

STATE REGISTER



STATE OF MINNESOTA

RULES

PROPOSED RULES

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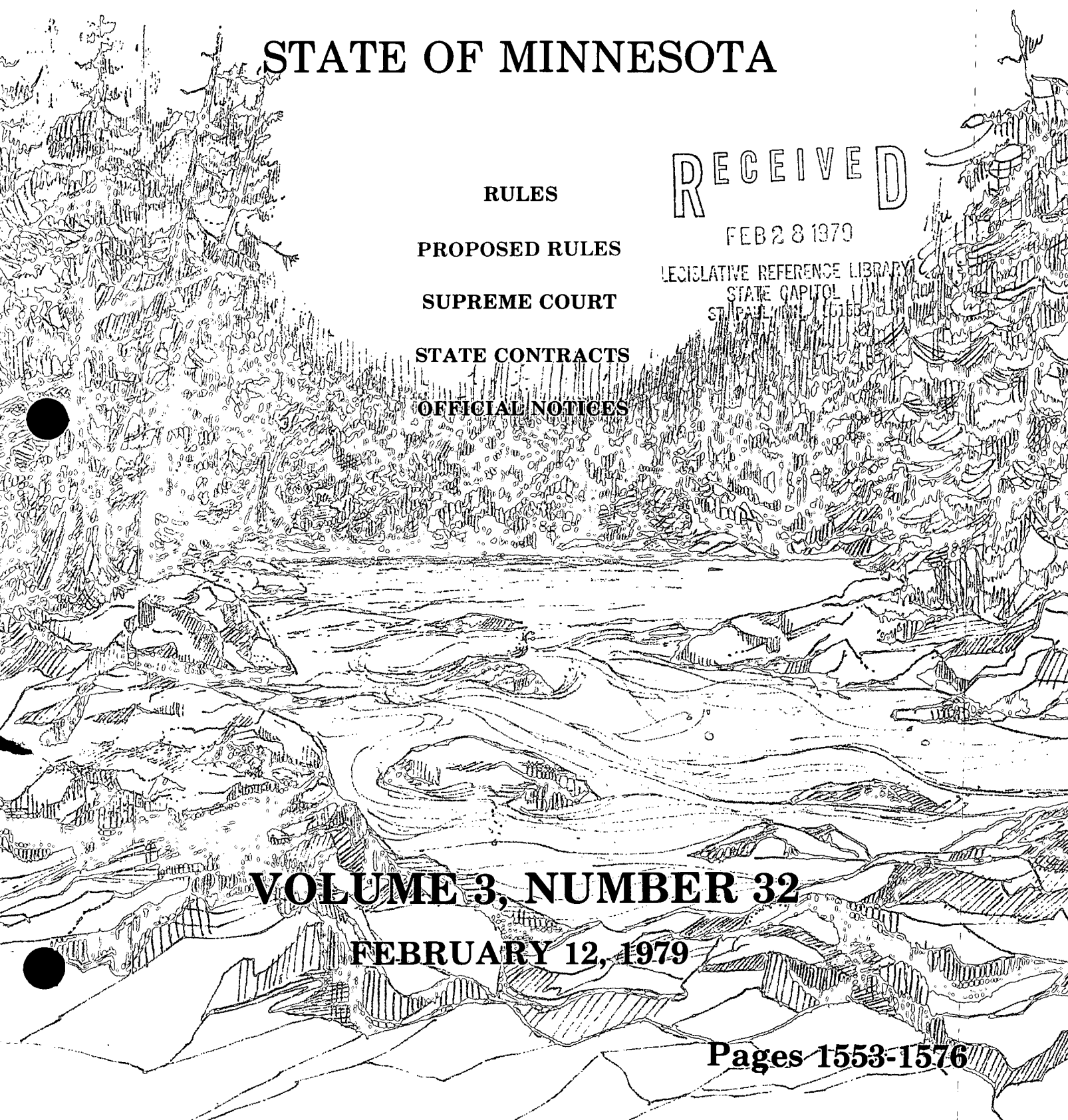
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STATE REGISTER

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 3			
33	Monday Feb 5	Monday Feb 12	Monday Feb 19
34	Monday Feb 12	Friday Feb 16	Monday Feb 26
35	Tuesday Feb 20	Monday Feb 26	Monday Mar 5
36	Monday Feb 26	Monday Mar 5	Monday Mar 12

*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 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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MCAR AMENDMENTS AND ADDITIONS

The following is a listing of all proposed and adopted rules published in this issue of the *State Register*. The listing is arranged in the same order as the table of contents of the *Minnesota Code of Agency Rules* (MCAR). All adopted rules published in the *State Register* and listed below amend the rules contained in the MCAR set. Both proposed temporary and adopted temporary rules are listed here although they are not printed in the MCAR due to the short term nature of their legal effectiveness. During the term of their legal effectiveness, however, adopted temporary rules do amend the MCAR. A cumulative listing of all proposed and adopted rules in Volume 3 of the *State Register* will be published on a quarterly basis and at the end of the volume year.

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Horses and wagons, bicycles, autos and a streetcar are shown in this traffic jam which occurred at Nicollet and Sixth in downtown Minneapolis in 1905. (Courtesy of the Minnesota Historical Society)

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 as proposed 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.

