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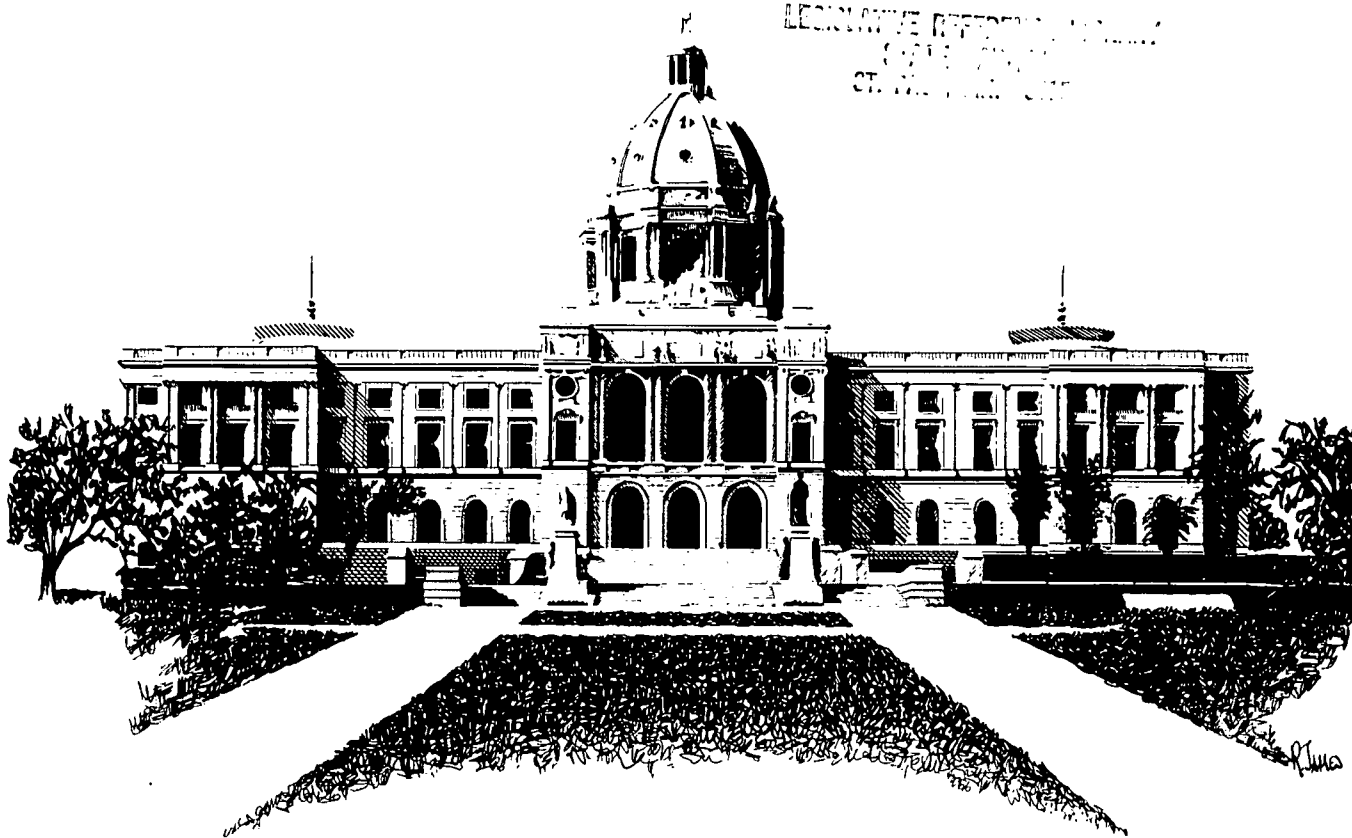
STATE REGISTER

STATE OF MINNESOTA

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ST. PAUL, MINN. 55155



VOLUME 6, NUMBER 17

October 26, 1981

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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 6			
18	Monday Oct 19	Monday Oct 26	Monday Nov 2
19	Monday Oct 26	Monday Nov 2	Monday Nov 9
20	Monday Nov 2	Friday Nov 6	Monday Nov 16
21	Friday Nov 6	Monday Nov 16	Monday Nov 23

*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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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:

Table with 2 columns: Issue range and Issue number. Includes: 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.

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PROPOSED RULES

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

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

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

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

State Board of Education Department of Education Special and Compensatory Education Division

Proposed Rules Governing Special Education Staff-to-Student Ratios (5 MCAR §§ 1.0120-1.0122)

Notice of Correction of Previously Published Rules

The proposed rules published at *State Register*, Volume 6, Number 15, pp. 624-630, October 12, 1981 (6 S.R. 624) contained a number of errors. The following corrections should be made:

At 6 S.R. 627 (5 MCAR § 1.0122 D.1.), change "whcih" to "which." Also, Exhibit 5 MCAR § 1.0122 E.-1. should read as follows:

Exhibit 5 MCAR § 1.0122 E.-1.

	<u>One</u>	<u>More Than One</u>	
	<u>Teacher</u>	<u>Teacher.</u>	
	<u>Maximum</u>	<u>Average</u>	<u>Maximum</u>
<u>Consultation and indirect services program</u>	<u>20</u>	<u>20</u>	<u>20</u>
<u>Center-based services program for pupils under four years</u>			
<u>One part-time class, with one aide</u>	<u>5</u>	<u>5</u>	<u>7</u>
<u>More than one part-time class, with one aide</u>	<u>10</u>	<u>10</u>	<u>14</u>
<u>Center-based services program for pupils four to seven years old</u>			
<u>One part-time class, with one aide</u>	<u>8</u>	<u>8</u>	<u>10</u>
<u>More than one part-time class, with one aide</u>	<u>16</u>	<u>16</u>	<u>16</u>
<u>Neutral site or home-based services program for pupils under four years old</u>	<u>10</u>		<u>10</u>
<u>Neutral site services program for pupils four to seven years old</u>	<u>14</u>		<u>14</u>

PROPOSED RULES

At 6 S.R. 628-629, Exhibit 5 MCAR § 1.0122 G.-1. should read as follows:

Exhibit 5 MCAR § 1.0122 G.-1.

	<u>One</u> <u>Teacher</u>	<u>More Than One</u> <u>Teacher</u>	
	<u>Maximum</u>	<u>Average</u>	<u>Maximum</u>
<u>Consultation and Indirect Services Program</u>			
<u>Speech and language handicapped</u>	<u>50</u>	<u>50</u>	<u>60</u>
<u>Educable mentally retarded, learning disabled, hearing impaired, visually handicapped, or physically handicapped</u>	<u>30</u>	<u>30</u>	<u>35</u>
<u>Emotionally or behaviorally disordered</u>	<u>20</u>	<u>20</u>	<u>24</u>
<u>Developmental adaptive physical education</u>	<u>40</u>	<u>40</u>	<u>50</u>
<u>Integrated Services Program</u>			
<u>Speech and language handicapped</u>	<u>30</u>	<u>30</u>	<u>40</u>
<u>Educable mentally retarded, emotionally or behaviorally disordered, learning disabled, hearing impaired, visually handicapped, or physically handicapped</u>	<u>15</u>	<u>15</u>	<u>18</u>
<u>Developmental adaptive physical education</u>	<u>30</u>	<u>30</u>	<u>40</u>
<u>Part-time Services Program</u>			
<u>Educable mentally retarded or learning disabled</u>	<u>12</u>	<u>12</u>	<u>15</u>
<u>Trainable mentally retarded</u>			
<u>With one aide</u>	<u>10</u>		<u>10</u>
<u>With two aides</u>	<u>12</u>		<u>12</u>
<u>Severely or profoundly mentally retarded, multiply handicapped, or autistic</u>			
<u>With no aide</u>	<u>3</u>		<u>3</u>
<u>With one aide</u>	<u>6</u>		<u>6</u>
<u>Emotionally or behaviorally disordered</u>			
<u>With one aide</u>	<u>10</u>		<u>10</u>
<u>Hearing impaired, visually or physically handicapped</u>	<u>12</u>		<u>12</u>
<u>Full-time Services Program</u>			
<u>Educable mentally retarded, learning disabled, hearing impaired, visually or physically handicapped</u>	<u>8</u>		<u>8</u>
<u>Trainable mentally retarded</u>			
<u>With one aide</u>	<u>6</u>		<u>6</u>
<u>With two aides</u>	<u>9</u>		<u>9</u>
<u>Severely or profoundly mentally retarded, multiply handicapped, or autistic</u>			
<u>With no aide</u>	<u>2</u>		<u>2</u>
<u>With one aide</u>	<u>4</u>		<u>4</u>
<u>With two aides</u>	<u>6</u>		<u>6</u>
<u>Emotionally or behaviorally disordered</u>	<u>8</u>		<u>8</u>
<u>Developmental adaptive physical education</u>	<u>40</u>		<u>40</u>

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

Minnesota Board of Nursing

Proposed Amendments to 7 MCAR §§ 5.1030 et seq. and 7 MCAR § 5.2030 et seq. Repealing References to Nonpracticing and Delinquent Licenses of Registered Nurses and Licensed Practical Nurses and Providing for a Two Year Registration Renewal Period for Licensed Practical Nurses

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Minnesota Board of Nursing (hereinafter "board") proposes to amend rules 7 MCAR §§ 5.1030-5.1033, 5.1036, 5.2030-5.2033 and 5.2036. The proposed amendments would repeal all references to "nonpracticing" and "delinquent" licenses of registered nurses and licensed practical nurses and would change the length of the registration period for licensed practical nurses from 12 to 24 months. In addition, the proposed rule changes will delete the reference to an annual fee in 7 MCAR § 5.2030 A., will reduce the number of continuing education contact hours required for the first renewal for persons licensed within six months prior to the first day of that first renewal and will permit the board to require substantiation of continuing education for certain individuals who have deferred a number of hours to a succeeding renewal period. A copy of the proposed amendments is attached to this notice.

