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# STATE OF THE STATE REGISTER

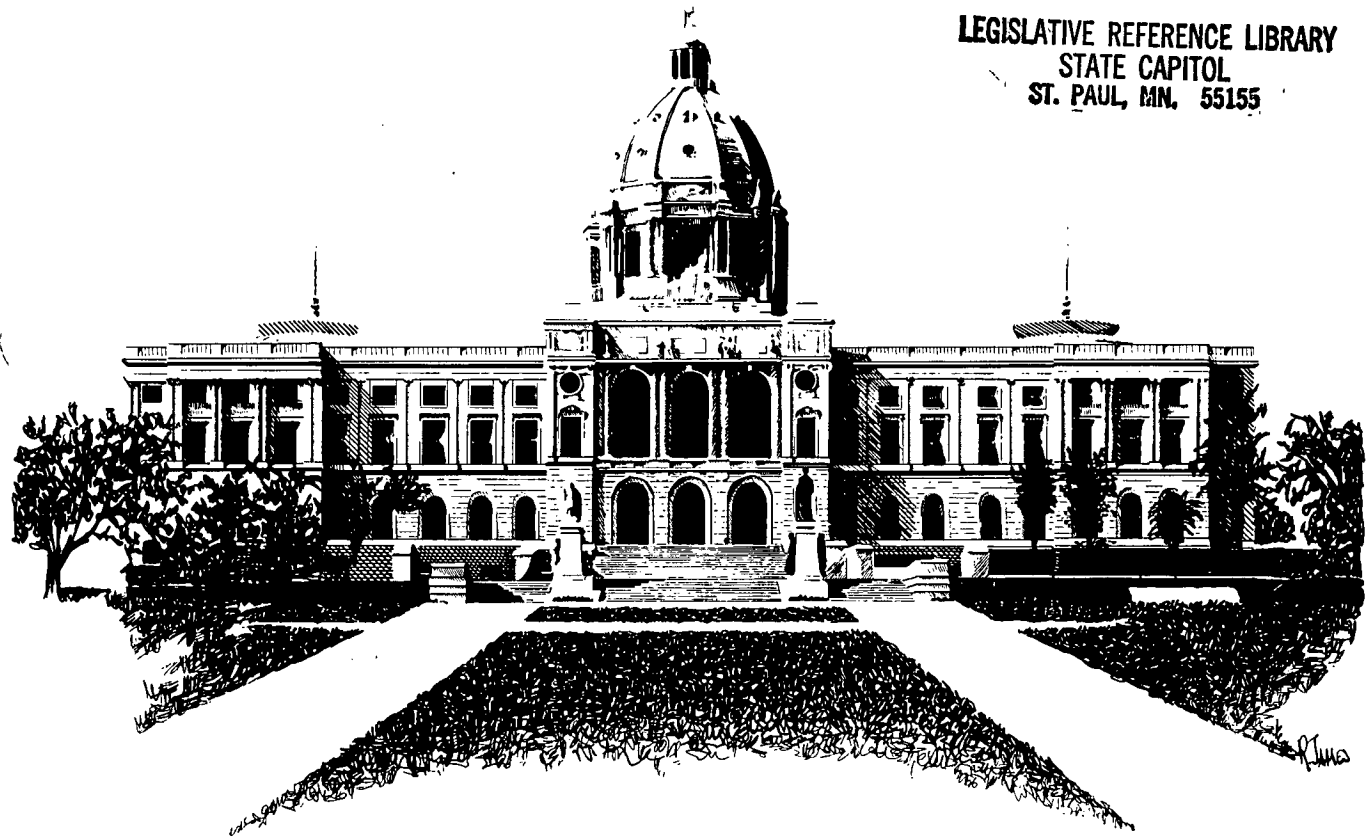


STATE OF MINNESOTA

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VOLUME 5, NUMBER 3

July 21, 1980

Pages 37-64



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**Printing Schedule for Agencies**

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
SCHEDULE FOR VOLUME 5			
4	Monday July 14	Monday July 21	Monday July 28
5	Monday July 21	Monday July 28	Monday Aug 4
6	Monday July 28	Monday Aug 4	Monday Aug 11
7	Monday Aug 4	Monday Aug 11	Monday Aug 18

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

\*\*Notices of Public Hearings on proposed rules are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the Office of the State Register, Suite 415, Hamm Building, 408 St. Peter Street, St. Paul, Minnesota 55102.

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The *State Register* is published by the State of Minnesota, Office of the State Register, Suite 415, Hamm Building, 408 St. Peter Street, St. Paul, Minnesota 55102, pursuant to Minn. Stat. § 15.0411. Publication is weekly, on Mondays, with an index issue in August. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at \$118 per year, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota, Publication Number 326630. (ISSN 0146-7751) No refunds will be made in the event of subscription cancellation. Single issues may be obtained at \$2.25 per copy.

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

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

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**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:**

- Proposed new rules (including Notice of Hearing).
- Proposed amendments to rules already in existence in the Minnesota Code of Agency Rules (MCAR).
- Proposed temporary rules.

**The ADOPTED RULES section contains:**

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

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

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

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

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

# MCAR AMENDMENTS AND ADDITIONS

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*THE FAMILY FARM*, oil by F. Lee Jaques (courtesy of J. F. Bell Museum of Natural History, University of Minnesota)

# EXECUTIVE ORDERS

## Executive Order No. 80-8

### Providing for the Establishment of A Governor's Task Force on Executive and Judicial Salaries

I, ALBERT H. QUIE, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and applicable statutes, hereby issue this Executive Order:

WHEREAS Laws of Minnesota, ch. 614 (1980) assigns to the Governor responsibility for submitting to the Legislature "a listing of salaries for the positions listed in Minnesota Statutes §§ 15A.081 and 15A.083"; and,

WHEREAS, the salaries thus proposed are required by law and by good personnel practice to bear equitable relationships to one another and to similar positions outside state service; and,

WHEREAS, it is important to develop a fair and equitable salary structure; and

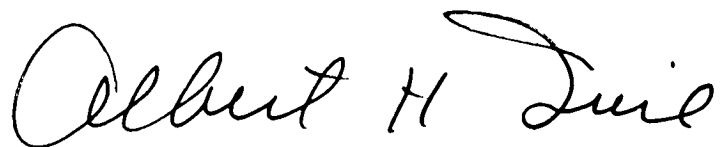
WHEREAS, the salaries to be listed by the Governor represent a ceiling on almost all other state salaries, thus directly impacting on the adequacy of the total plan;

NOW, THEREFORE, I order:

1. Creation of a Governor's Task Force on Executive and Judicial Salaries, consisting of fifteen members representative of general management, labor, and personnel administration to recommend a schedule of salaries for Constitutional officers, agency heads and members of the judiciary.
2. That the Task Force study and analyze the difficulty and responsibility of executive and judicial positions in a quantifiable system which will array these positions in relation to the respective demands placed upon them.
3. That the Task Force prepare a report on its findings and recommendations for the Commissioner of Employee Relations by December 1, 1980.
4. That the Task Force chair and any member designated by the chair or the Governor be available for testimony on the subject of executive and judicial salaries upon the call of the chairperson of any committee of the Legislature hearing a bill on this subject.
5. That the Task Force will terminate on June 30, 1981.

Pursuant to Minn. Stat. §4.035 (1978), this order shall be effective fifteen (15) days after filing with the Secretary of State and publication in the *State Register* and shall remain in effect until June 30, 1981, or until rescinded by proper authority or its expiration in accordance with Minn. Stat. §§4.034 or 15.0593.

IN TESTIMONY WHEREOF, I hereunto set my hand on this 3rd day of July, 1980.