Housing Finance Agency

Adoption and Extension of Temporary Rules Governing the Urban Indian Housing Program

The temporary rules for the Urban Indian Housing Program, 12 MCAR §§ 3.150 to 3.157, are extended for an additional 90 days pursuant to a Resolution of the Board of the Agency. The rules were published at *State Register*, Volume 3, Number 15, pages 726 to 778 (3 S.R. 726) and were effective following approval of the Attorney General on November 14, 1978. The adopted rules are identical to the proposed form, with the following amendments:

12 MCAR § 3.154 Additional requirements. Each program must provide for loans for the construction, purchase, or rehabilitation of residential housing. Except as otherwise provided herein and by 12 MCAR § 3.034, each person or family initially occupying a dwelling unit financed pursuant to the act, program and these rules shall be an American Indian as defined by Minn. Stat. § 254A.02, subd. 11 or an American Indian family as defined by 12 MCAR § 3.002; provided that developers of multi-unit developments need not be American Indians of low and moderate income. Pref-

KEY: RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. **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."

RULES

erence shall be given to developers which are American Indian-owned or American Indian-controlled and which employ a high percentage of American Indians. In obtaining assistance under this program, Indian families shall not be discriminated against on the basis of tribal affiliation or tribal enrollment.

12 MCAR § 3.155 Application of other rules. 12 MCAR §§ 3.093 to 3.098, 3.101 and 3.105 shall apply to programs under this chapter, except that loans may be made with appropriated funds without interest.

12 MCAR § 3.156 F. The extent to which American Indians are involved in the administration of the program, and the ownership, management, and labor force of any contractors and subcontractors intended to be employed in the program.

12 MCAR § 3.156 I. The extent to which the program combines the proceeds of appropriated funds with proceeds of bonds of the Agency or of other issues of bonds, and the extent to which the program otherwise uses available money to leverage the appropriated funds.

Pollution Control Agency Adopted Rule Regarding the Effluent Standards for Disposal Systems Discharging to the South Fork of the Zumbro River: Minn. Rule WPC 43

The rule proposed and published at *State Register*, Volume 2, Number 2, pp. 95-96, July 18, 1977 (2 S.R. 95) is now adopted and is identical to the proposed form with the following amendments:

Rule as Adopted

WPC 43 Effluent standards for disposal systems discharging to the South Fork of the Zumbro River. The following standards of effluent quality and purity are hereby adopted and established for all of the intrastate waters of the South Fork of the Zumbro River from the dam at Silver Lake in Section 26, Township 107 North, Range 14 West in the city of Rochester to the beginning of Lake Zumbro in Section 23, Township 108 North, Range 14 West, Olmsted County.

A. Scope. These effluent standard requirements shall be in addition to the effluent standards imposed by WPC 14 and any other standards imposed by other ~~regulations~~ rules

applying to these waters, and shall supersede any less stringent effluent standards conflicting with provisions of this regulation rule.

B. Severability. All provisions of this ~~regulation rule~~ shall be severable and the invalidity of any lettered paragraph or any subparagraph or subdivision thereof shall not void any other lettered paragraph or subparagraph, subdivision or any part thereof.

C. Definitions. The terms "seepage," "industrial wastes," "other wastes," "treatment works," "disposal systems," and "waters of the state," as well as any other terms for which definitions are given in the Water Pollution Control Statutes, as used herein have the meanings ascribed to them in Minn. Stat. §§ 115.01 and 115.41 (1976) with the exception that disposal systems or treatment works operated under permit of the Agency shall not be construed to be "waters of the state" as the term is used herein. Other terms and abbreviations used herein which are not specifically defined in applicable federal or state law shall be construed in conformance with the context, and in relation to the applicable section of the statutes pertaining to the matter at hand and current professional usage.

D. Standards of effluent quality and purity. It is herein established that the Agency shall require the treatment of all discharges of sewage, industrial waste or other waste effluent to meet the following effluent standards (see Section (c) (6), WPC 14 for additional effluent requirements):

<u>Substance or Characteristic**</u>	<u>Limiting Concentration or Range</u>
5-Day Biochemical Oxygen Demand*	± 14 milligrams per liter
Total Suspended Solids*	± 20 milligrams per liter
Minimum Dissolved Oxygen*	5 milligrams per liter
Ammonia (N)*	± 1.6 milligrams per liter

* The concentration specified in Rule WPC 14 Section (c)(6) may be used in lieu of the concentrations specified herein if the discharge of effluent is restricted to the spring flush or other high runoff periods when the stream flow rate above the discharge point is sufficiently greater than the effluent flow rate to insure that the applicable water quality standards are met during such discharge periods. The ammonia (N) and dissolved oxygen effluent standards are not applicable if a controlled form of discharge is utilized and the applicable water quality standards for ammonia (N) and dissolved oxygen, respectively, are not violated during the discharge period.

** If treatment works are designed and constructed to meet the specified limits given above for a continuous discharge,

RULES

at the discretion of the Agency the operation of such works may allow for the effluent quality to vary between the limits specified above and in Rule WPC 14 Section (c)(6), provided the water quality standards and all other requirements of the Agency and the U.S. Environmental Protection Agency are being met. Under this variability of treatment option the ammonia (N) effluent concentration could vary up to levels normally obtained by operation of secondary treatment facilities provided the applicable water quality standard for ammonia (N) is met. Such variability of operation must be based on adequate monitoring of the treatment works and the effluent and receiving waters as specified by the Agency.