The board has determined that these proposed amendments will be uncontroversial in nature. Therefore, this proceeding is being made under the provision of Minn. Stat. § 15.0412, subd. 4(g) (1980) which provides for an expedited process for the adoption of uncontroverted administrative rule changes without the holding of a public hearing.

The public is hereby advised that:

1. There is a period of 30 days in which to submit comment on the proposed rule;
2. No public hearing will be held on this matter unless seven or more persons make a written request for a hearing within the 30 day comment period;
3. All comments and any written requests for a public hearing shall be submitted to Joyce M. Schowalter, Executive Secretary, Minnesota Board of Nursing, Minnesota Department of Health Building, 717 Delaware Street Southeast, Minneapolis, Minnesota 55414;
4. The proposed amendments may be modified if modifications are supported by the data and views submitted, and do not result in a substantial change in the proposed language;
5. Authority to amend 7 MCAR §§ 5.1030-5.1033, 5.1036, 5.2030-5.2033 and 5.2036 is contained in Minn. Stat. §§ 214.06, subd. 2, 148.191, subd. 2 (1980) and Minn. Laws of 1981, ch. 94, § 10. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed amendments has been prepared and is now available. Anyone wishing to receive a copy of this document may contact Ms. Schowalter at the above-listed address;
6. Under this expedited procedure, the agency must submit any action on its rules to the Attorney General for review of the form and legality of the rule change. Notice of the submission of this matter to the Attorney General will be made to all persons who request to be informed of the submission. Requests to be informed must be submitted to Ms. Schowalter at the above-listed address;
7. If seven or more persons request a public hearing on this matter, notice of any such hearing will be given in the same manner as has this notice, and the agency will then proceed pursuant to Minn. Stat. § 15.0412, subds. 4-4f.;
8. Any rule change made pursuant to this proceeding shall be effective five days after publication in the *State Register* of notice of the adoption of the change.

The public is hereby further advised that:

The board is adding a subpart C. to 7 MCAR § 5.2030 to read as follows:

C. The renewal fee shall be \$15.00 per renewal period, effective January 1, 1982. Licensees whose registrations expire December 31, 1982, shall pay \$7.50.

~~B. D.~~ Individuals licensed for the first time within three calendar months prior to the first day of a renewal period shall not be required to meet requirements for that renewal period but shall be considered in good standing.

As a result of the new proposed subparts B. and C., old subpart B. will be relettered as D.

Minn. Stat. § 214.06, subd. 1 (1980) authorizes the board to adjust its fees without a public hearing. Thus, the board is not including 7 MCAR § 5.2030 C. as a proposed amendment in the rulemaking process.

October 12, 1981

Joyce M. Schowalter
Executive Secretary

Rules as Proposed**7 MCAR § 5.1030 Introduction and definitions.**

A. [Unchanged.]

B. Definitions.

1.-9. [Unchanged.]

10. "Registration" means the process by which the names and original license numbers of individuals licensed by the board are recorded on a roster to designate that the individuals are authorized to engage in professional nursing during a renewal period.

11. [Unchanged.]

12. "Registration renewal" means the periodic process by which the Board confers legal authority upon whereby an individual who is licensed and registered with the board authorizing the person to continue engaging in professional nursing requests and obtains registration for the next renewal period.

13.-15. [Unchanged.]

16. "Re-registration" means the process whereby a licensee regains the authority to practice professional nursing after a period of lapsed registration.

7 MCAR § 5.1031 Registration renewal.

A. Requirements.

1.-6. [Unchanged.]

7. An applicant for registration renewal, ~~except if in the nonpracticing status,~~ shall pay a penalty fee of \$4 as well as the renewal fee for the current renewal period if the application, evidence form, or renewal fee is postmarked after May 31, of the year in which it was due.

8.-11. [Unchanged.]

B. Procedure.

1.-3. [Unchanged.]

4. ~~A licensee's renewal application, evidence form and renewal fee postmarked on August 1, or later, shall be considered delinquent.~~

~~5.~~ Information to be provided by the licensee on an evidence form shall include:

a. Identification of the licensee;

b. Identification of the continuing education activities;

c. Verification that the continuing education activities met all the criteria specified in ~~7 MCAR § 5.1031~~ A. and that the information contained on the form is true in every respect; and

d. Licensee's signature and date signed.

~~6.~~ 5. If the application form, evidence form, or renewal fee submitted by a licensee is incomplete, incorrect, or in noncompliance with ~~these rules~~ 7 MCAR § 5.1031, the licensee shall be notified as to the reason for the rejection and all documents shall be returned to the licensee within 30 calendar days after ~~receipt~~ the board receives them.

~~7.~~ 6. If an individual is granted a Minnesota license within six calendar months prior to the first day of licensee's renewal period, the license fee shall serve as payment for the first renewal period. Fifteen contact hours of acceptable continuing education activities shall be required for the first registration renewal.

~~8.~~ 7. Following each renewal date the board may select a sample of licensees applying for registration renewal and require substantiation of participation in acceptable continuing education activities. Selected licensees shall submit in writing the following data obtained from each continuing education activity which verifies the information on the evidence form:

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PROPOSED RULES

- a. ~~objective(s)~~ Objective or objectives of each continuing education activity;
- b. Verification received by the licensee of the number of contact hours and, for activities lasting four or more hours, a schedule listing time periods;
- c. Documentation of each instructor's qualifications, such as education and experience;
- d. Evidence that the licensee used the mechanism which was provided to determine if learning occurred. Acceptable methods may include but need not be limited to self-evaluation checklists or tests;
- e. Written verification received by the licensee of participation in each continuing education activity, provided by an instructor involved with the continuing education activity or a designee;
- f. The specific professional nursing content area to which each continuing education activity is related;
- g. In 1986 and thereafter, proof of compliance with ~~7 MCAR § 5.1031~~ A.4.; and
- h. Any additional documentation the board deems necessary.

~~9.~~ 8. If a licensee cannot demonstrate that ~~he/she~~ he or she has sufficient hours of acceptable continuing education activities, the number of hours lacking to comply for that continuing education participation period shall be added to the contact hours required in the immediately succeeding period. This rule may be applied once for any one licensee.

9. A licensee who defers a number of hours of continuing education to the immediately succeeding period pursuant to 8. shall be required to submit with the next renewal application substantiation of participation in continuing education activities that provided the number of contact hours required for that participation period as well as the number of contact hours which were deferred from the previous participation period.

10. A licensee in noncompliance with ~~7 MCAR § 5.1031~~ A.2., 3., 4., and 8. shall be subject to the conditions in ~~7 MCAR § 5.1031 B.~~ 8. 7. By this rule an audit shall be automatic for a nurse who has been found in an audit of the immediately preceding continuing education participation period to be in noncompliance with the rules.

~~7 MCAR § 5.1033 Nonpracticing status~~ Re-registration.

~~A. The Board shall change a registered nurse's license status to nonpracticing only at the end of a renewal period and upon receipt of a written request.~~

~~B. A licensee holding a current renewal certificate need not have met continuing education requirements to have his/her license placed in nonpracticing status.~~

~~C. A registered nurse holding a license which is in the delinquent status who applies for nonpracticing status shall pay all delinquent fees before such status shall be granted.~~

~~D. Before August 1, 1980, a registered nurse holding a license which is in nonpracticing status who applies for registration renewal shall:~~

- ~~1. submit a signed application;~~
- ~~2. pay the renewal fee for the current period; and~~

~~3. submit evidence of competency in nursing before becoming actively re-registered if the licensee has been in nonpracticing status for five or more years. Such evidence may include any of the following which occurred within the five year period prior to the submission of an application for a current renewal certificate:~~

- ~~a. employment as a registered nurse in another U.S. jurisdiction or foreign country;~~
- ~~b. completion of no less than one week of a refresher course;~~
- ~~c. participation in no less than 15 contact hours of nursing-related educational offerings;~~
- ~~d. participation in an orientation program at least one week in length conducted by an employer or potential employer; or~~
- ~~e. such other similar evidence the licensee chooses to submit.~~

~~E. On August 1, 1980, and thereafter, a registered nurse holding a license which is in the delinquent status who applies for registration renewal shall:~~

A. The names of all nurses who do not return the renewal application, evidence form, renewal, and penalty fees by November 1 of each renewal year shall be removed from the roster of individuals authorized to practice professional nursing during the current renewal period.

B. A nurse who applies for re-registration shall:

1. Submit a signed re-registration application;
2. Pay the renewal fee for the current period; and

3. Submit evidence of meeting all requirements specified in 7 MCAR § 5.1031. Participation in continuing education activities must have occurred during the 24 months prior to the submission of the application for ~~registration renewal~~ re-registration.

