIVED AFTER THAT DATE WILL BE CONSIDERED.

Jonathan P. White, Executive Director
State Board of Investment
Room 105, MEA Building
55 Sherburne Avenue
Saint Paul, Minnesota 55155

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 Administration Data Privacy Division

Notice of Approval of An Application for Temporary Classification for Statewide Applicability

The Commissioner of Administration hereby gives notice that on December 31, 1980, he approved, for the use of all clerks of court, sheriff's offices and local police departments in the State of Minnesota, a "confidential" classification for the following:

All government data on individuals which is collected, created, received or maintained pursuant to the Domestic Abuse Act (Minn. Stat. § 518B.01), until such time as a temporary court order made pursuant to subdivisions 5 or 7 of the Act is executed and/or served upon the data subject who is the respondent to the action.

The commissioner's ruling was in response to an application for temporary classification for this data which was submitted by the County of Anoka, Minnesota, and which the commissioner considered for statewide applicability under the authority vested in him by Minnesota Statutes, § 15.1642, as amended by Chapter 603, Laws of Minnesota, 1980.

This temporary classification is effective immediately. Therefore, this data must be administered as "confidential" data as of December 31, 1980. Pursuant to Minn. Stat. § 15.1642, subd. 3, this decision together with the complete record relating to the application has been submitted to the Attorney General for review as to form and legality.

This temporary classification will expire 18 months after the date of its approval, or upon statutory classification by the legislature, whichever is earlier. If the legislature has not acted to statutorily classify this data as private before this classification expires, the data must then be administered as public data. Questions on this matter may be directed to the Data Privacy Division, 200 State Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota 55155.

Department of Commerce Insurance Division

Meeting Notices

Minnesota Comprehensive Health Association Actuarial Committee

Tuesday, January 20, 1981

1:30 p.m.

NWNL Reinsurance Company

100 North 7 Street

Minneapolis, Minnesota, and

Board of Directors

Tuesday, January 27, 1981

11:00 a.m.

Northwestern National Life Insurance Company

20 Washington Avenue South

Minneapolis, Minnesota

Changes in any scheduled meetings and notices of any additional meetings will be posted or otherwise be available upon inquiry at the office of the Insurance Division, and may also be obtained by telephone from the Life and Health Section, Telephone (612)-296-2202.

OFFICIAL NOTICES

Department of Corrections

Notice of Intent to Solicit Outside Opinion Regarding Repeal of 11 MCAR

§§ 2.100-2.112 and Promulgation of Rules Governing Adult Detention Facilities and Juvenile Residential Facilities

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Minn. Stat. § 15.0412, Subd. 4, (1980), that the Minnesota Department of Corrections is considering repealing Minnesota Code of Agency Rules 2.100 through 2.112.

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Minn. Stat. § 15.0412, Subd. 6, (1980), that the Minnesota Department of Corrections is soliciting outside opinion relating to the adoption of rules for the operation and management of adult detention facilities in the State of Minnesota.

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Minn. Stat. § 15.0412, Subd. 6, (1980), that the Minnesota Department of Corrections is soliciting outside opinion on rules which would regulate the operation and management of juvenile residential facilities.

The Department of Corrections is seeking information and comments from all interested persons or groups concerning the project matter of these proposed rules. 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 should be addressed to:

John McLagan
Minnesota Department of Corrections
Suite 430, Metro Square Building
St. Paul, Minnesota 55101

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-6041, and in person at the above address.

All statements of information and comments must be received by February 10, 1981. Any materials submitted shall be reviewed and considered by the Department of Corrections during the preparation of the proposed rules. Any written material received by the agency shall become a part of the hearing record in the event rules governing these subjects are promulgated.

January 12, 1981

Jack G. Young
Commissioner of Corrections

Department of Education Vocational-Technical Education Division

Notice of Hearing

This is to announce that a hearing will be held on Tuesday, February 10, 1981, at 9:00 a.m. in Room 716 of the Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota, 55101, on the recommended Fiscal Year 1981 area vocational-technical institute aid distribution levels pursuant to Minn. Stat. § 124.561, subd. 3.

Office of the Governor Statewide Health Coordinating Council Nominations Solicited

Notice is hereby given that nominations are being accepted by the Governor to fill expired terms of members on the Statewide Health Coordinating Council (SHCC). The council has been established and operates according to provisions of the National Health Planning and Resources Development Act, Minnesota Executive Order No. 79-26 and the SHCC Operating Procedures. The Governor appoints members to the SHCC.