E. Determination of compliance. Compliance will be based on effluent samples which are representative of the discharge. In making tests or analyses of the sewage, industrial wastes or other wastes to determine compliance with the standards, samples shall be collected in such manner and place, and shall be of such type, number and frequency as may be considered satisfactory by the Agency from the viewpoint of adequately reflecting the condition of the composition of the effluents. Reasonable allowances will be made for dilution of the effluents, which are in compliance with Section D., to meet established water quality standards following discharge into waters of the state. The Agency by allowing dilution may consider the effect on all uses of the waters into which the effluents are discharged. The samples shall be preserved in accordance with procedures given in the ~~1974 edition~~ fourteenth edition of Standard Methods for the Examination of Water and Waste-Water, by the American Public Health Association, American Water Works Association, and the Water Pollution Control Federation, and

~~any revisions or amendments thereto dated 1976.~~ Test procedures for the analysis of pollutants shall conform to rules and regulations promulgated pursuant to Section 304 of the Federal Water Pollution Control Act of 1972, 33 U.S.C. Section 1314 (1972) and Minn. Stat. § 115.03, subd. 1(e)(7) (1976). ~~The Agency may accept or may develop other methods, procedures, guidelines or criteria for measuring, analyzing and collecting samples.~~ The arithmetic mean for concentrations of 5-day biochemical oxygen demand, total suspended solids, and ammonia (N) shall not exceed the stated values in Section D. of this rule in a period of 30 consecutive days. The value of dissolved oxygen shall never be less than 5 milligrams per liter.

F. Variance from standards. ~~In any case where, upon application of the responsible person or persons, the Agency finds that by reason of exceptional circumstances the strict enforcement of any provision of these standards would cause undue hardship, that disposal of the sewage, industrial waste or other waste is necessary for the public health, safety or welfare, and that strict conformity with the standards would be unreasonable, impractical or not feasible under the circumstances, the Agency in its discretion may grant a variance therefrom upon such conditions as it may prescribe for prevention, control or abatement of pollution in harmony with the general purpose of these classifications and standards and the intent of the applicable state and federal laws. The U.S. Environmental Protection Agency will be advised of any permits which may be issued under this clause together with information as to the need therefor. Any person may apply for a variance from any requirements of this rule. Such variances shall be applied for and acted upon by the Agency in accordance with Minn. Stat. ch. 116.07, subd. 5 (1976) and other applicable statutes and rules.~~

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PROPOSED RULES



Up to three tons of goods could be transported by the forty-foot Montreal canoes used by voyageurs on the Great Lakes. A crew of fourteen manned the huge craft. The steersman in the rear often stood to paddle, and the skill of the bowman in front was especially important in shooting rapids. (Painting from Public Archives of Canada, Ottawa. Courtesy of Minnesota Historical Society)

Department of Administration Building Code Division

Proposed Rules for Display of the Symbol of Accessibility

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held in Conference Room, 408 Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota on March 15, 1979, commencing at 9:00 a.m. and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Mr. Harry Seymour Crump, Office of Hearing Examiners, Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, either before the hearing or within 5 working days after the public hearing ends, or for a longer period not to exceed 20 calendar days if ordered by the hearing examiner. Written mate-

rial submitted within the above time limits will be recorded in the hearing record.

The proposed rules will apply to all new and existing structures within the State of Minnesota on which the owner(s) or operator(s) desires to display the symbol of accessibility. The display of the symbol will indicate access to buildings, facilities, and grounds which are accessible to and usable by handicapped persons. The rules describe when the symbol can be displayed, where it shall be placed,

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 or amended rule. 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.

PROPOSED RULES

and the possibility of a waiver of strict compliance "for existing buildings."

The proposed rules are subject to change as a result of the rule hearing process. The Agency therefore strongly urges those who are potentially affected in any manner by the substance of the proposed rules to participate in the rule hearing process.

Copies of the proposed rules will be available at the door in the date of the hearing and one free copy can now be obtained by writing to the Building Code Division, 408 Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota 55101.

The agency's authority to promulgate the proposed rules is contained in Minn. Stat. § 16.8632 (1978).

Notice is hereby given that 25 days prior to the hearing, a Statement of Need and Reasonableness will be available for review at the agency and at the Office of Hearing Examiners. This Statement of Need and Reasonableness will include a summary of all of the evidence which will be presented by the agency at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Hearing Examiners at a minimal charge.

Any person may request notification of the date on which the Hearing Examiner's Report will be available, after which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the agency. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Hearing Examiner (in the case of the Hearing Examiner's Report), or to the agency (in the case of the agency's submission or resubmission to the Attorney General).

Please be advised that pursuant to Minn. Stat. § 10A.01, subd. 11 (1978) any individual: (a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or (b) Who spends more than \$250, not including his own traveling expenses and mem-

bership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials must register with the State Ethical Practices Board as a lobbyist within five days of the commencement of such activity by the individual. The statute provides certain exceptions. Questions should be directed to the State Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, phone (612) 296-5615.

January 24, 1979

William G. Strusinski
Acting Commissioner

Rules as Proposed (All new material)

2 MCAR § 1.15530 Title and rules. The rules contained herein, 2 MCAR §§ 1.15530 through 1.15538, shall be part of the Minnesota State Building Code.