7 MCAR § 5.1036 Verification of Minnesota license.

A. A registered nurse wishing to be licensed in another ~~U.S.~~ United States jurisdiction or foreign country may, upon written request, have a certified statement of Minnesota licensure issued to the Board of Nursing or other official agency empowered to issue nursing licenses in the other jurisdiction or country, ~~if the license is current or in the nonpracticing status.~~

~~B. Licenses which are in the delinquent status will not be verified until the requirements are met which place the license in a current or nonpracticing status.~~

~~C.~~ The fee for verification of a license shall be ~~\$5.00~~ \$5 for each verification.

~~D.~~ C. If a transcript is provided from the board files for a nursing program which is no longer currently in operation, an additional fee of ~~\$3.00~~ \$3 may be charged.

7 MCAR § 5.2030 Renewal of registration.

A. Each licensee is responsible for applying for renewal of registration if ~~he/she~~ he or she wishes to be employed as a licensed practical nurse in Minnesota ~~in the coming year~~. The board issues renewal application forms to all current licensees and will renew registration upon ~~receipt of~~ receiving a signed application and the renewal fee. ~~Beginning with the 1978 renewal period, the annual fee shall be \$7.~~

B. Effective January 1, 1982, approximately one-half of all licensees shall be issued registration renewal certificates which expire on December 31, 1982, and one-half of all licensees shall be issued registration renewal certificates which expire on December 31, 1983. Thereafter, the renewal period for all licensees shall be 24 months in length, beginning January 1 and ending December 31. There shall be even-year renewal periods and odd-year renewal periods.

C. The renewal fee shall be \$15 per 24-month renewal period, effective January 1, 1982. Licensees whose registrations expire December 31, 1982, shall pay \$7.50.

~~B.~~ D. Individuals licensed for the first time within three calendar months prior to the first day of a renewal period shall not be required to meet requirements for that renewal period but shall be considered in good standing.

7 MCAR § 5.2031 Penalty. An applicant for renewal of registration, ~~except if in nonpracticing status,~~ shall pay a late penalty fee of \$4 as well as the renewal fee if the request for renewal is postmarked after the end of the renewal period.

7 MCAR § 5.2033 ~~Nonpracticing status~~ Re-registration.

A. ~~An applicant for nonpracticing status who failed to renew registration for the previous year or years shall pay a delinquent fee of \$4 for each year for which he/she has been delinquent up to a maximum of \$40.~~

~~B.~~ The licensed practical nurse ~~who has been in the nonpracticing status~~ whose name has not been on the registration roster for five years or more must present evidence of competency in nursing before becoming ~~actively~~ re-registered. Such evidence, ~~submitted on a notarized form,~~ may include any of the following which occurred within the five year period prior to the application for a current renewal certificate:

1. Employment as a licensed practical nurse in another ~~U.S.~~ United States jurisdiction or foreign country;
2. Completion of no less than one week of a refresher course;
3. Attendance at no less than 15 clock hours of nursing-related educational offerings;
4. Participation in an orientation program at least one week in length conducted by an employer or potential employer;

or

5. Such other similar evidence; and
6. Such other evidence as the board may reasonably require.

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PROPOSED RULES

~~C. B.~~ The licensee who has been in the nonpracticing status whose name has not been on the registration roster for less than five years will be granted renewal of registration upon notification to the Board of intent to renew re-registration upon submission of a signed re-registration application and payment of the renewal fee for the current period.

7 MCAR § 5.2036 Verification of Minnesota license.

A. A licensed practical nurse wishing to be licensed in another ~~U.S.~~ United States jurisdiction or foreign country may, upon written request, have a certified statement of Minnesota licensure issued to the Board of Nursing or another official agency empowered to issue nursing licenses in the other jurisdiction or country; ~~if the license is current or in the nonpracticing status.~~

B. ~~Licenses which are in the delinquent status will not be verified until the requirements are met which place the license in a current or nonpracticing status.~~

~~C.~~ The fee for verification of a license shall be ~~\$5.00~~ \$5 for each verification.

~~D. C.~~ If a transcript is provided from the board files for a nursing program which is no longer currently in operation, an additional fee of ~~\$3.00~~ \$3 may be charged.

Repealer. Rules 7 MCAR §§ 5.1032 and 5.2032 are repealed.

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 15.0412, subd. 4, have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strike outs and new language will be underlined, and the rule's previous *State Register* publication will be cited.

A temporary rule becomes effective upon the approval of the Attorney General as specified in Minn. Stat. § 15.0412, subd. 5. Notice of his decision will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under subd. 4.

Department of Corrections

Adopted Rules Governing Adult Detention Facilities

The rules proposed and published at *State Register*, Volume 5, Number 45, Pages 1803-1820, May 11, 1981 (5 S.R. 1803), are now adopted with the following modifications:

Rules as Adopted

11 MCAR § 2.171 Introduction. ~~Section 1,~~ Minn. Stat. § 241.021, subd. 1 (1974) ~~as amended by Laws of 1976, ch. 299, to be effective July 1, 1976,~~ provides that the Commissioner of Corrections promulgate rules establishing minimum standards for all correctional facilities throughout the state, whether public or private, established and operated for the detention and confinement of persons detained or confined therein according to law except to the extent that they are inspected or licensed by other state regulating agencies. The rules which follow are minimum standards for holding facilities, lockups, jails and adult corrections facilities in the State of Minnesota. Facilities which house males and females shall provide comparable care for each group. Facilities housing juveniles must meet the special criteria established for that group. All inspections made by the department shall be according to the standard in this rule and shall compare the care level for male and female groups.

11 MCAR § 2.172 Definitions. For the purpose of these rules:

B. "Adult corrections facility" shall mean a secure detention facility ~~use~~ used to confine prisoners for periods of time not to exceed one (1) full year per conviction.

F. "Controlled substance" shall mean a drug, substance or immediate ~~predecessor~~ precursor in Schedules I through V of Minn. Stat. § 152.02. The term shall not include distilled spirits, wine, malt beverages, intoxicating liquor or tobacco.

I. "Disciplinary segregation" shall mean that status assigned a prisoner following a hearing in which the prisoner was found guilty of violating a facility rule or state or federal law or the status assigned a prisoner prior to a hearing when segregating the

prisoner is determined to be necessary in order to reasonably assure the security of the facility. The status results in separating the prisoner from the general population.

J. "Emergency" shall mean any significant incident or disruption of normal facility procedures, policies, routines or activities arising from fire, riot, natural disaster, suicide, assault or medical emergency.

N. "Holding facility" shall mean a secure adult detention facility used to confine prisoners, prior to their appearance in court, for a time not to exceed seventy-two (72) hours excluding holidays or weekends.

O. "Inspection" shall mean an on-site assessment of existing conditions ~~and their relationship made to meeting standards~~ determine the facility's compliance with 11 MCAR §§ 2.171-2.182.

P. "Jail" shall mean a secure adult detention facility used to confine sentenced prisoners for a time not to exceed one (1) full year per conviction, adult pretrial and presentenced detainees indefinitely and juveniles up to limits prescribed by Minnesota Statute and commissioner approval.

S. "Lockup facility" shall mean a secure adult detention facility used to confine prisoners prior to their appearance in court and sentenced prisoners for a time not to exceed ninety (90) days. In addition to the cell, a lockup facility shall include:

1. Space for moderate exercise and activity, such as weight lifting, ping pong, table games, reading, ~~T.V.~~ television, and cards.
2. Policy and procedures which assure each prisoner a minimum of four (4) hours per day of leisure time activity out of ~~their~~ his cell. If a prisoner does not participate in out-of-cell leisure time activity due to illness, discipline or choice, this shall be recorded in the log.
3. Policy and procedures which permit access to and encourage helping agencies such as educational services, chemical dependency counselors, employment services, clergy, legal services and educational services shall be provided to prisoners.

T. "Mandatory" shall mean the rule shall either be met by the facility or waived by the commissioner in order for the facility to be licensed.

CC. "Undue hardship" means the financial costs are not warranted when weighed against the benefits derived.

DD. "Variance" shall mean the waiver of a specific rule for a specified period of time.

11 MCAR § 2.173 Intended use and non-conformance with rules.

B. Nonconformance, unsafe, unsanitary or illegal conditions. When conditions do not substantially conform to the rules stated herein or where specific conditions endanger the health, welfare or safety of prisoners and/or staff, the facility's use shall be restricted pursuant to Minn. Stat. § 241.021 (~~subd. 4~~), subd. 1 or legal proceedings to condemn the facility will be initiated pursuant to Minn. Stat. § 641.26 ~~Condemnation of Jails~~, or Minn. Stat. § 642.10 ~~Condemnation of Lockup~~.