# PROPOSED RULES

Pursuant to Minn. Stat. § 15.0412, subd. 4, agencies must hold public hearings on proposed new rules and/or proposed amendment of existing rules. Notice of intent to hold a hearing must be published in the *State Register* at least 30 days prior to the date set for the hearing, along with the full text of the proposed new rule or amendment. The agency shall make at least one free copy of a proposed rule available to any person requesting it.

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Public Hearings on Agency Rules July 28-August 3, 1980		
Date	Agency and Rule Matter	Time & Place
July 28	MN Higher Education Coordinating Board Scholarships and Grants-in-aid; Private College Contract; State Work-study; MN Medical and Osteopathic Loan; MN Foreign Student Assistance; Veterans' Dependents Student Assistance; Part-time Student Grant; Private Institution Registration; Vo-tech Institution Tuition Subsidy Hearing Examiner: Peter C. Erickson	8:30 a.m., Conference Rm. A, Capitol Square Bldg., 550 Cedar St., St. Paul, MN 55101
July 28	Public Welfare Department Services to Mentally Retarded People by Community Mental Health, County Welfare and Human Service Boards Hearing Examiner: Richard Luis	9:00 a.m., Conference Rm. D, Veterans Service Bldg., 20 West 12th St and Columbus Ave., St. Paul, MN

## Department of Health Environmental Health Division

### Extension of Comment Period on Temporary Rules Relating to Formaldehyde

Notice is hereby given that comments relating to proposed temporary rules on formaldehyde levels in ambient air (published at *State Register*, June 23, 1980, p. 1963) may be submitted for consideration and entry into the official record, until 4:30 p.m., on Wednesday, July 31, 1980. Such comments should be submitted in writing to:

Ms. Pauline Bouchard  
Department of Health  
Division of Environmental Health  
717 Delaware Street S.E.  
Minneapolis, Minn. 55440

# SUPREME COURT

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## Decisions Filed Thursday, July 3, 1980

Compiled by John McCarthy, Clerk

**51206/322 State of Minnesota v. Peter Aguirre, Jr., Appellant. Dakota County.**

Federal Constitution does not prohibit warrantless medical removal of blood from intoxicated, but conscious driver who likely was cause of fatal automobile accident; while probable cause and exigent circumstances are prerequisites to such removal, an arrest is not.

Minn. Stat. § 169.121, subd. 2 (1978) does not bar the use of nonconsensual blood test evidence in misdemeanor prosecutions under § 169.121 when the evidence was obtained at a time when the driver was reasonably believed to have committed the felony offense of criminal negligence resulting in death, Minn. Stat. § 609.21 (1978).

Reversed and remanded for trial. Sheran, C. J.

**49452/109 State of Minnesota v. Rodney Pierre Callender, Appellant. Hennepin County.**

*Held*, the evidence of defendant's guilt was sufficient to support the verdict.

A felon who uses a pistol to commit a robbery may properly be convicted of both aggravated robbery and being a felon in possession of a pistol. However, where, as here, the state concedes that the sentence for the weapons offense was superfluous, the sentence may be vacated.

Defendant is not entitled to a new trial on ground of prosecutorial misconduct or erroneous admission of evidence of another crime.

Defendant, whose attorney alleged that two jurors contacted him after the trial and claimed that other jurors uttered racial epithets during the course of jury deliberations, is not entitled to a remand for a *Schwartz* hearing where the record does not indicate the verdict was infected by such conduct.

One sentence vacated, affirmed. Otis, J.

**50885/308, 50886/309 Forrest L. Collins, Petitioner v. State Board of Law Examiners. Robert E. Lowe, Petitioner v. State Board of Law Examiners. Supreme Court.**

Attorneys who actively practice law for at least five of the seven years next preceding the filing of their applications for admission to the Bar are admitted to the practice of law in the State of Minnesota on motion and without examination under Rule VIII(D) of the Minnesota Supreme Court Rules for Admission to the Bar.

Admitted to practice. Otis, J. Dissenting, Rogosheske, J., Sheran, C. J., Kelly, and Todd, JJ.

**50295/206 Glen Guttu, Appellant v. City of East Grand Forks, Minnesota. Polk County.**

A requirement by a city that its employees reside within the city as a condition of continued employment does not unconstitutionally infringe upon their right to travel nor deny them equal protection of the laws.

Affirmed. Otis, J.

**49953/249 State of Minnesota v. Robert Lee Johnson, Appellant. Hennepin County.**

Trial court did not commit prejudicial error in any of its evidentiary rulings, including its denial of defendant's motion to suppress evidence on the ground that it was the product of a warrantless nonconsensual, nonexigent entry into defendant's apartment to arrest him.

Evidence identifying defendant as the victim's assailant was not, as defendant contends, legally insufficient.

Affirmed. Otis, J.

**50645/298 State of Minnesota v. Larry Lyle Marquardt, Appellant. Scott County.**

Multiple sentences may be imposed in multiple victim crimes arising from the same behavioral incident if the multiple sentences do not unfairly exaggerate the criminality of the defendant's conduct. Here the trial court properly sentenced defendant to consecutive limited prison terms for second-degree manslaughter and aggravated assault committed against two separate victims.

Affirmed. Otis, J.

**50214/86 County of Freeborn, by Its County Attorney v. William H. Bryson, et al., Appellants, and State of Minnesota, by William H. Bryson, et al., Appellants. State of Minnesota, by Warren Spannaus, Its Attorney General, Intervenor v. County of Freeborn, et al. Freeborn County.**

Landowners who raise a successful defense to an eminent domain proceeding under the Minnesota Environmental Rights Act, Minn. Stat. ch. 116B (1978), are not entitled to an award of reasonable attorneys fees and costs under Minn. Stat. § 117.195 (1978).

Affirmed. Peterson, J. Dissenting, Yetka, Kelly, Wahl, and Scott, JJ.

# SUPREME COURT

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**48907/177 (1979) David Ruzich, et al, petitioners v. Township of Stuntz, et al., Appellants. St. Louis County.**

Affirmed. Filed June 30, 1980. Kelly, J. Dissenting, Otis, J., Sheran, C. J., Rogosheske, J., and Wahl, J.

**49665/428, 49375/429 (1979) Bart Lloyd Anderson, a minor, by his father and natural guardian, Lloyd C. Anderson, and Lloyd C. Anderson, individually, Appellants v. City of Minneapolis and Johnson Brothers Highway and Heavy Constructors, Inc., Defendant and Third Party Plaintiff v. State of Minnesota, third party defendant, and Mitchell Peterson and Diane Peterson, individually and as husband and wife, Appellants v. Cynthia Stanek, et al, Defendants and State of Minnesota. Hennepin and Benton Counties.**

The exceptions to common law governmental immunity contained in *Paul v. Faricy*, 228 Minn. 264, 37 N.W.2d 427 (1949), apply to the state and other governmental units, as well as to municipalities.

Both of the above cases are reversed and remanded. Kelly, J.

Took no part, Todd, J.

**49787/28 State of Minnesota v. Diane Adele Wiberg, Appellant. Hennepin County.**

Questioning of a defendant by a police officer during a night search of defendant's home shortly after defendant exercised her right to remain silent in the presence of the questioning officer is inconsistent with the officer's obligation to "scrupulously honor" defendant's constitutional rights.

It was error to admit into evidence defendant's response to the officer's question during the search; because this error was not harmless beyond a reasonable doubt, there must be a new trial.

An unexplained delay in arraignment over 2-½ regular business days is "unnecessary" for purposes of Minn. R. Crim. P. 4.02.

Statements reasonably related to an unnecessary delay under Minn. R. Crim. P. 4.02 rule need not be automatically suppressed.