The SHCC is composed of 35 members representing both consumers and providers of health care. A majority of the members must be consumers. Twenty-one of the council members are representatives of the state's seven health systems agencies (HSAs). Each HSA is represented by three members, two of whom are consumers of health care and one who is a provider of health care. Appointments to these positions are made by the Governor from nominees from each HSA.

There are 13 at-large members who are selected by the Governor to represent varied other interests in Minnesota. One represents the Veterans Administration facilities in the state.

This announcement is for at-large nominees to SHCC. The four vacancies are:

1. Ann Duff, City of Woodland, Consumer
2. Patricia O'Day, St. Paul, Consumer
3. John Milton, St. Paul, Consumer
4. Phillip Little, St. Paul, Provider

Application forms to make nominations for at-large vacancies on the SHCC may be obtained from the Governor's Office, 130 State Capitol, St. Paul, Minnesota 55155, (612) 296-4030. Application deadline is February 27, 1981.

Minnesota Teachers Retirement Association

Meeting Notice

The Board of Trustees, Minnesota Teachers Retirement Association, will hold a meeting on Friday, January 23, 1981, at 9 a.m. in the office of the association, 302 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota, to consider matters which may properly come before the board.

Department of Transportation

Petition of the City of St. Paul for A Variance from State Aid Standards for Bridge Width

Notice is hereby given that the City Council of the City of Saint Paul has made a written request to the Commissioner of Transportation for a variance from minimum design standards for bridge width along Forest Street between Bush Avenue and Wells Street over the Chicago Northwestern and Burlington Northern RRYS.

The request is for a variance from 14 MCAR § 1.5032, H.1.c., Rules for State Aid Operations under Minnesota Statute, Chapters 161 and 162 (1978) as amended, so as to permit a minimum roadway width of 32 feet instead of 46 feet and still maintain two parallel parking lanes and two traffic lanes.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the State Register, the variance can be granted only after a contested case hearing has been held on the request.

January 12, 1981.

Richard P. Braun
Commissioner of Transportation

Petition of the City of South St. Paul for A Variance from State Aid Standards for Parallel Parking

Notice is hereby given that the City Council of the City of South St. Paul has made a written request to the Commissioner of Transportation for a variance from minimum design standards for parallel parking along 3rd Avenue South between 3rd Street and 6th Street.

The request is for a variance from 14 MCAR § 1.5032, H.1.c., Rules for State Aid Operations under Minnesota Statutes, Chapters 161 and 162 (1978) as amended, so as to permit a minimum roadway width of 36 feet with parallel parking permitted on both sides of the street instead of just one side of the street and still maintain two traffic lanes.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the State Register, the variance can be granted only after a contested case hearing has been held on the request.

January 12, 1981.

Richard P. Braun
Commissioner of Transportation

OFFICIAL NOTICES

Petition of the City of Virginia for a Variance from State Aid Standards for Diagonal Parking

Notice is hereby given that the City Council of the City of Virginia has made a written request to the Commissioner of Transportation for a variance from minimum design standards for diagonal parking along Chestnut Street between 2nd Avenue and 6th Avenue West.

The request is for a variance from 14 MCAR § 1.5032, H.4.a., Rules for State Aid Operations under Minnesota Statute, Chapters 162 and 163 (1978) as amended, so as to permit a minimum roadway width of 60 feet with diagonal parking permitted on both sides of the street and still maintain two traffic lanes.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the State Register, the variance can be granted only after a contested case hearing has been held on the request.

January 12, 1981.

Richard P. Braun
Commissioner of Transportation

Water Planning Board

Notice of Meeting

Notice is hereby given that the Water Planning Board will hold a meeting on Thursday, January 22, 1981 in Room D, Veterans Service Building, 20 W. 12th Street and Columbus Avenue, beginning at 9:30 a.m. An agenda for the meeting may be obtained one week prior to the meeting by contacting the undersigned at 600 American Center Building, 150 E. Kellogg Boulevard, St. Paul, Minnesota 55101.

Thomas Kalitowski
Chairman

STATE OF MINNESOTA
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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.

Minnesota Reports—Old editions available at \$8.25 each plus tax. These are Supreme Court decisions. Recent volumes are available at the Supreme Court, Office of Court Administrator, 317E Capitol, St. Paul, MN 55155. Volumes available are 312 and previous numbers.

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