~~C. Severability. If any article, section, subsection, sentence, clause or phrase of these rules is for any reason held to be unconstitutional, contrary to statute, exceeding the authority of the Department of Corrections, or otherwise inoperative, this shall not affect the validity of the remaining portion of these rules.~~

11 MCAR § 2.174 Variances.

A. Variances. ~~A local facility may request in writing a variance of a specific rule. Variance requests shall be submitted to the Commissioner of Corrections, who, within thirty (30) days shall provide his findings in writing. The granting of a variance under this section shall not constitute a precedent for any other adult detention facility. The granting and denial of all variances shall be in writing and made within 30 days of the request for a variance. Such variance will be granted by the commissioner if, in the licensing procedure or enforcement of the standards in these rules:~~

1. ~~The request for a variance shall cite the rule in question, reason for requesting the variance, the period of time the governing body wishes to have the rule waived, and the equivalent measures planned for protecting the health and safety of prisoners and staff. To require a particular adult detention facility to strictly comply with one or more of the provisions will result in undue hardship or jeopardize the health, safety, security, detention, or well-being of the residents or facility staff;~~
2. ~~The request shall state the justification for the requested exception and document the claim that the exception meets~~

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the intent of the rule and will not jeopardize the supervision of prisoners, established programs, security or the safe, healthful or efficient operation of the facility. The adult detention facility is otherwise in substantial conformity with the standards contained in these rules or making satisfactory progress toward substantial conformity;

3. Granting of the variance will not preclude the facility from making satisfactory progress toward substantial conformity with the rules;

4. The granting of the variance will not leave the interests and well-being of the residents unprotected; and

5. The facility will take such surrogate action as is necessary or available to comply with the general purpose of the standards to the fullest extent possible.

B. Emergency suspensions of rules Emergencies. Nothing contained herein shall be construed to deny the power of the facility administrator to temporarily suspend any rule in the event of an emergency. During an emergency, as defined in these rules and as declared by a facility administrator, those rules directly affected by the emergency and which, if not suspended, would adversely affect the health, security, safety, detention, or well-being of the persons detained or confined in adult detention facilities or the facility staff, shall be inoperative when an emergency is declared by the administrator.

1. Only rules directly affected by the emergency shall be suspended. The facility administrator shall notify the Department of Corrections in writing within 72 hours of any emergency which resulted in the suspension of any rule.

2. The facility administrator shall notify the Department of Corrections in writing within seventy-two (72) hours of a suspension of any rule. No suspension shall of rules because of an emergency declared by a facility administrator may exceed seven (7) days without unless the administrator obtains the approval of the Commissioner of Corrections for a variance to the rules and the variance is necessary for the protection of the health, security, safety, detention or well-being of the staff or the persons detained or confined in the institution where the emergency exists. Work and educational release sentences shall be exempt from the ninety (90) days confinement limitation in lockups and seventy-two (72) hour confinement limitation in holding facilities if there is separate housing for this group.

11 MCAR § 2.175 Personnel standards.

A. Staff health. All personnel shall be screened for tuberculosis prior to employment. ~~Such tests~~ The test shall be of either the tuberculin skin test or the chest roentgenogram (X-ray). If a skin test is positive, a chest roentgenogram (X-ray) shall be required. Additional testing shall be required upon known exposure to tuberculosis.

E. Staffing requirements.

5. Staff members shall not be placed in positions of responsibility for the supervision and welfare of prisoners of the opposite sex in circumstances that can be described as invasion of privacy, degrading or humiliating to the prisoners. When staff of one sex are used as program resource personnel with prisoners of the opposite sex, staff of the prisoners' sex must be on duty; and in the facility. (Mandatory)

8. The ratio of custody staff to prisoners shall not be less than one (1) staff person to twenty-five (25) prisoners any time prisoners are not secured in cells, detention rooms or dormitories. A combination of staff resources and physical plant resources shall provide the capability of reporting incidents and responding to emergencies. (Mandatory)

9. Program staff requirements are as follows:

c. Jails. A staff person shall be designated to coordinate educational/vocational programs, social services programs, work release and volunteer services programs. The following minimum ~~staff/prisoner~~ prisoner to staff ratio shall apply for average daily population:

- (1) Under 25: part-time assignment of one (1) staff person;
- (2) 25-50: one (1) staff person full-time or staff equivalent including ~~volunteer~~ volunteers;
- (3) 51-100; two (2) staff persons full-time or staff equivalent including ~~volunteer~~ volunteers;
- (4) Over 100: three (3) or more full-time staff persons or equivalent.

10. Ancillary functions. Personnel shall be provided to perform ancillary functions such as transportation or court escort to the extent necessary to ensure that security, supervision of prisoners, the administration of program activities and the efficient operation of the facility are not reduced or jeopardized by such activities.

11 MCAR § 2.176 Staff training.

D. In-service training. All custody personnel, middle and non-management professional personnel shall complete a minimum of ~~twenty four (24)~~ 16 hours of in-service training per year. This requirement is not applicable to holding facility staff.

F. Ancillary functions. Personnel shall be provided to perform ancillary functions such as transportation or court escort to the extent necessary to insure that security, supervision of prisoners, the administration of program activities, and the efficient operation of the facility are not reduced or jeopardized by such activities. Part-time and relief staff. Part-time and relief staff shall complete orientation training appropriate to the facility's classification.

11 MCAR § 2.177 Staff deployment, job descriptions, work assignments, post orders, policies and procedures.

C. Policy and procedure manuals. All policies and procedures concerning the facility's operation shall be made available to all employees at the time of employment and as revised thereafter. ~~Policy and procedure manuals shall be developed and implemented for the following areas:~~

- ~~1. Emergency situations;~~
- ~~2. Escape;~~
- ~~3. Fire;~~
- ~~4. Admission and release of prisoners;~~
- ~~5. Laundry;~~
- ~~6. Food service;~~
- ~~7. Canteen;~~
- ~~8. Visiting;~~
- ~~9. Security procedures.~~

11 MCAR § 2.178 Records and reports.

B. Storage and preservation of records. Space shall be provided for the safe storage of records, ~~and records shall be preserved in accordance with law.~~ (Mandatory)

11 MCAR § 2.179 Prisoner welfare.

B. Classification.

2. Lockups, jails and adult corrections facilities shall screen all admissions at the time of booking for the purpose of determining prisoner classification by sex, age, category of offense, degree of escape risk, ~~assaultive/non-assaultive assaultiveness~~, and other criteria designed to provide for the safety of prisoners, staff and the community, and shall develop and implement a written classification plan or system which includes specific criteria by which prisoners are assigned to housing units.

C. Information to prisoners.

2. Each prisoner shall be provided information on program options and activities within twenty-four (24) hours (excluding weekends and holidays) of admission. Staff shall review this ~~verbally~~ orally with prisoners who are unable to read. Holding facilities are exempt from this rule.

D. Administrative segregation and prisoner discipline.

3. Disciplinary segregation.

a. Disciplinary segregation shall be used only in accordance with due process to include at a minimum:

- (1) Published rules of conduct and the penalties for violation of rules;
- (2) Written notice of alleged violation of a rule;
- (3) The right to be heard by an impartial hearing officer and to present evidence in defense; and
- (4) The right to appeal.

c. Any prisoner placed in disciplinary segregation prior to a due process hearing shall have a due process hearing within seventy-two (72) hours of such segregation (exclusive of holidays and weekends) unless documented cause can be shown for delays. ~~As~~ Examples of causes for delay are:

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- (1) Prisoner requests for delay; or
- (2) ~~Logistically impossible~~ Logistical impossibility, as in the case of mass disturbances.

4. Other limitations on disciplinary actions.

b. The decision to deprive ~~prisoners~~ a prisoner of articles of clothing and bedding as a result of the prisoner's destruction of such items shall be reviewed by the officer in charge during each eight (8) hour period and the review shall be documented.

E. Activities.

4. Work assignments and education.

a. A plan shall be developed in conjunction with the local school district to meet educational needs of juveniles detained. (Mandatory for eight (8) day detention of juveniles.)

b. ~~Juvenile~~. The facility shall develop a policy and procedure on work ~~to~~ by juveniles. It shall include:

- (1) Work activities such as maintaining own room and maintaining activity areas;
- (2) Exemption from performance of personal duties for staff or maintenance of areas away from the facility;
- (3) Eligibility criteria for work activities; and
- (4) Statement that care shall be taken not to require juveniles to perform work they cannot physically perform.

c. ~~Adult~~. (~~Applies to Lockups, jails and adult corrections facilities~~) ~~The facility~~ shall develop a policy and procedure on work ~~to~~ by adults. It shall include:

- (1) Adults ~~waiting~~ awaiting court appearance shall not be compelled to participate in work or rehabilitation programs beyond maintaining the immediate living area;
- (2) Work programs for both sentenced and voluntary unsentenced prisoners;
- (3) Unsented prisoners shall work on a voluntary basis only;
- (4) Eligibility criteria for work activities;
- (5) A statement that sentenced prisoners shall not be compelled to work more than ten (10) hours per day (Mandatory); and (~~Mandatory~~)
- (6) A statement that work shall not be required which cannot be done due to physical limitations.

5. The facility administrator shall develop a plan providing opportunities for physical exercise and recreational activities for all prisoners consistent with the facility's classification. The plan shall include:

a. Rules necessary to protect the facility's security and the ~~prisoner's~~ prisoners' welfare;

b. A minimum of one (1) hour of activity each day in lockups and jails;

c. A minimum of two (2) hours daily of scheduled supervised physical exercise and recreational activities in adult corrections facilities;

d. Indoor space and equipment for active recreation for jails and adult corrections facilities; and

e. Outdoor recreational space, equipment and supportive staff for outdoor recreational programming in adult corrections facilities consistent with weather conditions.

f. Juveniles shall be allowed the opportunity to be involved in a minimum of two (2) hours of active recreation per day and two (2) hours of leisure time activities per day. A minimum of two (2) hours of ~~each~~ such activity per day shall be allowed in a program area separate and distinct from the juveniles' living area and shall be pre-planned and structured. (Mandatory for eight (8) day detention of juveniles.)

g. The facility administration shall develop and implement in-cell or in-detention room programs for those juveniles considered to be too dangerous to release from the cell or detention room. (Mandatory for detention of juveniles.)

h. Facilities approved for eight (8) day detention of juveniles shall provide leisure time activities and equipment such as television, radio, table games and hobby craft items. (Mandatory for eight (8) day detention of juveniles.)

i. Adult and juvenile prisoners on segregation status shall have a minimum of one hour of out-of-cell physical exercise per day.