2 MCAR § 1.15531 Authorization and purpose. 2 MCAR §§ 1.15530 through 1.15538 are authorized by Minn. Stat. § 16.8632 (1978) regarding display of the state symbol of accessibility indicating buildings, facilities and grounds which are accessible to and usable by handicapped persons.

2 MCAR § 1.15532 Scope. These rules apply to all new and existing buildings, facilities and grounds within the State of Minnesota on which the owner(s) or operator(s) desires to display the symbol of accessibility. The rules establishing handicapped accessibility to and within structures shall be as contained in the code.

2 MCAR § 1.15533 Enforcement. These rules shall be enforced in the same manner as other provisions of the Minnesota State Building Code.

2 MCAR § 1.15534 Definitions. All terms in these rules shall have the meaning as defined in this code except for the following which shall be defined as indicated:

1. "Symbol" means the symbol adopted by Rehabilitation International's Eleventh World Congress, pursuant to Minn. Stat. § 16.8632, subd. 2.

2. "Existing Buildings" means any building built prior to January 1, 1976.

2 MCAR § 1.15535 Display of symbol. The owner(s) or operator(s) of new or existing buildings, facilities, and/or

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PROPOSED RULES

grounds may display the symbol of accessibility after the following criteria have been met:

A. A certificate of occupancy is issued by the building official pursuant to the State Building Code 2 MCAR § 1.10111, UBC Sec. 306. A certificate of occupancy shall contain a statement that the buildings, facilities, and/or grounds comply with the code and the Minnesota Statutes pertaining to handicapped accessibility.

or,

B. The owner(s) or operator(s) obtains an affidavit of compliance prepared and signed by an architect, engineer, building official or approved inspection agency. The affidavit shall contain the statement that the buildings, facilities and/or grounds are in compliance with the code and the Minnesota Statutes pertaining to handicapped accessibility.

2 MCAR § 1.15536 Waivers. A waiver for existing buildings of strict compliance with the terms of 2 MCAR § 1.15535 may be granted by the municipal board of appeals pursuant to procedures established by 2 MCAR § 1.10111, UBC Sec. 204. A waiver shall be granted only if the specific waiver does not substantially impair the independent use of the buildings, facilities and/or grounds by handicapped persons, and:

A. Strict compliance is an undue burden due to the topography, soil conditions, configuration, wetlands, waterways, or proximity of other structure to the site in question; or

B. Strict compliance is an undue burden due to external and internal configurations of the structure in question; or

C. Strict compliance is an undue burden due to the structures classification as a historical building.

For purposes of this subdivision reasonable cost(s) of compliance shall not be deemed an undue burden.

2 MCAR § 1.15537 Issuance. After compliance with the rules of this section, 2 MCAR §§ 1.15530 to 1.15538, and upon request of the owner(s) and operator(s), the building official shall issue the symbol.

A. Each municipality shall adopt its own schedule of fees for the issuance of the display symbol.

2 MCAR § 1.15538 Placement of symbol. The symbol shall be displayed on the approved buildings, facilities, and/or grounds in the following manner:

A. Buildings. The symbol shall be affixed to the door of the accessible entrance 36" above the walking surface and within 12" of the latch, pull, or lever handle.

B. Facilities. The symbol shall be affixed to an 8" × 12" sign mounted on a post 48" above grade (center line of sign) within 60" of said facility.

C. Grounds. The symbol shall be affixed to an 8" × 12" sign mounted on a post 48" above grade (center line of sign) within 60" of a public way.

SUPREME COURT

Decisions Filed Friday, February 2, 1979

Compiled by John McCarthy, Clerk

48522/248 State of Minnesota, Appellant, vs. Paul
Irwin Johnson. Freeborn County.

The deputy's seizure of a brown paper bag from the trunk of defendant's car was lawful as a search incident to arrest because the evidence was within defendant's immediate control and was of a destructible nature.

After the deputy observed the marijuana in the trunk of defendant's car, the facts were sufficient for him to reasonably believe that there might be additional marijuana in other areas of defendant's car.

In the presence of exigent circumstances the constitution does not require a search warrant prior to the search of an automobile.

Defendant's car was only temporarily immobilized in a gravel pit and under the circumstances the deputy was justified in searching the automobile prior to obtaining a search warrant.

Miranda warnings are not required in the absence of custodial interrogation. Here, because the deputy had not engaged in any questioning of the defendant prior to the inculpatory statements, the statements were admissible.

Affirmed in part and reversed in part. Kelly, J.

48638/392 In the Matter of the Contract Arbitration
Between: City of Richfield, Appellant, vs.
Local No. 1215, International Association
of Fire Fighters and State of Minnesota,
by Warren Spannaus, Attorney General,
intervenor. Hennepin County.

That binding arbitration under the Public Employment Labor Relations Act, Minn. St. 1976, §§ 179.61-77 may be inflationary, unfair, or detrimental to collective bargaining cannot be a basis for declaring PELRA invalid; such a determination is beyond the scope of this court's jurisdiction and is properly a legislative matter.

PELRA does not invalidly delegate legislative authority; the standards therein for guiding arbitrators have not been shown beyond a reasonable doubt to violate the state constitution.