Where, as in this case, the violation of Minn. R. Crim. P. 4.02 compounded the effects of prior state misconduct, the statements influenced by such misconduct should be suppressed.

Since the informant's reliability was established by his declaration against his penal interest and independent corroboration by the police of part of his story, the affidavit accompanying the application to search defendant's residence was sufficient to support a finding of probable cause.

When a defendant requests the trial court not to instruct the jury on a lesser included offense and the trial judge honors defendant's request, the defendant is precluded from raising the issue on appeal.

Because it was not unreasonable for the jury to draw the inference that defendant knew the property was stolen, there was sufficient evidence to support defendant's conviction.

Reversed and remanded. Kelly, J. Concurring Specially, Rogosheske, Wahl and Yetka, JJ.

**50367/29 State of Minnesota v. Earl Rex Gilchrist, Appellant. Ramsey County.**

Under the facts of this case, the police officers had sufficient "articulable suspicion" to subject defendant to a forcible stop and limited search for weapons under *Terry v. Ohio*, 392 U.S. 1 (1968).

Under the facts of this case, the police, in searching beneath the front seat of defendant's vehicle, were within the scope of a limited weapons search.

Affirmed. Kelly, J. Dissenting, Rogosheske and Wahl, JJ.

**50143/285 State of Minnesota v. Willard Neils Bettin, Appellant. Dakota County.**

Evidence that defendant used force or coercion to accomplish sexual penetration held sufficient.

Trial court did not prejudicially err in denying motion to prohibit use of defendant's prior conviction if he testified.

Record does not support defendant's contention that jury saw defendant handcuffed to a witness-friend or that this witness' clothes were obviously prison-issued clothing.

Affirmed. Kelly, J. Dissenting, Otis, Rogosheske and Wahl, JJ.

**50820/296 City of Moorhead, petitioner, Appellant v. Robert John Miller. Clay County.**

Defendant, by pleading guilty to one of two offenses which arose from the same behavioral incident and which are prosecuted in a single prosecution, cannot complain that the prosecution has been fragmentized and that therefore it is improper to proceed to try him on the second charge; however, while the defendant may be convicted of both offenses, he may be sentenced only for one. Minn. Stat. § 609.035 (1978).

Reversed. Kelly, J. Dissenting, Wahl, J.



**50834/300 Warren Earl Johnson, Petitioner, Appellant v. State of Minnesota and the Minnesota Corrections Board. Hennepin County.**

*Held*, evidence sustains determination of district court that absolute discharge of a youthful offender upon his 25th birthday under the circumstances would be "dangerous to the public."

Affirmed. Kelly, J. Concurring Specially, Rogosheske and Todd, JJ.

Dissenting, Otis and Wahl, JJ.

**49988/424 Continental Can Company, Inc., et al., petitioners v. State of Minnesota, by William Wilson, Commissioner and His Successor, Marilyn E. McClure, Commissioner, Department of Human Rights, Appellant. Dakota County.**

Substantial evidence supported the hearing examiner's findings of sexually derogatory statements, verbal sexual advances and sexually motivated physical contacts. This conduct amounted to sexual harassment. Substantial evidence supported the hearing examiner's findings of notice to the employer of this conduct on two occasions.

The prohibition against sex discrimination in Minn. Stat. § 363.03, subd. 1(2)(c) (1978) includes sexual harassment directed at an employee by fellow employees which impacts on the conditions of employment when the employer knew or should have known of the conduct alleged to constitute sexual harassment and fails to take timely and appropriate action.

Verbal and physical sexual harassment includes sexually motivated physical contacts, sexually derogatory statements and verbal sexual advances.

By failing to take any action whatsoever in response to the charging party's complaints of sexual harassment in March 1975, the employer committed an unfair employment practice by discriminating against her in the conditions of employment on the basis of sex.

By failing to take immediate action after the charging party's complaint of sexual harassment in October 1975, the employer committed a second unfair employment practice by discriminating against her in the conditions of employment on the basis of sex.

A constructive discharge occurs when an employee resigns in order to escape intolerable working conditions caused by illegal discrimination.

The employer's unfair employment practices constructively discharged the charging party.

The hearing examiner's reduction of compensatory damages was not arbitrary and capricious and was supported by substantial evidence on the record as a whole.

Reversed and remanded for entry of judgment consistent with this opinion. Kelly, J.

**50310/287 State of Minnesota v. Daniel Scott Olson, Appellant. Anoka County.**

Evidence of defendant's guilt held sufficient.

Defendant, by failing to object to statement by prosecutor in closing argument which he now contends was improper, is deemed to have forfeited his right to have this issue considered on appeal.

Affirmed. Per Curiam.

# STATE CONTRACTS

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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.

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## Environmental Quality Board

### Notice of Requests for Proposals for Court Reporting Services

#### Response Requested by July 31, 1980

The Minnesota Environmental Quality Board (MEQB) is soliciting proposals from qualified persons to perform court reporting services. The MEQB is charged by statute to conduct environmental review and during the course of that review it is necessary to hold meetings in locations around the state. A record, part of which is a transcript, must be made at these meetings.

Proposals should include the costs for preparing an original and two (2) copies, hourly reporter time, and travel time charges. Proposers will be required to deliver transcripts within ten (10) days of the meetings.

The board has estimated that the cost of this service should not exceed \$12,000 for professional services and expenses.

If there are any questions regarding the contract, please contact Mary Sullivan at (612) 296-2723.

Responses to this proposal must be submitted by July 31, 1980, and directed to:

Mary Sullivan, Administrator  
MN Environmental Quality Board  
Room 100, Capitol Square Building  
550 Cedar Street  
St. Paul, MN 55101

## Department of Health

### Emergency Medical Services Section

#### Request for Proposal for Grants Management Consultant

The Minnesota Department of Health is soliciting proposals to select an outside consultant with an extensive knowledge of and experience with the current and past administration of the federal Emergency Medical Services Systems Act of 1973. The consultant will:

(1) assist the department in preparation of grant applications for fiscal year 1981-82, including the gathering of data and other information to be included in the applications to assure compliance with federal requirements;

(2) assist the department in evaluating the content and quality of regional applications so that grants can be prioritized by the state as required by the Department of Health and Human Services;

(3) prepare a draft local planning assistance document for use by boards of health in determining their EMS program priorities;

(4) provide technical assistance to assigned EMS regions including:

—needs assessment and prioritization of need in developing mandatory program components and critical care components;

—compliance with special terms and conditions of grant;

—development of recordkeeping and evaluation methodologies;

—conducting technical training workshops for regional staff regarding State and federal guidelines and policies.

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

J. M. Parker, Assistant Section Chief  
Emergency Medical Services Section  
Minnesota Department of Health  
717 Delaware St. S.E.  
Minneapolis, MN. 55440  
612/296-5281

*Please Note:* Other department personnel are not allowed to discuss the project with responders before the submittal of proposal deadline.

The department has estimated that the cost of this project should not exceed \$35,000 for all professional services and expenses. All proposals must be sent to and received by Mr. Parker at above address not later than 4:00 p.m., August 15, 1980.

## **Housing Finance Agency**

### **Notice of Request for Proposals for Technical Services Related to Energy Efficient Housing Demonstration Program**

Proposals are requested from title insurance companies to provide technical services in connection with the Minnesota Housing Finance Agency's (MHFA) Energy Efficient Housing Demonstration Program.

The MHFA will be providing construction financing for attached and detached single family dwellings. The MHFA anticipates a construction commencement date of August 15, 1980. Construction of all units is to be completed no later than October 30, 1980. The MHFA expects that all such units will be sold to eligible MHFA borrowers during the months of October, November and December, 1980.