G. Correspondence.

4. Cash, checks or money orders shall be removed from incoming mail and credited to the ~~prisoner's~~ prisoners' accounts.

6. Indigent prisoners shall receive a postage allowance sufficient to maintain communications with the persons listed in ~~MCAR § 2-178 C. 3.~~

H. Clothing, bedding and laundry services.

1. Clothing.

d. ~~Prisoner's~~ Prisoners' excess personal clothing shall be either mailed to, picked up by, or transported to designated family members or stored in ventilated lockers or boxes designed for this purpose and properly identified, inventoried and secured.

2. Linens and bedding.

a. Each prisoner admitted to the facility shall be issued:

- (1) One (1) bathtowel, one (1) handtowel, one (1) washcloth;
- (2) One (1) clean, firm, fire-retardant mattress; (Mandatory)
- (3) Two (2) sheets or one (1) sheet and a clean mattress cover; (Mandatory)
- (4) Blankets sufficient to provide comfort under existing temperature conditions; (Mandatory)
- (5) One (1) pillow and one (1) pillow case.

3. Laundry services.

d. ~~Prisoner's~~ Prisoners' personal clothing shall be laundered in accordance with appropriate washing procedures for fabrics.

I. Emergencies and special occurrences.

1. Emergency plan. The facility administrator shall develop a written ~~emergency plans for handling hostage incidents, escapes, suicide, serious illness, accident, power failure, prisoner disturbances and assaults~~ disaster plan. The ~~plans~~ plan shall include: (Mandatory)

- a. Location of alarms and fire fighting equipment;
- b. Emergency drill policy;
- c. Specific assignments and tasks for personnel;
- d. Persons and emergency departments to be notified;
- e. Procedure for evacuation of prisoners; and
- f. Arrangements for temporary confinement of prisoners.

4. All incidents of a special or serious nature which endanger the lives of staff or prisoners and/or physical plant, shall be reported in writing to the department within ten (10) days.

b. Special occurrences shall include:

- (1) Suicide;
- (2) Homicide;
- (3) Death (other than suicide or homicide);
- (4) Serious injury or illness incurred subsequent to detention;
- (5) Escape or runaway;
- (6) Fire causing serious damage;
- (7) Riot;
- (8) Assaults requiring medical care;
- (9) Other serious disturbances; or
- (10) Occurrences of infectious diseases and disposition of the occurrences.

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ADOPTED RULES

11 MCAR § 2.180 Food service.

A. General requirements. The goals of food service in each facility shall be to provide prisoners with food and beverages to prisoners that are nutritionally adequate, palatable, produced in a manner to prevent foodborne illness, of adequate quantity and variety, served at appropriate temperatures and prepared by methods which conserve nutritional value.

C. Dietary allowances. Nutritional needs of prisoners shall be met in accordance with their needs, physician's orders and meet the dietary allowances contained in ~~11 MCAR § 2.109~~ C. All lockups, jails, adult corrections facilities and holding facilities shall have menu planning sufficient to provide each prisoner the following specified food ~~servings~~ servings per day.

1. Two (2) or more servings per day of meat or protein. A serving of meat or protein is defined as:

a. 2-3 ounces cooked (equivalent to 3-4 ounces raw) of any meat without bone, such as beef, pork, lamb, poultry, variety meats such as liver, heart and kidney.

b. 2 slices prepared luncheon meat.

c. 2 eggs.

d. 2 ounces of fresh or frozen cooked fish or shellfish, or ½ cup canned fish.

~~3~~ e. ½ cup cooked navy beans plus one ounce of animal protein.

2. Two (2) or more servings per day of milk. A serving is defined as eight (8) ounces (one cup) of milk. A portion of this amount may be served in cooked form, such as cream soups or desserts. The following substitutes may be used:

a. 1 ounce of American cheese for ¾ cup milk.

b. ½ cup creamed cottage cheese for ⅓ cup milk.

c. ½ cup ice cream for ¼ cup milk.

L. Containers and food storage.

2. Non-perishable food, and single service articles shall be stored off the floor on washable shelving in a ventilated room. ~~It~~ They shall be protected from dust, flies, rodents, vermin, overhead leakage and other sources of contamination, and shall be placed away from areas with excessive heat.

6. Ice shall be stored and handled in a sanitary manner. Stored ice shall be kept in an enclosed container. If an ice scoop is used, the scoop shall be stored in a separate compartment to prevent the handle from having contact with the ice.

11 MCAR § 2.181 Security.

C. Releases.

3. No prisoner shall be released in intemperate weather without proper clothing to ensure his health and comfort.

11 MCAR § 2.182 Environmental-personal health and sanitation.

C. Hospitalization of a prisoner.

2. When a prisoner requires hospitalization, he shall be guarded on a twenty-four (24) hour per day basis unless one of the following conditions ~~have~~ has been satisfied:

a. The prisoner is not in need of custody supervision; or

b. The prisoner is medically incapacitated in the opinion of the attending physician.

J. Mentally ill prisoners. Policy shall be developed for the management of mentally ill prisoners and shall include:

1. A procedure for determining that a prisoner is mentally ill. A physician or licensed psychologist shall be consulted for this determination;

2. A procedure for managing prisoners who are suspected of being mentally ill and considered to be a danger to self or others;

3. A statement that if a prisoner is mentally ill and procedures are implemented to separate and/or restrain the prisoner, a licensed physician shall be contacted within eight (8) hours and shall approve a written plan which outlines the procedures to be followed in managing the behavior.

4. A criteria and procedure for transferring the mentally ill prisoner to a licensed medical facility. The criteria shall include approval of a licensed physician and shall be done in accordance with Minn. Stat. § 253A.04 ~~Emergency Hospitalization of Mentally Ill and Mentally Deficient Persons~~. (Mandatory)

Repealer. Rules 11 MCAR §§ 2.100-2.111 are repealed.

Department of Natural Resources

Commissioner's Order No. 2112

Amending Commissioner's Order No. 2104 Regulating the Taking of Deer during 1981 and Rescinding Commissioner's Order Nos. 2069 and 2032

Pursuant to authority vested in me by law, I, Joseph N. Alexander, Commissioner of Natural Resources, hereby prescribe the following amendments to Commissioner's Order No. 2104, regulating the taking of deer during 1981, and hereby rescind Commissioner's Order Nos. 2069 and 2032.

Section 1. Sec. 13 b. of Commissioner's Order No. 2104 is amended to read as follows:

No person who has a valid license to take deer shall operate a snowmobile, three-wheel cycle or any other all terrain vehicle in any area open for the taking of deer by firearms and during the firearms deer season between 7:00 a.m. and 3:00 p.m. on any day when the person is licensed to take deer within that area. All terrain vehicles include trail bikes, Cushman 6 wheelers, Cushman Tracksters, Bombadier J 5's and all other similarly manufactured and homemade vehicles. Not included are trail bikes licensed and being legally operated on a public road or highway, four wheel drive road vehicles, farm tractors, motorcycles and similar vehicles. This regulation applies on all lands and waters regardless of ownership except that anyone using an all terrain vehicle while pursuing his or her occupation on their own land and not in possession of a firearm is exempt. A permit to operate these restricted vehicles between 7:00 a.m. and 3:00 p.m. may be issued by a conservation officer in the event of an emergency or other unusual conditions.

Sec. 2. Commissioner's Order No. 2104 is amended by adding Sec. 14, to read as follows:

Itasca State Park in Becker, Clearwater and Hubbard Counties is open to the hunting of deer, except where posted as closed, during the established firearms deer season therefor in the zones in which it is open.

Sec. 3. Commissioner's Order Nos. 2069 and 2032 are hereby rescinded.

Except as provided herein, all provisions of Commissioner's Order No. 2104 shall remain in full force and effect.

Dated at Saint Paul, Minnesota, this 9th day of October, 1981.

Joseph N. Alexander, Commissioner
Department of Natural Resources

Public Utilities Commission

Adopted Rule Governing Rule Variances

The rule proposed and published at *State Register*, Volume 6, Number 2, Pages 37-38, July 13, 1981 (6 S.R. 37) is now adopted with the following modifications:

Rule as Adopted

4 MCAR § 3.0600 Variances. The Public Utilities Commission upon written application or upon its own motion ~~may~~ shall grant a variance to any of its rules in an instance where it appears to the satisfaction of the commission that:

- ~~1-~~ A. Enforcement of the rule would impose an excessive burden upon the applicant or others affected by the rule;
- ~~2-~~ B. Granting of the variance would not adversely affect the public interest; and
- ~~3-~~ C. Granting of the variance would not conflict with standards imposed by law.

The commission shall, within 30 days after receipt of an application, notify the applicant ~~in writing~~ by written order of the granting or denial of the variance and the reasons therefor. A variance may be conditioned upon alternative practices proposed by the applicant or imposed by the commission.