A survivorship clause is a term or condition of employment over which an arbitration panel has jurisdiction to make an award.

Where it would be futile for Richfield to return to the arbitration panel, redress may be sought in district court under the Uniform Arbitration Act, Minn. St. c. 572; the same redress is to be pursued where constitutional issues are raised, since the questions are properly decided by a court and do not come within the ambit of Minn. St. § 179.66, subd. 5.

Affirmed. Yetka, J. Took no part, Peterson and Todd, JJ.

48066/429 State of Minnesota vs. Raymond Dean
Sickels, Appellant. Freeborn County.

Emergency commitment by police of an intoxicated and suicidal suspect in an assault case was proper; and, although police erred in questioning suspect at detoxification center without first giving him a Miranda warning, they did give him a warning before they obtained the confession; and the confession clearly was not tainted by the initial illegality.

Photographic identification procedures used in this case were unnecessarily suggestive, and prosecutor failed to give the pretrial notice required by Rule 7.01, Rules of Criminal Procedure, concerning the use of these procedures; but a new trial is not required because defendant had the opportunity to have a midtrial hearing on the admissibility of the identification testimony, and it seems clear that, in spite of the improper procedures, the testimony was properly admitted in this case.

Affirmed. Wahl, J.

49625/61 In the Matter of the Petition of Warren
(Sarge) Schmitt, Candidate for the Position of
Ramsey County Abstract Clerk in
respect of the General Election of 11-7-78;
contestant, Appellant, vs. John C.
McLaughlin, (candidate whose election is
contested) contestee, Lou McKenna, Di-
rector of Property Taxation, Ramsey
County, Minnesota (successor to office of
Ramsey County Auditor), contestee.
Ramsey County.

Omission of the word "knowingly" from a notice of contest alleging violation of Minn. St. § 210A.02, where the notice is sufficient to apprise the contestee of the grounds of the contest so that he is given a fair opportunity to meet the asserted claims, does not deprive the district court of jurisdiction.

Minn. St. § 210A.02 is sufficiently narrow and specific to afford due process under U.S. Const. Amend. XIV and Minn. Const. Art. 1, sec. 71.

Contestee's use of the initials "DFL" in his advertisements and on his lawn signs violated Minn. St. § 210A.02

SUPREME COURT

by implying that contestee had the endorsement or support of the DFL party when in fact he did not.

Contestee's conduct was a deliberate, serious, and material violation of Minnesota election law.

Where contestee's violation of Minnesota election law did not arise from any want of good faith and under the circumstances it seems unjust to require him to forfeit his office, the penalty of removal will not be imposed.

Affirmed. Wahl, J.

48783/396 Commissioner of Revenue vs. Lawrence J. Hayes, Individually, and as Surviving Husband of Marcella McGee Hayes, Deceased, Relator. Tax Court.

A Minnesota resident owning property for the production of income in another state may not deduct interest and taxes pertaining to such property in computing his 1971 Minnesota income tax, when such property produced no income allocable to Minnesota.

Affirmed. Stone, J. Took no part, Todd, J.

STATE CONTRACTS

Pursuant to the provisions of Laws of 1978, ch. 480, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over \$2,000.

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

Department of Economic Development Area and Community Development Division on Behalf of the City of Hibbing, Department of Planning and Development

Notice of Request for Proposals for Market Analysis and Downtown Redevelopment Feasibility Study for the City of Hibbing, Minnesota

The City of Hibbing, Minnesota, Department of Planning and Development, City Hall, Hibbing, Minnesota 55746, Mr. G. D. Gibeau, is requesting proposals for market analysis and redevelopment feasibility of the central business district.

The intent of the study is to provide city staff, Chamber of Commerce staff and members of the Downtown Development Authority with statistical data and professional recommendations sufficient to implement a program of downtown revitalization.

The Department estimates the cost of such a study to be \$20,000.

Proposals must be submitted no later than 4:00 p.m., March 9, 1979. Further information is available from Field Specialist, Victoria Kostohryz by writing the Department of Economic Development, 480 Cedar Street, St. Paul, Minnesota 55101 or calling (612) 296-3591.

Department of Education Instruction Division

Notice of Request for Proposals for the Evaluation of the Migrant Education Program

The Minnesota Department of Education is seeking proposals for the evaluation of the Migrant Education Program. The evaluation includes the areas of grades 1-6.

Progress and final reports are required.

The amount of the contract is \$10,000.

The deadline for submitting proposals for the contracts listed above is March 14. On February 26 the Migrant Education Section will sponsor a meeting from 10:00 a.m. to 12:00 noon at the Minnesota Department of Education to answer questions concerning the RFP. All proposals and inquiries should be directed to:

Peter Moreno
Minnesota Department of Education
809 Capitol Square Bldg.
550 Cedar Street
St. Paul, Minnesota 55101
(612) 296-0324

Energy Agency Data and Analysis Division

Correction of Notice of Request for Proposals for a Computation of Energy Consumption in Crude Oil Transportation

A notice of request for proposals for a computation of energy consumption in crude oil transportation was published in *State Register*, Volume 3, Number 30, page 1523, January 29, 1979 (3 S.R. 1523). As published, the notice lacked name of contact person, cost estimate and final submission date of completed contract proposal.