The technical services to be supplied include:

- (1) The making of priority inspections on approximately 28 to 35 properties (half of which will be located in various areas outside of the seven county metropolitan area); and,
- (2) The processing of all construction draws, up to four per property, including the checking of draws against the builder's Sworn Construction Statement, and authorized change orders, if any; and
- (3) Prior to each disbursement, the completion of an oral tract index and judgment search; and
- (4) Providing of a mortgagee title insurance policy for each property; and
- (5) The availability and capability of beginning to perform the technical services as outlined above by August 15, 1980.

Proposals must be submitted in writing by 4:30 p.m., July 31, 1980. The proposals are to be mailed or delivered to:

Ms. May Hutchinson  
Minnesota Housing Finance Agency  
333 Sibley St.—Suite 200  
St. Paul, MN 55102

Each proposal must include (1) references regarding services to be performed, and (2) cost for job, itemized according to the first four categories listed above, and (3) other ways you could assist MHFA in providing construction financing to selected builders, if any.

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## **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.

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## **Department of Administration Building Code Division**

### **Notice of Intent to Prepare Minnesota State Building Code Division List for Future Rulemaking Hearings**

In accordance with Minnesota Laws of 1980, ch. 615, the Minnesota State Building Code Division is establishing a list of persons to receive official notice of its rulemaking proceedings. That law requires each agency or department to establish and maintain such a list to replace the existing Secretary of State's list.

## OFFICIAL NOTICES

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If you wish to receive notice of rulemaking proceedings of the Minnesota State Building Code Division, please notify the division in writing by August 31, 1980. You will then receive notice of any rulemaking proceedings initiated after that date. Please note that this procedure will put you *only* on the list of the Minnesota State Building Code Division; other agencies and departments will be establishing their own lists. Please send your written request to the following address:

Building Code Division  
Attn: Peggi Opalinski  
408 Metro Square Building  
7th and Robert Streets  
St. Paul, Minnesota 55101

July 11, 1980

### **Department of Administration Procurement Division**

#### **Notice of Intent to Solicit Outside Opinion Concerning Rules Relating to Small Businesses**

Notice is given that the Department of Administration, Procurement Division, is soliciting information and opinions from sources outside the agency for the purpose of making rules relating to the Minnesota Small Business Procurement Act, Minn. Stat. §§ 16.081-16.086 (1978). This Act was recently amended by Minnesota Laws of 1980, ch. 361, §§ 1-6. The department is considering amendments to the existent rules governing small businesses, including businesses owned and operated by socially or economically disadvantaged persons, 2 MCAR §§ 1.6701-1.6704. Specifically, the department is reviewing amendments to the small business procurement rules including, but not limited to the following areas:

1. Negotiation of bid prices.
2. Definition and participation of non-manufacturing business, including third party lessors, jobbers, manufacturers' representatives, and others from eligibility under this act.
3. Determination of eligibility criteria for:
  - a) Self-certification by a business.
  - b) Verification of eligible racial minorities, women, or persons who have suffered a substantial physical disability.

All persons desiring to submit information or views on these or related subjects may do so either orally or in writing. Written or oral comment should be addressed to:

Mr. Charles A. Ball  
Minnesota Department of Administration  
Management Analysis Division  
2nd Floor Administration Building  
50 Sherburne Avenue  
St. Paul, Minnesota 55155  
Telephone : (612) 296-3083

All statements of information and comment must be received by August 11, 1980. Any written material received by this date will become part of the record of any rules hearing on these subjects.

July 11, 1980

### **Department of Employee Relations**

#### **Notice of Intent to Prepare Department of Employee Relations List for Future Rulemaking Hearings**

In accordance with Minnesota Laws of 1980, Chapter 615, the Department of Employee Relations is establishing a list of persons to receive official notice of its rulemaking proceedings. That law requires each agency or department to establish and maintain such a list to replace the existing Secretary of State's list.

If you wish to receive notice of rulemaking proceedings of the Department of Employee Relations, please notify this department in writing by August 15, 1980. You will then receive notice of any rulemaking proceedings initiated after that date. Please note that this

procedure will put you only on the list of the Department of Employee Relations; other agencies and departments will be establishing their own lists. Please send your written request to the following address:

Donn H. Escher  
Assistant Commissioner  
Department of Employee Relations  
3rd floor, Space Center Building  
444 Lafayette Road  
St. Paul, Minnesota 55101

July 11, 1980

Barbara Sundquist, Commissioner

## **Ethical Practices Board**

### **Notice of Intent to Prepare Ethical Practices Board List for Future Rulemaking Hearings**

The Ethical Practices Board hereby gives notice it is developing a list for notification to individuals who may be interested in the board's rulemaking activities. Please provide name, address and program area you wish to be notified on to the Minnesota Ethical Practices Board, 41 State Office Building, St. Paul, MN 55155.

## **Ethical Practices Board**

### **Request for Advisory Opinion Re: Economic Interest Statement—Securities—Hennepin County**

The Minnesota State Ethical Practices Board solicits opinions and comments to the following request for an advisory opinion which will be discussed at its August 1980 Board meeting. Written comments concerning the opinion request should be forwarded to arrive at the Board's office prior to July 28, 1980.

Ms. Ellen Sampson  
Assistant Director  
Minnesota State Ethical Practices Board  
41 State Office Building  
St. Paul, Minnesota 55155

Dear Ms. Sampson:

Regarding the Statement of Economic Interest form which was sent recently to me, I would like to ask the following questions:

1. Does the green sheet titled Statement of Economic Interest (ET-00015-01) Instructions for Completion have the force of law?
2. Under 10—Securities—reference is made in the instructions to leases. If leases are to be considered securities in answering this question, does it apply to both the lessor and the lessee? Would an apartment owner list each of the tenants?

Where the registrant is a trustee, but not the beneficiary for a trust, must these securities be reported? For example, trustees for a church or trustees of aging parents.

Your answers to these questions would be very much appreciated.

Sincerely,

Richard E. Kremer, Commissioner  
Board of Hennepin County Commissioners

## **Department of Natural Resources**

### **Notice of and Order for Hearing In the Matter of Petition(s) Concerning the Designation of Certain Public Waters and Wetlands in Lincoln County**

IT IS HEREBY ORDERED AND NOTICE IS HEREBY GIVEN that a public hearing in the above-entitled matter pursuant to Minn. Stat. § 105.391, subd. 1 (1979) will be held in Court House Building, Assembly Room, Ivanhoe, Minnesota, on August 15, 1980, commencing at 10:00 a.m. and continuing until all persons have had an opportunity to be heard. The hearing will be conducted by a three-person hearings unit consisting of County representative Frank Swedzinski, Porter, MN 56280, Department of Natural

# OFFICIAL NOTICES

Resources representative Maynard Nelson, and Lincoln County Soil and Water Conservation District representative Daniel Christiansen, Hendricks, MN 56136.

Each of the waters listed in this notice is the subject of a petition for a hearing. The issue to be determined at the hearing is whether the following waters shall be designated public waters or wetlands pursuant to Minn. Stat. § 105.391 (1979) and the criteria contained in Minn. Stat. § 105.37, subs. 14 and 15 (1979):

## A. Public Waters

### 1. Basins

<u>Number and Name</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>
41-21 : Dead Coon Lake	various	110; 111	44
41-84 : Biggs Lake	4	111	46
41-85 : Unnamed	4, 5	111	46
41-115: Unnamed	30	113	46
41-129: Unnamed	11	110	44

### 2. Watercourses

<u>Name</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>
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NONE

## B. Wetlands

<u>Number and Name</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>
41-93 : Unnamed	15	112	46
41-113: Unnamed	19	111	44
41-118: Battelburghs Marsh	24	112	44
41-124: Unnamed	8	111	46
41-125: Unnamed	30	112	45
41-126: Unnamed	20	112	45

Within 60 days following completion of the hearing, the hearings unit shall issue its findings of fact, conclusions and an order, which shall be considered the decision of an agency in a contested case for purposes of judicial review pursuant to Minn. Stat. §§ 15.0424 and 15.0425.