Variances may be of limited duration, and may be revoked if a material change occurs in the circumstances which justified the variance, or if the applicant fails to comply with the specified alternative practices.

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

Department of Public Welfare Social Services Division

Adopted Rule Governing All Vending Stands and Business Enterprises of the Services for the Blind

The rule proposed and published at *State Register*, Volume 6, Number 1, pp. 13-20, July 6, 1981 (6 S.R. 13), is now adopted with the following modifications:

Rule as Adopted

12 MCAR § 2.079 Rules governing all vending stands and business enterprises of the services for the blind.

A. Legal authority and scope of rules. Pursuant to Minn. Stat. §§ 15.0412, subd. 3, and 248.07, subd. 11 (~~1980~~), the following rules are hereby issued by the Commissioner of Public Welfare to govern all vending stands and business enterprises established by the Services for the Blind, Department of Public Welfare, for which the Department of Public Welfare is responsible. Licenses to blind persons will be issued in accordance with these rules and applicable statutes by the commissioner or his designee, hereinafter to be known as the licensing agency.

B. Issuance and conditions of licenses.

1. Selection of stand operators. The selection of stand operators will be made on an objective basis, including a thorough evaluation of the following: experience, training, former vocations, education, and other factors that relate to job requirements. Preference will be given to blind persons who are in need of employment. The following specific requirements will also be adhered to. Blind persons selected as operators will:

a. Be determined, after examination by a physician skilled in diseases of the eye or by an optometrist-, whichever such person shall select, to have

(1) Not more than 20/200 central visual acuity in the better eye with correcting lenses, or

(2) An equally disabling loss of the visual field as evidenced by a limitation to the field of vision in the better eye to such a degree that its evident diameter subtends an angle of no greater than 20 degrees,

b. Be citizens of the United States,

c. Be certified as qualified for the operation of a vending stand by the rehabilitation staff of the Services for the Blind, Department of Public Welfare.

2. License period and license termination.

a. Each license will be issued for an indefinite period but subject to termination by written notice for good cause shown, including but not limited to:

~~1-~~ (1) Failure to operate in accordance with this rule, the agreement with the operator, or the terms and conditions of the licensing agency's permit to operate in the building or property;

~~2-~~ (2) Improvement of vision so that the operator no longer meets the definition of blindness as stated in part B.1.a. of this rule;

~~3-~~ (3) Extended illness with medically documented diagnosis of prolonged incapacity of the operator to operate the vending stand in a manner consistent with the needs of the location or other available locations in the program;

~~4-~~ (4) Withdrawal of the operator from the program upon the operator's written notification to the licensing agency.

b. The licensing agency shall promptly notify by certified mail or personal service any vending stand operator whose license is proposed to be revoked. This notification shall state the grounds for such action and shall inform the operator of the right to appeal the action. The operator will be afforded an opportunity for a fair hearing before termination of the license as described in Section I. of this rule.

3. Operator agreements.

b. The operator's agreement to operate a vending stand may be revoked or temporarily suspended in those instances where the operation, integrity, or reputation of the program may be damaged. The licensing agency shall promptly notify by certified mail or personal service any vending stand operator whose agreement is suspended or revoked. The notification shall state the grounds for such action and shall inform the operator of the right to appeal the action, as described in Section I. of this rule. The action to suspend or revoke an agreement does not automatically mean the termination of the operator's license. Notice of intent to terminate the operator's license shall require a separate notice, as described in part B.2.b. of this rule.

E. Funds set aside from vending stand proceeds.

1. The licensing agency will set aside or cause to be set aside from the ~~month~~ monthly net proceeds of the operation of vending stands the following amounts:

- a. On the 1st \$100 or portion thereof, 2%
 - b. On the 2nd \$100 or portion thereof, 4%
 - c. On the 3rd \$100 or portion thereof, 6%
 - d. On the 4th \$100 or portion thereof, 8%
 - e. On the 5th \$100 or portion thereof, 10%
 - f. On the 6th \$100 or portion thereof, 12%
 - g. On the 7th \$100 or portion thereof, 14%
- and any amounts over \$700 16%

“Net proceeds,” as used herein, means the monthly cash receipts including any vending machine or other income, less merchandise purchases, general expenses, and pay roll (excluding set-aside charges).

I. Review of agency decisions. Operators shall be informed in writing at the time they are licensed, of their right to and the procedures to be followed in obtaining an administrative review or a fair hearing regarding an agency decision.

1.a. An operator or the operator’s designee (who need not be an attorney) may request in writing, within 15 working days of the occurrence of the action, administrative review of the licensing agency action. This review will be made only by a member ~~of~~ or members of the administrative staff of the agency who have not in any way participated in the agency action in question.

SUPREME COURT**Decisions Filed Friday, October 16, 1981****Compiled by John McCarthy, Clerk**

81-468/Sp. Laron E. Honn, v. National Computer Systems, Inc., Defendant and Melvin C. Gittleman, *et al.*, Appellants. Hennepin County.

Where an obligation is payable in installments, each installment carries its own statute of limitations. Neither the existence of an optional acceleration provision nor the requirement of a final balloon payment affects the applicability of this rule.

Affirmed in part, reversed in part, and remanded. Peterson, J.

Took no part, Amdahl, J.

81-69/Sp. Vesely, Otto, Miller & Keefe and Jerre Miller, Appellants, v. Paul Blake, M.D. Hennepin County.

Lawyer, who was found liable in a legal malpractice action for negligent advice rendered to a client which resulted in the client’s failure to sue a physician for medical malpractice before the expiration of the statute of limitations, may not recover contribution or indemnity from the physician.

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

50788/Sp. James Courtright, Relator, v. American Crystal Sugar Company, *et al.* Workers’ Compensation Court of Appeals.

Findings based on acceptance of one medical expert’s diagnosis and opinions apparently rendered on a mistaken assumption that the employee had not experienced radicular symptoms at the time he sustained the injury, on an erroneous interpretation of the opinion of another expert, and on an unjustified rejection of the testimony of the third expert were without sufficient evidentiary support.

Reversed and remanded. Todd, J. Dissenting, Otis, and Peterson, JJ.

SUPREME COURT

51821/Sp. 451 Corporation, *et al.*, Appellants v. Pension System for Policemen and Firemen of the City of Detroit, *et al.* and F. T. Fish and F. T. Fish and Associates, Defendants.

Where a promise to make a mortgage loan is conditioned on approval by the lender's counsel as to legality and form, no action for breach of contract accrues when the approval is not given.

Affirmed. Simonett, 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 Commerce Office of Consumer Services

Notice of Request for Proposals for Analysis of Costs and Rate Impacts of a Proposed Generating Plant and of the Reasonable Alternatives

Kris Sanda, Director, Office of Consumer Services, Department of Commerce, is soliciting proposals from qualified consultants to perform an analysis of the costs associated with the proposed 800-megawatt Sherburne County Generating Plant Unit 3 and the costs associated with reasonable alternatives. Applications for a Certificate of Need for shared ownership of the proposed generating plant were filed by Northern States Power Company, Southern Minnesota Municipal Power Agency and United Minnesota Municipal Power Agency. The matter is currently before the Minnesota Energy Agency.

Final submission date: November 16, 1981

Estimated cost: \$15,000

The formal RFP may be requested and inquiries should be directed to:

Diane Legatt Hunt
Case Manager
Office of Consumer Services
162 Metro Square Building
St. Paul, Minnesota 55101
(612) 296-6172

Department of Health Disease Prevention and Control Division

Notice of Request for Evaluation of Diabetes Education around Minnesota (T.E.A.M.) Programs and Services for Children with Handicaps/Diabetes Education Center Programs (SCH/DEC)

The Division of Disease Prevention and Control is seeking individuals or organizations to provide an evaluation of T.E.A.M. and SCH/DEC programs in Minnesota. This evaluation service, which will be provided under contract, is outlined in detail in the Request for Proposal (RFP) statement of work. The formal R.F.P. may be requested and inquiries should be directed to:

Michael E. Moen or Dr. Andrew Dean
Div. of Disease Prevention and Control
Minnesota Department of Health
717 SE Delaware Street
Minneapolis, Minnesota 55440

It is anticipated that the activities to accomplish this evaluation will not exceed a total cost to the state of \$20,000. The deadline for the submission of completed proposals will be the close of the working day November 18, 1981.

Minnesota Historical Society

Notice of Availability of Contract for Historical Architectural Engineering Services

The Minnesota Historical Society requires the services of a qualified architectural consultant for design engineering for Historic James J. Hill House location at 240 Summit Avenue in St. Paul, and Ramsey County, Minnesota. This is a potential Great River Road Project.

Services will include preparation of plans and specifications relating to interior restoration and other improvements to this significant national and state historic site.

The estimated cost for architectural engineering is \$100,000.00.

Firms interested in this project may obtain a "Combined Project Development and Environmental Assessment Location and Design Report" by writing the address below.

All technical proposals must be submitted on the firm's own letterhead and must include completed federal forms SF 254 and SF 255. Only firms which have had demonstrated experience in "profile" code number 047 (historic preservation) and 060 (libraries, museums, and galleries) as set forth in SF 254 will be considered.