The Agency has estimated that the cost of this project should not exceed \$4,000 for all professional services. Prospective respondents who have questions may write or call:

STATE CONTRACTS

Ronald D. Visness
Assistant Director
Data & Analysis Division
Minnesota Energy Agency
150 East Kellogg Boulevard
Saint Paul, Minnesota 55101
(612) 296-6891

All proposals must be received no later than 4:00 p.m.,
March 16, 1979.

Ronald D. Visness
Assistant Director

Notice of Request for Proposals for Consulting Work to Develop an Environmental Report for Large High Voltage Transmission Lines

Proposals are requested from environmental and engineering consultants to develop a draft environmental report for large high voltage transmission lines. Pursuant to 6 MCAR § 3.025 G., an environmental report must be prepared by the Agency for each certificate of need application for a large high voltage transmission line. The report shall not be as exhaustive or detailed as an EIS but shall include:

A. a summary of the information provided in the application;

B. a brief analysis of alternatives to the proposed facility, which analysis shall include: a discussion of the economic and environmental feasibility of each alternative including the alternative of a different sized facility, an estimate of the time it would take to implement each alternative, and the estimated reliability of each alternative;

C. an evaluation of the environmental and economic impact of the proposed facility, each reasonable alternative thereto, and the alternative of no facility;

D. an evaluation of:

1. the environmental impact of the proposed action, including any pollution, impairment, or destruction of the air, water, land, or other natural resources located within the site;

2. any direct or indirect adverse environmental, economic, and employment effects that cannot be avoided should the proposal be implemented;

3. alternatives to the proposed action;

4. the relationship between local short term uses of the

environment and the maintenance and enhancement of long term productivity, including the environmental impact of predictable increased future development of an area because of the existence of a proposal, if approved;

5. any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented;

6. the impact on state government of any federal controls associated with proposed actions; and

7. the multi-state responsibilities associated with proposed actions.

The environmental report for a large high voltage transmission line must be prepared within approximately 60 days of receipt of a certificate of need application. This includes reproduction and distribution time. Preparers of the report would be required to appear at the public hearings on the application to explain and defend the report.

Three or fewer contract awards will be made before the end of this fiscal year (June 30, 1979). The Agency cannot guarantee that any award will be made pursuant to this notice.

Proposals must be submitted no later than March 19, 1979. The estimated total amount of the contract or contracts is \$20,000.

Direct inquiries to:

David L. Jacobson (612) 296-7502
Data and Analysis Division
Minnesota Energy Agency
150 East Kellogg Boulevard
St. Paul, Minnesota 55101

Department of Natural Resources

Bureau of Engineering

Notice of Request for Proposals for Water Resource Study

Notice is hereby given that the Department of Natural Resources is requesting proposals for a Water Resource Study of the Lake Bronson Dam.

The purpose of the report is to provide the state with a study of the:

1. Potential flood control alternatives available upstream of the Lake Bronson Dam on the South Branch Two Rivers which will significantly reduce peak flood discharge into the reservoir.

2. Effect these flood control alternatives will have on siltation of the reservoir.

3. Cost effective analysis of the alternatives and the expected reduction in downstream flood damage.

The department has estimated that the cost of this project should not exceed \$20,000.00 for professional services and expenses.

Proposals must be submitted by 3:00 p.m., March 6, 1979, to Eugene R. Gere, Administrator of the Bureau of Engineering, Department of Natural Resources, Box 29, 4th Floor Space Center Building, 444 Lafayette Road, St. Paul, Minnesota 55101. Mr. Gere may be contacted at (612) 296-2119.

Housing Finance Agency

Notice of Availability of Contract for a Land and Improved Property Appraisal for Mortgage Purposes

The Minnesota Housing Finance Agency intends to engage the services of a professional real estate appraiser to express an opinion of value for a residential/commercial property in Minneapolis. The appraisal is to be completed by March 20, 1979.

The estimated fee for this project is \$3,000 to \$6,000.

Proposals must be received in writing by the Agency no later than 12:00 noon, February 16, 1979. For detailed information, contact:

Jack Jenkins
Housing Development Officer
Minnesota Housing Finance Agency
333 Sibley Street, Suite 200
St. Paul, Minnesota 55101
(612) 296-9823

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.

Ethical Practices Board 1979 Campaign Finance Limits

Expenditure Limits*

Governor/Lieutenant Governor, jointly	\$120,000
Attorney General	\$ 20,000
Secretary of State	\$ 10,000
State Auditor	\$ 10,000
State Treasurer	\$ 10,000
State Senator	\$ 3,000
State Representative	\$ 1,500

* For candidates who sign either a Tax Credit Agreement in 1978 or 1979 or a Public Finance Agreement in 1978, the above expenditure limits are in effect.

Contribution Limits

	Individuals, Political Committees or Funds	Political Party (In Aggregate)
Governor/Lieutenant Governor, jointly	\$12,000	\$60,000
Attorney General	\$ 2,000	\$10,000
Secretary of State	\$ 1,000	\$ 5,000
State Treasurer	\$ 1,000	\$ 5,000
State Auditor	\$ 1,000	\$ 5,000
State Senator	\$ 300	\$ 1,500
State Representative	\$ 150	\$ 750

Ethical Practices Board Report on a Complaint Against Representative Douglas Carlson

On January 19, 1979, the Ethical Practices Board dismissed a Complaint against Representative Douglas Carlson which was filed by former State Representative Roy

Carlson, Pine City, Minnesota, alleging Representative Douglas Carlson's failure to file a Conflict of Interest notice as required by Minn. Stat. § 10A.07.