Any activity that would change the course, current or cross-section of public waters or wetlands requires a permit from the Commissioner of Natural Resources. Minn. Stat. § 105.42, subd. 1 (1979). Designation as public waters or wetlands does not transfer ownership of the bed or shore, does not grant the public any greater right of access to those waters than was available prior to designation and does not prevent a landowner from utilizing the bed of those waters for pasture or cropland during periods of drought. Minn. Stat. § 105.391, subs. 10 and 12 (1979).

All petitioners may be represented by counsel or anyone else of their choosing and shall be given an opportunity to be heard orally, to present and cross-examine witnesses and to submit written data, statements or arguments. Petitioners should bring all evidence bearing on these matters including maps, records or other documents.

Failure to attend may result in the challenged waters being designated public waters or wetlands and may prejudice your rights in this and subsequent proceedings.

Questions concerning this Notice and Order may be directed to any member of the hearings unit or to

David B. Milles  
DNR—Division of Waters  
Third Floor, Space Center Building  
444 Lafayette Road  
Saint Paul, MN 55101  
Telephone: (612) 297-2835

June 9, 1980

Joseph N. Alexander, Commissioner

**Notice of and Order for Hearing In the Matter of Petition(s) Concerning the Designation of Certain Public Waters and Wetlands in Faribault County**

IT IS HEREBY ORDERED AND NOTICE IS HEREBY GIVEN that a public hearing in the above-entitled matter pursuant to Minn. Stat. § 105.391, subd. 1 (1979) will be held in Faribault County Office Building, Meeting Room, 412 N. Nicollet, Blue Earth, Minnesota, on August 7, 1980, commencing at 10:00 a.m. and continuing until all persons have had an opportunity to be heard. The hearing will be conducted by a three-person hearings unit consisting of County representative Chester J. Christenson, 424 3rd Street SW, Wells, MN 56097, Department of Natural Resources representative Maynard Nelson, and Faribault Soil and Water Conservation District representative Calvin G. James, Easton, MN 56025.

Each of the waters listed in this notice is the subject of a petition for hearing. The issue to be determined at the hearing is whether the following waters shall be designated public waters or wetlands pursuant to Minn. Stat. § 105.391 (1979) and the criteria contained in Minn. Stat. § 105.37, subds. 14 and 15 (1979):

A. Public Waters

1. Basins

<u>Number and Name</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>
22-6 : Unnamed	7, 18; 12, 13	102	24; 25
22-15: Goose Lake	1-3, 10-12	102	25
22-22: South Walnut Lake	6, 7; 1, 2, 12	102	24; 25
22-74: Bass Lake	9, 16	104	27

2. Watercourses

<u>Name</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>
W. Fk. Blue Earth River	35	101	28	8	101	27
Unnamed to Blue Earth R.	11	102	28	6	102	27
South Creek	30	103	28	23	103	28
Center Creek	19	103	28	10	103	28
Elm Creek	6	103	28	4	103	28
Rice Creek	10	103	27	4	104	27
Unnamed	21(Basin 75)	104	27	22	104	27
Maple River	36	104	24	3	104	26
Unnamed	5	103	24	36	104	25
Unnamed	27	104	24	19	104	25
Unnamed	15	104	24	13	104	25
Unnamed	16	104	25	12	104	26
Unnamed	13	103	25	13	104	26
Unnamed	23	103	25	11	103	25
Unnamed	12	103	25	3	103	25
Blue Earth River (BER)	32	101	27	3	104	28
E. Fk. BER	24	102	24	8	102	27
Unnamed	26	102	24	22	102	24
Foster Creek	25	103	24	6 (Basin 22)	102	24
Unnamed	25	103	24	25	103	24
Unnamed	12	102	24	33	103	24
Unnamed	14	103	24	14	103	24
Unnamed	23	103	24	27	103	24
Unnamed	33	102	24	25	102	25
Unnamed	31	102	24	26	102	25
Brush Creek	33	101	24	13	102	25
Brush Creek	2	102	25	26	102	25
Unnamed	27	101	24	28	101	24
Unnamed	31	101	25	13	101	25
Coon Creek	33	102	27	29	102	27
Providence Creek	5	104	27	5	104	27

# OFFICIAL NOTICES

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## B. Wetlands

<u>Number and Name</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>
22-26: Rauschenbergers Slough	1; 35, 36	103; 104	25
22-30: Unnamed	21	104	25
22-31: Unnamed	21, 28	104	25
22-35: Unnamed	30	104	25
22-69: Unnamed	17	103	27

Within 60 days following completion of the hearing, the hearings unit shall issue its findings of fact, conclusions and an order, which shall be considered the decision of an agency in a contested case for purposes of judicial review pursuant to Minn. Stat. §§ 15.0424 and 15.0425.

Any activity that would change the course, current or cross-section of public waters or wetlands requires a permit from the Commissioner of Natural Resources. Minn. Stat. § 105.42, subd. 1 (1979). Designation as public waters or wetlands does not transfer ownership of the bed or shore, does not grant the public any greater right of access to those waters than was available prior to designation and does not prevent a landowner from utilizing the bed of those waters for pasture or cropland during periods of drought. Minn. Stat. § 105.391, subs. 10 and 12 (1979).

All petitioners may be represented by counsel or anyone else of their choosing and shall be given an opportunity to be heard orally, to present and cross-examine witnesses and to submit written data, statements or arguments. Petitioners should bring all evidence bearing on these matters including maps, records or other documents.

Failure to attend may result in the challenged waters being designated public waters or wetlands and may prejudice your rights in this and subsequent proceedings.

Questions concerning this Notice and Order may be directed to any member of the hearings unit or to

David B. Milles  
DNR—Division of Waters  
Third Floor, Space Center Building  
444 Lafayette Road  
Saint Paul, MN 55101  
Telephone : (612) 297-2835

June 9, 1980

Joseph N. Alexander, Commissioner

## **Notice of and Order for Hearing In the Matter of Petition(s) Concerning the Designation of Certain Public Waters and Wetlands in Watonwan County**

IT IS HEREBY ORDERED AND NOTICE IS HEREBY GIVEN that a public hearing in the above-entitled matter pursuant to Minn. Stat. § 105.391, subd. 1 (1979) will be held in Court House Building, Civil Defense Room, St. James, Minnesota, on August 5, 1980, commencing at 1:00 p.m. and continuing until all persons have had an opportunity to be heard. The hearing will be conducted by a three-person hearings unit consisting of county representative Lyle Bergeman, Rt. 2, St. James, MN 56081, Department of Natural Resources representative Maynard Nelson, and Watonwan County Soil and Water Conservation District representative C. Merle Anderson, Rt. 1, St. James, MN 56081.