All technical proposals must be submitted by December 1, 1981, and inquiries of interest should be directed to:

John J. Wood
Deputy Director
Minnesota Historical Society
1500 Mississippi Street
St. Paul, Minnesota 55101
Telephone (612) 296-0334

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 Board of Electricity

Notice of Change of Board Meeting Dates

The State Board of Electricity is temporarily reducing its board meetings to one a month. Effective November 10, 1981, the State Board of Electricity will meet on the second Tuesday of each month at 10:00 a.m. in the state board offices at 1821 University Avenue, St. Paul, Minnesota 55104.

Minnesota Energy Agency Alternative Energy Development Division

Notice of Intent to Solicit Outside Opinion Concerning Rules Relating to the District Heating Bonding Act

Notice is hereby given that the Minnesota Energy Agency (hereinafter "agency") is soliciting information and opinions from sources outside the agency for the purpose of making rules authorized under the District Heating Bonding Act, Chapter 334, Laws of Minnesota, 1981 (hereinafter "act").

The agency will promulgate rules covering district heating construction loan requests. Temporary rules will be promulgated until permanent rules can be prepared and adopted.

The act states that:

The combination of the large initial capital cost and investors' lack of familiarity with district heating has made the private market reluctant to provide the necessary capital for district heating projects. . . . (Section 1, subd. 1)

In the case for loans for construction costs, a municipality must demonstrate that all design activities have been completed; that the project is economically and technically feasible; and that the district heating systems will be constructed, and that it has made adequate provisions to assure proper and efficient operation and maintenance of the project. (Section 1, subd. 6(b))

The act is interpreted to mean that the state intends to make loans to communities to develop economically viable district heating projects and that the state is willing to assume the same level of risk that the financial community would take if district heating development were fully accepted.

The rules the agency proposes will define the economic and technical characteristics needed for various loan terms. The agency will rate or evaluate a project based on the rules. The loan terms in the rules will serve as the agency's recommendation on an applicant's project to the Legislative Advisory Commission.

The act states that then:

The recommendation of the Legislative Advisory Commission shall be transmitted to the governor. The governor shall approve or disapprove, or return for further consideration, each project recommended for approval by the Legislative Advisory Commission. Loans may be disbursed only upon approval by the governor. (Section 1, subd. 8)

It is expected that the rules will require documentation similar to that needed to satisfy revenue bond requirements. Typical parameters being considered as measures of project risk are: debt service coverage, the fraction of district heating load under firm contract for the duration of the state loan, and comparison of projected district heating rates with costs of present fuels.

The highest rating would be given to a project with a debt service coverage in excess of 1.5 and firm contracts covering 75 percent of the load for the term of the state loan. In this situation, the agency would recommend that the city pledge the revenues from the project. The state loan could also assume a position subordinate to other financing.

If the city chooses not to negotiate long term service contracts with potential customers of the system, the agency would recommend that the city be required to pledge additional revenues against the state loan. An example is an existing steam district heating system which finances the conversion of a substantial portion of its system to hot water. If the city does not normally require customer contracts or chooses not to, it could pledge the revenues of its entire utility including electric, water and district heating.

If a project was rated as a high risk and if no other acceptable revenues could be identified as security for the state loan, the agency would recommend that the city be required to pledge to levy an ad valorem tax in order to proceed with a state loan.

All persons desiring to submit information or views on these or related subjects may do so either orally or in writing.

Oral or written comments should be addressed to:

Ronald E. Sundberg, Project Manager
Alternative Energy Development Division
Minnesota Energy Agency
980 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
Telephone: (612) 296-9096

All statements of information and comments on this subject must be received by November 14, 1981. Any written material received by this date will become part of the record of any rules bearing on this subject.

Minnesota Environmental Quality Board

Power Plant Siting and Transmission Line Routing Program

Notice of Annual Hearing

Notice is hereby given that the Minnesota Environmental Quality Board will hold its Annual Public Hearing as required by the Power Plant Siting Act, Minnesota Statutes, § 116C.58, on Saturday, November 21, 1981, at 9:00 a.m., at the Veterans Service Building, Fifth Floor, 20 West 12th Street, St. Paul, Minnesota (just south of the State Capitol).

The public hearing is designed to afford interested persons the opportunity to be heard regarding the Board's inventory of study areas, route and site designation process and other activities and duties performed pursuant to the act, and on policies set forth in its rules.

The hearing will emphasize issues and information needs related to future power plant siting and transmission line routing projects.

Questions under consideration will be:

1. What generic issues may arise during future siting or routing projects?
2. What specific issues may arise during projects proposed in the Minnesota electric utilities' *1980 Advance Forecast*?
3. What should the Minnesota Environmental Quality Board do to anticipate future project-related issues and information needs?

All persons will be afforded the opportunity to be heard through the presentation of oral or written statements. Direct all inquiries to:

Jane Anderson
Public Advisor
Minnesota Environmental Quality Board
100 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101
Telephone: 612/296-9923

Department of Health Emergency Medical Services Section

Notice of Application for Licensure to Operate a Basic Life Support Transportation Service at Grand Rapids, MN

As of October 16, 1981, a complete application submitted by Bruce Christensen, operator of Hill City Ambulance Service, Hill City, Minnesota, was on file with the Department of Health. This application proposes a change in central base of operation from Hill City, Minnesota, to Grand Rapids, Minnesota, and an expansion of primary service area.

This notice is published at the applicant's expense as required in Minnesota Statutes, section 144.802. Each municipality, county, community health services agency, and any other interested person wishing to comment on this application may submit comments to the Western Lake Superior Health Systems Agency, 424 West Superior St., Duluth, MN. 55802

After a public hearing has been held in Grand Rapids, the Health Systems Agency will recommend that the Commissioner of Health either grant or deny a license or recommend that a modified license be granted. The Health Systems Agency shall make its recommendations and reasons available upon request.

Within 30 days of receipt of the Health Systems Agency recommendation, the Commissioner of Health will make a final determination on the application.

State Board of Investment

Notice of Regular Meeting

The State Board of Investment will meet Tuesday, October 27, 1981, at 9:30 a.m. in Room 130 of the State Capitol, Saint Paul.

OFFICIAL NOTICES

Department of Labor and Industry Labor Standards Division

Notice of Prevailing Wage Rates for Commercial Construction

On October 26, 1981, the commissioner certified prevailing wage rates for commercial construction for each of the 87 counties in Minnesota.

A copy of the determined wage rates for Minnesota counties may be obtained by writing to the State Register and Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155. The charge for the cost of copying is \$.13 per page. Minnesota sales tax of 5% must be added to all orders. On orders of less than \$1.50, there is a \$.50 charge for postage and handling.

A check or money order payable to the State of Minnesota must accompany each request.

Russell B. Swanson, Commissioner
Department of Labor and Industry

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 55155-1299; (612) 296-7876. Application deadline is November 17, 1981.

Secretary of State Joan Anderson Growe is seeking applicants for 4 vacancies in the following state 4 agencies. In accordance with the Minnesota Open Appointments Law, application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul, MN 55155-1299; (612) 296-7876. Application deadline is November 17, 1981.

BOARD OF ASSESSORS has 1 vacancy open for a local assessor (township). The board licenses assessors and provides continuing education for assessors. Members are appointed by the Governor. Members must file with EPB. Monthly meetings are held. For specific information contact the Board of Assessors, 2nd floor, Centennial Building, St. Paul 55155; (612) 296-5040.

REAL ESTATE ADVISORY COUNCIL has 1 vacancy open for a broker with at least 5 years experience as a licensed real estate broker in Minnesota. The council advises the Commissioner of Securities on licensing real estate brokers and salespersons. Members are appointed by the Commissioner. Quarterly meetings are at the call of the commissioner. Members receive \$35 per diem. For specific information contact the Real Estate Advisory Council, 500 Metro Square Building, St. Paul 55101; (612) 296-2594.

ADVISORY COUNCIL FOR THE MINNESOTA SCHOOL FOR THE DEAF has 1 vacancy open for a consumer representative. The council advises the Board of Education on the management of the school for the deaf. Members appointed by the Board of Education. Monthly meetings are in the Twin Cities or Faribault. Members receive \$35 per diem plus expenses. For specific information contact the Advisory Council for the Minnesota School for the Deaf, 802 Capitol Square Building, St. Paul 55101; (612) 296-4900.

WATER RESOURCES BOARD has 1 vacancy open for a member. Must be acquainted with problems of the watersheds of the state. May not be officers or employees of the state or federal government or any political subdivision thereof. The board has jurisdiction in establishment of watershed districts, and resolves water policy questions between governmental departments or between individuals and government departments. Members are appointed by the Governor and confirmed by the Senate. Members must file with EPB. Meetings are monthly. Members receive \$35 per diem. For specific information contact Water Resources Board, Room 206, 555 Wabasha Street, St. Paul 55102; (612) 296-2840.

Waste Management Board

Proposed Hazardous Waste Processing Facility Areas

Notice of Hearings

It is hereby ordered and notice is hereby given that a hearing concerning the proposed hazardous waste processing facility area in each of the locations listed below will be held by the Waste Management Board.

The purpose of the hearing is to gather additional information on the proposed area which may be helpful to the board in determining which areas should be placed on the final inventory of hazardous waste processing areas (see Minnesota Laws of

1981, ch. 352, § 10). The procedures which will be followed at the hearing were published in the *State Register* on September 14, 1981. (6 S.R. 467) A copy of these procedures may be obtained from the Waste Management Board at the address noted below.