Based upon information contained in the public record, voluminous information presented to the Board by both Mr. Roy Carlson and Representative Douglas Carlson, and Representative Douglas Carlson's testimony, the Board unanimously concludes that Representative Douglas Carlson was not in a conflict of interest situation at the time he supported and voted for Department of Corrections Appropriations Bill in 1977 because there is no evidence to show he knew a portion of the appropriation would be partially expended in a contract with School District #576, and then used in part, by the School District to modify his building for use in the Willow River Training program.

The full text of the dismissal is available upon request from the office of the State Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, (612)-296-5148.

Ethical Practices Board

Conciliation Agreement

In the Matter of Valan Volunteer Committee

Pursuant to Minn. Stat. § 10A.28, subd. 3 (1978), the Minnesota Ethical Practices Board, Wallace Nord, Treasurer, Valan Volunteer Committee and Representative Mervyn Valan, District 9B, agree as follows:

1. On July 12, 1978, the Valan Volunteer Committee received a contribution check for \$1,765.04 from the Lee Johnson Volunteer Committee. The contribution was \$1,015.04 in excess of the applicable contribution limit set out in Minn. Stat. § 10A.27, subd. 1(e) (1978).

2. Wallace Nord deposited the check in the Valan Volunteer Committee's account at the First National Bank of Barnesville, Barnesville, Minnesota. The amount of the excess contribution was not returned to the contributor within 60 days of its deposit in the Valan Volunteer Committee's account, as permitted by Minn. Stat. § 10A.15, subd. 3 (1978), or at any time thereafter.

3. Wallace Nord reported the \$1,765.04 contribution on Schedule B of the Valan Volunteer Committee's Report of Receipts and Expenditures filed September 5, 1978.

4. On October 27, 1978, Mr. Daniel Lundstrom, Fiscal and Records Manager of the Ethical Practices Board, after reviewing the Valan Volunteer Committee's Report of Receipts and Expenditures due October 30, 1978, noted the

OFFICIAL NOTICES

excess contribution. The Ethical Practices Board then notified Wallace Nord of the excess contribution.

5. After receiving notice of the excess contribution, Wallace Nord and Representative Merlyn Valan gave the Board their full cooperation in substantiating the receipt of the contribution. Mr. Nord indicated that he felt the contribution was a contribution from a political party for which the higher limits of Minn. Stat. § 10A.27, subd. 2 (1978) would have been applicable.

6. The Valan Volunteer Committee erroneously utilized an improper campaign contribution limitation provision in accepting the contribution from the Lee Johnson Volunteer Committee and did not intentionally accept a contribution in excess of legal limits.

7. Wallace Nord and Representative Merlyn Valan agree to remit to the State of Minnesota for deposit in the General Fund of the State the full amount by which the contribution exceeded the statutory limits, that is \$1,015.04.

8. Payment of the \$1,015.04 shall be made within six (6) months of the effective date of this agreement. This agreement shall be effective upon the date when the last of the three parties signs this document. Interest shall accrue at a rate of eight (8) percent simple interest on the outstanding balance from the effective date of the agreement until full payment has been received.

Effective date: January 30, 1979

Department of Health Emergency Medical Services Section

Notice of Filing of Application for License by Big Lake-Monticello Ambulance Service

On January 12th, 1979, Big Lake-Monticello Ambulance Service filed application with George C. Pettersen, M.D., Commissioner of Health, for a license to operate a land emergency ambulance service with a base of operation in Monticello, Minnesota. This notice is made pursuant to Minn. Stat. § 144.802 (Supp. 1977). Please be advised that subdivision 2 of that statute states, in part: "The Commissioner may grant or deny the license 30 days after notice of

the filing has been fully published. If the Commissioner receives a written objection to the application from any person within 20 days of the notice having been fully published, the license shall be granted or denied only after a contested case hearing has been conducted on the application. The Commissioner may elect to hold a contested case hearing if no objections to the application are received. If a timely objection is not received, the Commissioner may grant or deny the requested license based upon the information contained in the license application. If licensure is denied without hearing, the applicant, within 30 days after receiving notice of denial, may request and shall be granted a contested case hearing based upon the application, at which hearing all issues will be heard de novo."

Any objections to this service, pursuant to Minn. Stat. § 144.802 (Supp. 1977) may be made in writing to George C. Pettersen, M.D., within the time period outlined by statute.

Notice of Filing of Application for License by F-M Ambulance Service, Inc.

On January 9th, 1979, F-M Ambulance Inc. filed application with George C. Pettersen, M.D., Commissioner of Health, for a license to operate an emergency air service, a non-emergency air ambulance service and a non-emergency land ambulance service with a base of operation in Fargo, North Dakota. This notice is made pursuant to Minn. Stat. § 144.802 (Supp. 1977). Please be advised that subdivision 2 of that statute states, in part: "The Commissioner may grant or deny the license 30 days after notice of the filing has been fully published. If the Commissioner receives a written objection to the application from any person within 20 days of the notice having been fully published, the license shall be granted or denied only after a contested case hearing has been conducted on the application. The Commissioner may elect to hold a contested case hearing if no objections to the application are received. If a timely objection is not received, the Commissioner may grant or deny the requested license based upon the information contained in the license application. If licensure is denied without hearing, the applicant, within 30 days after receiving notice of denial, may request and shall be granted a contested case hearing based upon the application, at which hearing all issues will be heard de novo."