Each of the waters listed in this notice is the subject of a petition for hearing. The issue to be determined at the hearing is whether the following waters shall be designated public waters or wetlands pursuant to Minn. Stat. § 105.391 (1979) and the criteria contained in Minn. Stat. § 105.37, subs. 14 and 15 (1979):

## A. Public Waters

### 1. Basins

<u>Number and Name</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>
83-19: School Lake	9, 16	107	30
83-32: Unnamed	20, 29	106	31
83-55: Ewy Lake	1, 12	106	33



# OFFICIAL NOTICES

## 2. Watercourses

<u>Name</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>
Trib. to WR	16 (Basin 19)	107	30	29	107	30

## B. Wetlands

<u>Number and Name</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>
83-2: Unnamed	2	105	30

Within 60 days following completion of the hearing, the hearings unit shall issue its findings of fact, conclusions and an order, which shall be considered the decision of an agency in a contested case for purposes of judicial review pursuant to Minn. Stat. §§ 15.0424 and 15.0425.

Any activity that would change the course, current or cross-section of public waters or wetlands requires a permit from the Commissioner of Natural Resources. Minn. Stat. § 105.42, subd. 1 (1979). Designation as public waters or wetlands does not transfer ownership of the bed or shore, does not grant the public any greater right of access to those waters than was available prior to designation and does not prevent a landowner from utilizing the bed of those waters for pasture or cropland during periods of drought. Minn. Stat. § 105.391, subs. 10 and 12 (1979).

All petitioners may be represented by counsel or anyone else of their choosing and shall be given an opportunity to be heard orally, to present and cross-examine witnesses and to submit written data, statements or arguments. Petitioners should bring all evidence bearing on these matters including maps, records or other documents.

Failure to attend may result in the challenged waters being designated public waters or wetlands and may prejudice your rights in this and subsequent proceedings.

Questions concerning this Notice and Order may be directed to any member of the hearings unit or to

David B. Milles  
DNR—Division of Waters  
Third Floor Space Center Building  
444 Lafayette Road  
St. Paul, MN 55101  
Telephone: (612) 297-2835

June 9, 1980

Joseph N. Alexander, Commissioner

## Notice of and Order for Hearing In the Matter of Petition(s) Concerning the Designation of Certain Public Waters and Wetlands in Waseca County

IT IS HEREBY ORDERED AND NOTICE IS HEREBY GIVEN that a public hearing in the above-entitled matter pursuant to Minn. Stat. § 105.391, subd. 1 (1979) will be held in the Security Building basement, Waseca, Minnesota, on August 6, 1980, commencing at 10:00 a.m. and continuing until all persons have had an opportunity to be heard. The hearing will be conducted by a three-person hearings unit consisting of County representative Herbert Hokanson, Route 2, Waseca, MN 56093, Department of Natural Resources representative Paul Hansen, and Waseca County Soil and Water Conservation District representative Charles Priebe, Route 2, Waseca, MN 56093.

Each of the waters listed in this notice is the subject of a petition for a hearing. The issue to be determined at the hearing is whether the following waters shall be designated public waters or wetlands pursuant to Minn. Stat. § 105.391 (1979) and the criteria contained in Minn. Stat. § 105.37, subs. 14 and 15 (1979):

### A. Public Waters

#### 1. Basins

<u>Number and Name</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>
81-5 : Mud Lake	24	105	22
81-17 : Waseco Marsh	13, 14, 23, 24	107	22
81-23 : Knutson Lake	7, 18	108	22
81-44 : Silver Lake	17, 18, 19	108	23
81-86 : Willis Slough	4, 5, 8, 9	108	24
81-91 : Unnamed	8, 9, 16	108	24
81-102: Unnamed	23	106	24
81-114: Moonan Marsh	1, 2; 35, 36	107; 108	22

# OFFICIAL NOTICES

## 2. Watercourses

<u>Name</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>
LeSueur River (LSR)	36	105	22	30	107	24
Unnamed tributary	4	105	22	32	106	22
Root Creek	35	105	23	31	106	22
Little LeSueur River	12	106	22	7	106	22
Unnamed to LSR	6	106	23	31	107	23
Unnamed tributary	21	106	23	24	106	24
Unnamed tributary	16	106	23	24	106	24
Iosco Creek	20 (Basin 60)	108	23	1 (Basin 95)	108	24
Silver Creek	36 (Basin 66)	108	24	17	108	23
Unnamed to Lake Elysian	6 (Basin 89)	108	24	10 (Basin 95)	108	24
Unnamed	7 (Basin 23)	108	22	11	108	23

## B. Wetlands

<u>Number and Name</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>
81-28 : Unnamed	19, 30	108	22
81-32 : Unnamed	30	108	22
82-33 : Unnamed	30	108	22
81-54 : Unnamed	3, 4, 9	108	23
81-60 : Unnamed	20, 29	108	23
81-100: Unnamed	10, 11	106	24
81-105: Unnamed	15	106	24
81-106: Unnamed	27	106	24
81-113: Unnamed	29, 32	108	22
81-____: -----	28, 29, 31-34	108	23
81-____: -----	3, 4, 5, 6	107	23
40-35 : Cherry Lake	6	108	24

Within 60 days following completion of the hearing, the hearings unit shall issue its findings of fact, conclusions and an order, which shall be considered the decision of an agency in a contested case for purposes of judicial review pursuant to Minn. Stat. §§ 15.0424 and 15.0425.

Any activity that would change the course, current or cross-section of public waters or wetlands requires a permit from the Commissioner of Natural Resources. Minn. Stat. § 105.42, subd. 1 (1979). Designation as public waters or wetlands does not transfer ownership of the bed or shore, does not grant the public any greater right of access to those waters than was available prior to designation and does not prevent a landowner from utilizing the bed of those waters for pasture or cropland during periods of drought. Minn. Stat. § 105.391, subs. 10 and 12 (1979).

All petitioners may be represented by counsel or anyone else of their choosing and shall be given an opportunity to be heard orally, to present and cross-examine witnesses and to submit written data, statements or arguments. Petitioners should bring all evidence bearing on these matters including maps, records or other documents.

Failure to attend may result in the challenged waters being designated public waters or wetlands and may prejudice your rights in this and subsequent proceedings.

Questions concerning this Notice and Order may be directed to any member of the hearings unit or to

David B. Milles  
 DNR—Division of Waters  
 Third Floor, Space Center Building  
 444 Lafayette Road  
 Saint Paul, MN 55101  
 Telephone: (612) 297-2835

June 9, 1980

Joseph N. Alexander, Commissioner

**Notice of and Order for Hearing In the Matter of Petition(s) Concerning the Designation of Certain Public Waters and Wetlands in Pipestone County**

IT IS HEREBY ORDERED AND NOTICE IS HEREBY GIVEN that a public hearing in the above-entitled matter pursuant to Minn. Stat. § 105.391, subd. 1 (1979) will be held in the Court House Building, Commissioners Room, Pipestone, Minnesota, on August 13, 1980, commencing at 1:00 p.m. and continuing until all persons have had an opportunity to be heard. The hearing will be conducted by a three-person hearings unit consisting of County representative Ray Haarsma, Holland, MN 56139, Department of Natural Resources representative Tom Balcom, and Pipestone County Soil and Water Conservation District representative William F. Farmer, Jr., Route 4, Box 176, Pipestone, MN 56164.