The selection of proposed processing areas was based on criteria developed by the Board pursuant to Minn. Stat. § 115A.09, subd. 2. A copy of the criteria is available on request from:

Minnesota Waste Management Board
Attn: Sharon Decker
123 Thorson Building
7323-58th Avenue North
Crystal, MN 55428
Metro: (612) 536-0816
Toll free: 1-800-652-9747

The date and location of each hearing and the name and address of the hearing examiner assigned to conduct each hearing and the proposed area to be considered at that hearing is as follows:

Blaine**Date:**

November 4, 1981	1:00- 5:00 p.m. 7:00-10:00 p.m.
November 5, 1981	9:00 a.m., if necessary

Location:

City Hall (Council Chambers)
9150 Central Avenue N.E.
Blaine, Minnesota

Hearing Examiner:

Kent B. Roberts
Room 300
1745 University Avenue
St. Paul, Minnesota 55104
(612) 296-8112

Area to be Considered:

An area in the southern portion of Blaine the approximate boundaries of which are: on the west Polk Street N.E., on the north 109th Avenue, on the east the Anoka County Airport, and on the south County Road J (85th Avenue).

Coon Rapids**Date:**

November 9, 1981	1:00- 5:00 p.m. 7:00-10:00 p.m.
November 10, 1981	9:00 a.m., if necessary

Location:

Coon Rapids City Hall (Council Chamber)
1313 Coon Rapids Blvd.
Coon Rapids, Minnesota

Hearing Examiner:

Alan Nettles
Meyer, Njus, Johnson & Nettles
1814 First Bank Plaza West
Minneapolis, Minnesota 55402
(612) 341-2181

Area to be Considered:

An area in the southeast corner of Coon Rapids the approximate boundaries of which are: on the east by the Blaine city limits, on the south by the Fridley city limits, on the west by the Mississippi River and on the north by Coon Rapids Boulevard.

OFFICIAL NOTICES

Plymouth

Date:

November 12, 1981 1:00- 5:00 p.m.
 7:00-10:00 p.m.

November 13, 1981 9:00 a.m., if necessary

Location:

City Hall
3400 Plymouth Boulevard
Plymouth, Minnesota

Hearing Examiner:

Alan Nettles
Meyer Njus, Johnson & Nettles
1814 First Bank Plaza West
Minneapolis, Minnesota 55402
(612) 341-2181

Area to be Considered:

An area of approximately 250 acres located in the central part of Plymouth west of Interstate 494, south of Mud Lake, and east and southeast of Pomerleau Lake. The property is owned by Anchor Industries and includes their Aglite facility.

City and Township of Willmar

Date:

November 16, 1981 1:00- 5:00 p.m.
 7:00-10:00 p.m.

November 17, 1981 9:00 a.m., if necessary

Location:

Municipal Utilities Commission
704 West Litchfield Avenue
(on Highway 12)
Willmar, Minnesota

Hearing Examiner:

Thomas Jensen
828 Midland Bank Building
401 Second Avenue South
Minneapolis, Minnesota 55401
(612) 332-0337

Area to be Considered:

An area in the southwestern portion of Willmar and an adjoining portion of the Township of Willmar, south of the Willmar airport.

The City of Fergus Falls and the Townships of Fergus Falls, Aurdal, Dane Prairie and Buse

Date:

November 18, 1981 1:00- 5:00 p.m.
 7:00-10:00 p.m.

November 19, 1981 9:00 a.m., if necessary

Location:

11/18 Public Library
 Hiawatha Room
 125 North Union Avenue
 Fergus Falls, Minnesota

11/19 Ottertail Power Company
 North Dakota Room
 216 South Cascade
 Fergus Falls, Minnesota

OFFICIAL NOTICES

An area in the northern and eastern portions of Sauk Rapids and adjoining portions of the Township of Sauk Rapids and a portion of the Township of Minden, east of the Mississippi River and north of Minnesota Highway 23. (Area referred to by Waste Management Board as St. Cloud 4.)

The City of Mankato and the Townships of Mankato and Lime

Date:

November 30, 1981 1:00- 5:00 p.m.
 7:00-10:00 p.m.

December 1, 1981 9:00 a.m., if necessary

Location:

11/30 City Council Chambers (1:00-5:00 p.m.)
 (3rd Floor)
 Mankato, Minnesota

11/30 Minnesota Valley Regional Library (7:00-10:00 p.m.)
 100 East Main Street
 Mankato, Minnesota

12/1 City Council Chambers (9:00 a.m.)
 (3rd Floor)
 Mankato, Minnesota

Hearing Examiner:

Phyllis Reha
Room 300
1745 University Avenue
St. Paul, Minnesota 55104
(612) 296-8192

Area to be Considered:

An area in the northeastern portion of Mankato and the adjoining Townships of Mankato and Lime, west of Mankato Municipal Airport.

The City of Owatonna and the Townships of Owatonna and Clinton Falls

Date:

December 2, 1981 1:00- 5:00 p.m.
 7:00-10:00 p.m.

December 3, 1981 9:00 a.m., if necessary

Location:

City Council Chambers
Owatonna, Minnesota

Hearing Examiner:

Phyllis Reha
Room 300
1745 University Avenue
St. Paul, Minnesota 55104
(612) 296-8192

Area to be Considered:

An area in the western portion of Owatonna and adjoining portions of the Township of Owatonna and the Township of Clinton Falls, west of the Straight River.

The City of Rochester and the Township of Rochester

Date:

December 4, 1981 1:00-5:00 p.m.
December 5, 1981 9:00 a.m.

Location:

City Council Chambers
Rochester, Minnesota

Hearing Examiner:

Thomas Triplett
The Minnesota Project
618 East 22nd Street
Minneapolis, Minnesota 55404
(612) 870-4700

Area to be Considered:

An area in the southern portion of Rochester, northeast and southwest of the intersection of U.S. Highways 52 and 63.

The City of Duluth**Date:**

December 7, 1981	1:00- 5:p.m. 7:00-10:00 p.m.
December 8, 1981	9:00 a.m., if necessary

Location:

Court House
County Board Room
(2nd Floor)
Duluth, Minnesota

Hearing Examiner:

Kent Roberts
Room 300
1745 University Avenue
St. Paul, Minnesota 55104
(612) 296-8192

Area to be Considered:

An area in the southern portion of Duluth along Minnesota Highway 23 including Morgan Park.

The City of Grand Rapids and the Townships of Grand Rapids and Harris**Date:**

December 9, 1981	1:00- 5:00 p.m. 7:00-10:00 p.m.
December 10, 1981	9:00 a.m., if necessary

Location:

12/9	Itasca Community College Davies Hall Room 121 Grand Rapids, Minnesota
12/10	City Council Chambers Grand Rapids, Minnesota

Hearing Examiner:

Kent Roberts
Room 300
1745 University Avenue
St. Paul, Minnesota 55104
(612) 296-8192

Area to be Considered:

An area in the southern portion of Grand Rapids and an adjoining portion of the Township of Grand Rapids and a portion of the Township of Harris, south of the Mississippi River and east of Pokegama Lake.

The City of Shakopee**Date:**

December 11, 1981	1:00-5:00 p.m.
December 12, 1981	9:00 a.m.

OFFICIAL NOTICES

Location:

Shakopee Public Utilities
1030 East Fourth Avenue
Shakopee, Minnesota

Hearing Examiner:

Allan Klein
Room 300
1745 University Avenue
St. Paul, Minnesota 55104
(612) 296-8192

Area to be Considered:

An area of approximately five acres located in the City of Shakopee south of Fisher Lake between Highway 101, and the Chicago and Northwestern Rail Lines.

The City of Inver Grove Heights

Date:

December 14, 1981	2:00- 5:00 p.m. 7:00-10:00 p.m.
December 15, 1981	9:00 a.m., if necessary

Location:

12/14	Inver Hills Community College Science Room 233 Inver Grove Heights, Minnesota
12/15	City Council Chambers Inver Grove Heights, Minnesota

Hearing Examiner:

David Prince
William Mitchell College of Law
875 Summit Avenue
St. Paul, Minnesota 55105
(612) 227-9171

Area to be Considered:

An area in the southern portion of the City of Inver Grove Heights southeast of the Marcott Lakes and west of the Mississippi River.

The City of Burnsville

Date:

December 16, 1981	1:00- 5:00 p.m. 7:00-10:00 p.m.
December 17, 1981	9:00 a.m., if necessary

Location:

12/16	Dakota County Library 1101 West County Road 42 Burnsville, Minnesota
12/17	City Council Chambers Burnsville, Minnesota

Hearing Examiner:

Allan Klein
Room 300
1745 University Avenue
St. Paul, Minnesota 55104
(612) 296-8192

Area to be Considered:

An area in the northern portion of Burnsville which is south and west of Black Dog Lake and which is approximately bisected by Interstate 35W and Highway 13.

Specific details on the location of any of the above areas may be obtained by contacting Sharon Decker at the address and phone number listed above.

October 19, 1981

Robert G. Dunn, Chairman

Water Planning Board

Notice of Meeting

Notice is hereby given that the Water Planning Board will hold a meeting on Thursday, October 29, in the Weyerhauser Room, Historical Society Building, 690 Cedar Street. 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

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