Any objections to this service, pursuant to Minn. Stat. § 144.802 (Supp. 1977) may be made in writing to George C. Pettersen, M.D., within the time period outlined by statute.

OFFICIAL NOTICES

Notice of Filing of Application for License by Lee's Hospital Supply

On January 15, 1979, Lee's Hospital Supply filed application with George Pettersen, M.D., Commissioner of Health for a license to operate a land non-emergency ambulance service with a base of operation in Hibbing, Minnesota. This notice is made pursuant to Minn. Stat. § 144.802 (Supp. 1977). Please be advised that subdivision 2 of that statute states, in part: "The Commissioner may grant or deny the license 30 days after notice of the filing has been fully published. If the Commissioner receives a written objection to the application from any person within 20 days of the notice having been fully published, the license shall be granted or denied only after a contested case hearing has been conducted on the application. The Commissioner may elect to hold a contested case hearing if no objections to the application are received. If a timely objection is not received, the Commissioner may grant or deny the requested license based upon the information contained in the license application. If licensure is denied without hearing, the applicant, within 30 days after receiving notice of denial, may request and shall be granted a contested case hearing based upon the application, at which hearing all issues will be heard de novo."

Any objections to this service, pursuant to Minn. Stat. § 144.802 (Supp. 1977) may be made in writing to George Pettersen, M.D., within the time period outlined by statutes.

Department of Natural Resources Planning Division

Notice of Change of Hearing Date Re: Proposed Inclusion in the Minnesota Wild, Scenic and Recreational Rivers System of the Cloquet River from Its Source at Cloquet Lake to Its Mouth at the St. Louis River, and the Proposed Adoption of a Management Plan for the Cloquet River

Notice is hereby given of a change of date for the public hearing on these proposed rules authorized under Minn.

Stat. §§ 104.31-104.40 published at *State Register*, Volume 3, p. 1258, December 18, 1978. The hearing originally was scheduled for February 19, 1979, at 7:00 p.m. in the Two Harbors High School Auditorium, Two Harbors, Minnesota, and February 20, 1979, at 7:00 p.m., at the University of Minnesota-Duluth, Chemistry 200 Auditorium. It has been tentatively rescheduled for June 11 and 12, 1979. Further notice will be published as to the time and location.

Pollution Control Agency

Notice of Intent to Solicit Outside Opinion Regarding Proposed Amendments to Rules Affecting the Disposal of Solid Waste in the State of Minnesota

Notice is hereby given that the Minnesota Pollution Control Agency is considering revisions to Minn. Rules SW 1-12 which affect the disposal of solid waste in the State of Minnesota. The Agency is seeking outside opinion concerning the effect of these rules in densely and sparsely populated areas. All interested persons or groups are requested to submit data or views on the subject in writing or orally.

Written statements may be addressed to:

Richard Person
Minnesota Pollution Control Agency
Division of Solid Waste
1935 W. County Road B2
Roseville, Minnesota 55113

Oral statements will be received over the telephone at (612) 296-7297 and in person at the above address during regular business hours (8:00 a.m. to 4:30 p.m.).

Any written materials received by the Agency shall become part of the hearing record in the event revisions regarding Minn. Rules SW 1-12 are promulgated. Further notice of proposed revisions to Minn. Rules SW 1-12 and of any hearing concerning Minn. Rules SW 1-12 will be given as required by law, including notice in the *State Register*.

Sandra S. Gardebring
Acting Executive Director

**Department of Public Safety
Liquor Control Division**

**Notice of Intent to Solicit Outside
Opinions Regarding Rules of the
Liquor Control Division**

Notice is hereby given, pursuant to Minn. Stat. § 15.0412 subd. 6 (1978), that the Liquor Control Division of the Department of Public Safety is beginning to examine its current rules governing sales of intoxicating liquor to Minnesota wholesalers and manufacturers and the need for rules governing combination sales to retailers.

Information and opinions from outside the department are solicited regarding the following matters:

1. Possible amendment of Liq. 39A, so as to require Minnesota importers (including wholesalers) to offer for sale intoxicating liquor products in the manner set forth in existing Liq. 39A, provided that the importer would not be

required to affix its label to the finished product to be offered.

2. Possible adoption of a new rule regulating combination or tie-in sales. The department is seeking information and opinions regarding the effect of combination sales involving brands available to retailers from only one wholesaler.

The department invites interested persons or groups to provide information, comments, opinions and advice on the subject at an information meeting to be held in Room B-9, Department of Transportation Building, St. Paul, Minnesota, commencing at 9:00 a.m. on Tuesday, February 27, 1979. Written comments should be received by Diane Hamilton, Room 210, Transportation Building, St. Paul, Minnesota 55155, by Friday, March 9, 1979.

All oral and written statements will be made part of the public hearing record.

February 5, 1979

Edward G. Novak
Acting Commissioner of Public Safety

STATE OF MINNESOTA
OFFICE OF THE STATE REGISTER

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

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