Each of the waters listed in this notice is the subject of a petition for a hearing. The issue to be determined at the hearing is whether the following waters shall be designated public waters or wetlands pursuant to Minn. Stat. § 105.391 (1979) and the criteria contained in Minn. Stat. § 105.37, subs. 14 and 15 (1979):

A. Public Waters

1. Basins

<u>Number and Name</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>
NONE			

2. Watercourses

<u>Name</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>
Rock River (RR)	33	108	44	33	105	44
Unnamed tributary	36	105	44	36	105	44
Unnamed tributary	25	105	44	35	105	44
Chanarambie Creek	13	105	44	33	105	44
Unnamed tributary	13	105	44	13	105	44
Unnamed tributary	NE 1	105	44	22	105	44
Unnamed tributary	25	105	44	36	105	44
Unnamed tributary to RR	NE 14	106	44	33	106	44
Unnamed tributary	21	106	44	33	106	44
E. Branch Rock River	3	107	44	18	106	44
Unnamed tributary	36	107	44	34	107	44
Unnamed tributary	SENE 26	107	44	22	107	44
Unnamed tributary to RR	16	107	44	20	107	44
Unnamed tributary to RR	5	107	44	19	107	44
Unnamed tributary to RR	2	106	45	6	106	44
Unnamed tributary to RR	11	106	45	1	106	45
Unnamed tributary to RR	23	106	45	19	106	44
Unnamed tributary to RR	23	106	45	8	105	44
Unnamed tributary to RR	35	106	45	6	105	44
Unnamed tributary to RR	10	105	45	1	105	45
Unnamed tributary to RR	25	106	44	33	106	44
Unnamed tributary	10	106	44	29	106	44
Poplar Creek	33	105	45	33	105	44
Unnamed tributary	15	105	45	25	105	45
Unnamed tributary	13	105	45	25	105	45
Unnamed tributary	4	105	45	27	105	45
Unnamed tributary	17	105	45	16	105	45
Unnamed tributary	20	105	45	33	105	45
Unnamed tributary	32	105	45	33	105	45
Split Rock Creek	19	106	45	32	105	46
Unnamed tributary	25	105	46	35	105	46
Unnamed tributary	35	105	46	34	105	46
Unnamed tributary	36	105	46	35	105	46
Unnamed tributary	27	105	46	28	105	46
Unnamed tributary	24	105	46	15 (Basin 1)	105	46
Unnamed tributary	6	105	45	3	105	46

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<u>Name</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>
Unnamed tributary	SENE 5	105	45	35	106	46
Unnamed tributary	20	105	46	29	105	46
Pipestone Creek	2	106	46	23	106	47
Unnamed tributary	18	105	46	26	105	47
Unnamed tributary	30	105	46	26	105	47
Unnamed tributary	33	106	46	2	105	47
Unnamed tributary	28	106	46	35	106	47
Unnamed tributary	22	106	46	24	106	46
S. Branch Pipestone C.	11	106	46	8	106	46
Unnamed tributary	31	107	45	35	107	46
Trib. to County Ditch A	11	107	45	14	107	45
Unnamed tributary	16	106	45	21	106	45
N. Branch Pipestone C.	25	108	45	5	106	46
Unnamed tributary	SESW 19	107	45	15	107	46
Unnamed tributary	19	108	44	4	107	45
Unnamed tributary	SENE 11	108	45	22	108	45
Unnamed tributary	25	108	46	15	107	46
Unnamed tributary	6	107	45	2	107	46
Unnamed tributary	NWNW 10	107	46	15	107	46
Unnamed tributary	NWNW 11	106	47	24	106	47
Unnamed trib. to Beaver C.	12	107	44	1	107	44
Unnamed tributary	26	108	44	36	108	44
Redwood River	8	108	44	12	108	44
Unnamed tributary	28	108	44	13	108	44
Unnamed tributary	27	108	44	14	108	44
Unnamed tributary	17	108	44	9	108	44
Unnamed tributary	29	107	45	33	107	45
Trib. to County Ditch A	28	106	45	21	106	45
Unnamed tributary	2	108	44	2	108	44
Unnamed trib. to Lincoln						
County Ditch #2	7	108	44	5	108	44
Unnamed tributary	1	108	45	6	108	44
Flandreau Creek	1	108	46	14	107	47
Unnamed tributary	19	107	46	14	107	47
Unnamed tributary	33	108	46	12	108	47
Unnamed tributary	26	108	46	28	108	46
E. Branch Flandreau C.	4	108	45	14	108	46
Unnamed tributary	5	108	45	11	108	46
Unnamed tributary	2	108	46	11	108	46
Willow Creek	5	108	46	6	107	46
Unnamed tributary	4	108	46	9	108	46
Unnamed tributary	3	108	46	4	108	46
Unnamed tributary	7	108	46	18	108	46
Unnamed tributary	NW 23	108	47	31	108	46

## B. Wetlands

<u>Number and Name</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>
59-6: Unnamed	NW 4	108	44

Within 60 days following completion of the hearing, the hearings unit shall issue its findings of fact, conclusions and an order, which shall be considered the decision of an agency in a contested case for purposes of judicial review pursuant to Minn. Stat. §§ 15.0424 and 15.0425.

Any activity that would change the course, current or cross-section of public waters or wetlands requires a permit from the Commissioner of Natural Resources. Minn. Stat. § 105.42, subd. 1 (1979). Designation as public waters or wetlands does not transfer ownership of the bed or shore, does not grant the public any greater right of access to those waters than was available prior to

designation and does not prevent a landowner from utilizing the bed of those waters for pasture or cropland during periods of drought. Minn. Stat. § 105.391, subds. 10 and 12 (1979).

All petitioners may be represented by counsel or anyone else of their choosing and shall be given an opportunity to be heard orally, to present and cross-examine witnesses and to submit written data, statements or arguments. Petitioners should bring all evidence bearing on these matters including maps, records or other documents.

Failure to attend may result in the challenged waters being designated public waters or wetlands and may prejudice your rights in this and subsequent proceedings.

Questions concerning this Notice and Order may be directed to any member of the hearings unit or to

David B. Milles  
 DNR—Division of Waters  
 Third Floor, Space Center Building  
 444 Lafayette Road  
 Saint Paul, MN 55101  
 Telephone: (612) 297-2835

June 9, 1980

Joseph N. Alexander, Commissioner

**Notice of and Order for Hearing In the Matter of Petition(s) Concerning the Designation of Certain Public Waters and Wetlands in Martin County**

IT IS HEREBY ORDERED AND NOTICE IS HEREBY GIVEN that a public hearing in the above-entitled matter pursuant to Minn. Stat. § 105.391, subd. 1 (1979) will be held in the County Security Building, Civil Defense Room, 201 Lake Avenue, Fairmont, Minnesota, on August 11, 1980, commencing at 10:00 a.m. and continuing until all persons have had an opportunity to be heard. The hearing will be conducted by a three-person hearings unit consisting of County representative Philip P. Theobald, Venn Street, Sherburn, MN 56171, Department of Natural Resources representative Maynard Nelson, and Martin County Soil and Water Conservation District representative Neil Saxton, Rt. 1, Box 224, Fairmont, MN 56031.

Each of the waters listed in this notice is the subject of a petition for a hearing. The issue to be determined at the hearing is whether the following waters shall be designated public waters or wetlands pursuant to Minn. Stat. § 105.391 (1979) and the criteria contained in Minn. Stat. § 105.37, subds. 14 and 15 (1979):

A. Public Waters

1. Basins

<u>Number and Name</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>
46-12 : Imogene Lake	7, 18; 12, 13	102	29; 30
46-29 : Unnamed	13, 14, 23, 24	102	30
46-32 : Rose Lake	23, 24, 25, 26	102	30
46-36 : Martin Lake	5, 6, 7, 8	103	30
46-72 : Mud Lake	4, 5, 8, 9; 33	101; 102	31
46-77 : Kings Slough	32, 33	102	31
46-81 : Willow Creek	6	104	31

2. Watercourses

<u>Name</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>
Trib. to Elm Creek	31	104	33	31	104	33
Trib. to Elm Creek	18	103	33	5	103	33
Trib. to Elm Creek	7	103	33	8	103	33
Trib. to Elm Creek	21 (Basin 116)	103	32	22	103	32
Trib. to Elm Creek	22	103	32	15	103	32
Trib. to Elm Creek	19	103	30	32	104	30
Willow Creek	24	104	32	6	104	31
Trib. to Willow Creek	14	104	32	13	104	32
Mink Creek	14	104	31	6	104	30
Lily Creek	34 (Basin 109)	103	32	30 (Basin 78)	103	31
Unnamed	33	101	32	31	101	31
Unnamed	14	104	33	24 (Basin 121)	104	33
Unnamed	5	101	29	13	102	29

## OFFICIAL NOTICES

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### B. Wetlands

<u>Number and Name</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>
46-28 : Unnamed	SE 13	102	30
46-38 : Unnamed	8	103	30
46-60 : Unnamed	15	101	31
46-66 : Unnamed	21, 22	101	31
46-69 : Follett Slough	27, 28	101	31
46-71 : Unnamed	31	101	31
46-85 : Unnamed	19	104	31
46-99 : Unnamed	36	101	32
46-153: Unnamed	10	104	31

Within 60 days following completion of the hearing, the hearings unit shall issue its findings of fact, conclusions and an order, which shall be considered the decision of an agency in a contested case for purposes of judicial review pursuant to Minn. Stat. §§ 15.0424 and 15.0425.

Any activity that would change the course, current or cross-section of public waters or wetlands requires a permit from the Commissioner of Natural Resources. Minn. Stat. § 105.42, subd. 1 (1979). Designation as public waters or wetlands does not transfer ownership of the bed or shore, does not grant the public any greater right of access to those waters than was available prior to designation and does not prevent a landowner from utilizing the bed of those waters for pasture or cropland during periods of drought. Minn. Stat. § 106.391, subs. 10 and 12 (1979).

All petitioners may be represented by counsel or anyone else of their choosing and shall be given an opportunity to be heard orally, to present and cross-examine witnesses and to submit written data, statements or arguments. Petitioners should bring all evidence bearing on these matters including maps, records or other documents.

Failure to attend may result in the challenged waters being designated public waters or wetlands and may prejudice your rights in this and subsequent proceedings.

Questions concerning this Notice and Order may be directed to any member of the hearings unit or to

David B. Milles  
DNR—Division of Waters  
Third Floor, Space Center Building  
444 Lafayette Road  
Saint Paul, MN 55101  
Telephone: (612) 297-2835

June 9, 1980

Joseph N. Alexander, Commissioner

## Office of the Secretary of State

### Notice of Vacancies in Multi-member State Agencies

Notice is hereby given to the public that vacancies have occurred in multi-member state agencies, pursuant to Minn. Stat. § 15.0597, subd. 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul 55155; (612) 296-2805. Application deadline is Tuesday, August 12, 1980.

**Board of Assessors** has one position open immediately for a public member. The board licenses assessors. Monthly meetings; members are appointed by the governor. For specific information, contact Board of Assessors, Centennial Building, St. Paul, MN 55155; (612) 296-3717.

**Cable Communications Board** has one position open immediately for a public member. The board establishes rules and standards for cable communications in the state, approves service territories, provides consultant services, and represents the state before the federal communications commission. Members, appointed by the governor and confirmed by the senate, may not be employed by or have financial interest in any cable communications company or subsidiaries. No more than 4 members may be of the same political party. Monthly meetings; members receive \$35 per diem plus expenses. For specific information contact Cable Communications Board, 500 Rice St., St. Paul, MN 55103; (612) 296-2545.

**Board of Residential Utility Consumers** has one position open immediately for a public member from the second congressional district. The board establishes policy guidelines for the utility-related activities of the commerce department's consumer services

section. No more than 6 members may be of the same political party. Members are appointed by the governor. Monthly meetings; members receive \$35 per diem plus expenses. For specific information, contact Norinne S. McCarthy, chairman, Board of Residential Utility Consumers, 5th Floor, Metro Square Building, St. Paul, MN 55101; (612) 296-4026.

**Governor's Office of Volunteer Services Advisory Committee** has one position open immediately for a public member from state economic development region 10 (including Dodge, Fillmore, Freeborn, Goodhue, Houston, Mower, Olmsted, Rice, Steele, Wabasha and Winona counties). The committee promotes volunteerism by coordinating and channelling volunteers' services, and makes recommendations to the governor on the goals and programs of the office of volunteer services. Members are appointed by the governor, and are compensated for their expenses. For specific information, contact Governor's Office of Volunteer Services, 127 University Ave., St. Paul, MN 55101; (612) 296-4731.

**Intergovernmental Information Systems Advisory Council** has one position open immediately for a member from the seven county metropolitan area. The council assists local governments in developing automated information systems by awarding grants. Monthly meetings; members are appointed by the governor. For specific information, contact Intergovernmental Information Systems Advisory Council, Roger Sell, executive director, 7501 Golden Valley Road, Golden Valley, MN 55427; (612) 341-7228.

**Advisory Council for the Minnesota Braille and Sight-saving School** has one position open immediately for a member of a group representing the interests of the visually handicapped. The council advises the board of education on the management of the Braille and Sight-saving School in Faribault. Monthly meetings; members are appointed by the board and receive \$35 per diem plus expenses. For specific information, contact Advisory Council for the Minnesota Braille and Sight-saving School, Faribault, MN 55021; (507) 334-6411.

**Advisory Council for the Minnesota School for the Deaf** has one position open immediately. The council advises the board of education on the management of the School for the Deaf in Faribault. Monthly meetings; members are appointed by the board and receive \$35 per diem plus expenses. For specific information, contact Advisory Council for the Minnesota School for the Deaf, Faribault, MN 55021; (612) 334-6411.

**State University Board** has one position open immediately for a public member. The board manages state universities. Members, appointed by the governor and confirmed by the senate, receive \$35 per diem plus expenses. For specific information, contact State University Board, 407 Capitol Square Building, St. Paul, MN 55101; (612) 296-3717.

## **Department of Public Welfare Income Maintenance Bureau**

### **Notice of Intent to Solicit Outside Opinion on Rules Regarding Aid to Families with Dependent Children**

Notice is hereby given that the Minnesota Department of Public Welfare is considering proposed amendments to DPW Rule 44 (12 MCAR § 2.044), Aid to Families with Dependent Children. The Aid to Families with Dependent Children program provides qualified needy families with the resources necessary to sustain a reasonable subsistence compatible with decency and health. Among the amendments the Department of Public Welfare is considering are changes to the AFDC foster care rate structure; continued absence; payments for funerals; Emergency Assistance; "special educational need" situations; and income and property eligibility sections. The department is also considering amendments to bring several provisions into compliance with changes in state law and federal regulation, and recent court decisions. Under consideration are amendments to specify certain prospective methods for Minnesota's income budgeting system; changes in residency requirements; changes for the Unemployed Parent program; changes in income and property eligibility sections; changes in Standard of Need tables; and changes in relative responsibility provisions. The department is also considering various technical and grammatical changes to improve clarity and specificity in the rule's existing language.

All interested or affected persons or groups are invited to participate. Statements of information and comment may be made orally or in writing. Written statements may be addressed to:

James Allard  
Assistance Payments Division  
Minnesota Department of Public Welfare  
Space Center Building  
444 Lafayette Road  
St. Paul, Minnesota 55101

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-6433.

All statements of information and comment must be received by August 22, 1980. Any written material related to this solicitation and received by the department shall become part of the hearing record.

STATE OF MINNESOTA  
OFFICE OF THE STATE REGISTER

Suite 415, Hamm Building  
408 St. Peter Street  
St. Paul, Minnesota 55102  
(612) 296-8239

## ORDER FORM

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## FOR LEGISLATIVE NEWS

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

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

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

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

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



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