

84 July 23

STATE REGISTER

STATE OF MINNESOTA

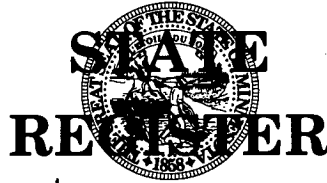
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VOLUME 9, NUMBER 4

July 23, 1984

Pages 197-220



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 9			
5	Monday July 16	Monday July 23	Monday July 30
6	Monday July 23	Monday July 30	Monday Aug 6
7	Monday July 30	Monday Aug 6	Monday Aug 13
8	Monday Aug 6	Monday Aug 13	Monday Aug 20

*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.

The *State Register* is published by the State of Minnesota, State Register and Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to Minn. Stat. § 14.46. Publication is weekly, on Mondays, with an index issue in September. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at \$130.00 per year, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota. Publication Number 326630. (ISSN 0146-7751) No refunds will be made in the event of subscription cancellation. Single issues may be obtained at \$3.25 per copy.

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

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

Rudy Perpich
Governor

Marsha Storck
Editor

Sandra J. Hale
Commissioner
Department of Administration

Robin PanLener, Paul Hoffman
Editorial Staff

Stephen A. Ordahl
Director
State Register and
Public Documents Division

Margaret Connelly
State Register Index Editor

Debbie Kobold
Circulation Manager

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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 also.

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 Rules.
• Proposed emergency rules.
• Withdrawal of proposed rules (option; not required).

The ADOPTED RULES section contains:

- Notice of adoption of new rules and rule amendments adopted without change from the previously published proposed rules. (Unchanged adopted rules are not republished in full in the State Register unless an agency requests this.)
• Adopted amendments to new rules or rule amendments (adopted changes from the previously published proposed rules).
• Notice of adoption of emergency rules.
• Adopted amendments to emergency rules (changes made since the proposed version was published).
• Extensions of emergency rules beyond their original effective date.

The OFFICIAL NOTICES section includes (but is not limited to):

- Notice of intent to solicit outside opinion before promulgating rules.
• Additional hearings on proposed rules not listed in original proposed rules calendar.

ALL ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES published in the State Register and filed with the Secretary of State before July 31, 1983 are published in the Minnesota Rules 1983. ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES filed after July 31, 1983 will be included in a supplement scheduled for publication in mid-1984. Proposed and adopted EMERGENCY (formerly called TEMPORARY) RULES appear in the State Register but are generally not published in the Minnesota Rules 1983 due to the short-term nature of their legal effectiveness. Those that are long-term may be published.

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

Table with 2 columns: Issue range and Issue number. Includes: Issues 1-13, inclusive; Issues 14-25, inclusive; Issue 26, cumulative for 1-26; Issues 27-38, inclusive; Issue 39, cumulative for 1-39; Issues 40-51, inclusive; Issue 52, cumulative for 1-52.

The listings are arranged in the same order as the table of contents of the Minnesota Rules 1983.

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- 2 MCAR §§ 1.10103-1.10104; 1.10109; 1.10111; 1.15501-1.15503; 1.18601; 1.18701; 1.18804, 1.18806; 1.18808; 1.18811; MHD 120-124; 126, 130-131 (proposed) 5

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ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.14-14.28 have been met and five working days after the rule is published in *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 strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under § 14.18.

Board of Animal Health

Adopted Rules of the State Board of Animal Health Governing the Control of Swine Pseudorabies

The rules proposed and published at *State Register*, Volume 8, Number 30, pages 1705-1711, January 23, 1984 (8 S.R. 1705) are adopted with the following modifications:

Rules as Adopted

3 MCAR § 2.026 Pseudorabies control.

A. Definitions. As used in this rule, the terms defined in this part have the meanings given them.

5. "Official pseudorabies test" means the serum neutralization test or other ~~test~~ tests approved by the ~~board~~ United States Department of Agriculture which may be approved by the board if it finds that they are appropriate for the detection of pseudorabies. In approving additional tests the board shall consider scientific evidence of their reliability, the opinions of experts, experience with their use, their cost-effectiveness, and their hazards, if any. The board shall keep a list of approved tests available to the public.

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

10. "Slaughter-only market" means a ~~state and~~ federally approved slaughter market for swine in which all swine moving through the facility are consigned directly to a slaughter establishment or sold for direct reassignment to a recognized slaughter establishment.

B. Pseudorabies test procedures. Blood samples drawn in administering an official pseudorabies test must be drawn by an accredited veterinarian, and serological tests must be conducted by a ~~state and federally approved laboratory or other~~ laboratory approved by the ~~board~~ United States Department of Agriculture.

Animals tested must be individually identified by eartag, tattoo, registration number, or standard ear notch. The identification ~~procedure~~ number must be recorded on the test form.

D. Infected herd; procedures.

1. The board shall immediately quarantine ~~an infected~~ a herd which is affected with, which shows symptoms of, or which has been exposed to pseudorabies, as authorized by Minnesota Statutes, section 35.05.

2. Livestock other than swine which are infected with pseudorabies ~~or exposed to animals infected with pseudorabies~~ must be quarantined. The board shall lift the quarantine 21 days after the diagnosis ~~or exposure of infection~~ if there are no signs of pseudorabies in the quarantined livestock.

3. When species of animals other than swine have been diagnosed as having pseudorabies, the state or federal district veterinarian shall conduct an epidemiological investigation of any swine on the premises. The investigation must include blood testing of ten percent of the ~~older~~ swine over four months of age, made up of a minimum of ten head selected randomly. The owner shall pay the laboratory fees associated with this testing. If pseudorabies reactors are disclosed, or if the owner refuses to cooperate in carrying out the test, the swine herd must be quarantined in accordance with the quarantine procedures of this rule.

4. Livestock from an infected herd may be disposed of pursuant to a. or b.

a. Market or breeding swine or other infected or exposed species may only be sold ~~to~~ for slaughter via a federally approved slaughter market, public stockyard, packer buying station, or directly to a slaughter plant accompanied by a shipping permit or an owner's notice of shipment.

b. Feeder pigs may only be sold to a quarantined feedlot accompanied by a shipping permit or an owner's notice of shipment. The quarantined swine feedlot must be a feedlot where purchased quarantined swine can be fed out in isolation from other domestic animals and where a state or federal veterinarian has determined that:

(1) no breeding swine are on the premises; and

(2) the feedlot owner agrees to sell all the swine from the feedlot directly for slaughter accompanied by a shipping permit or owner's notice of shipment; and

(3) ~~prior to its approval as a quarantined feedlot, the lot is inspected for compliance by a state or federal regulatory veterinarian.~~

E. Release of quarantine.

1. Swine herd quarantine release may be accomplished by any of the methods in a.-c.

a. The entire herd may be sold to slaughter accompanied by a shipping permit or owner notice of shipment. The premises must be cleaned and disinfected under the direction of the board. The quarantine ~~may~~ must be released 30 days after completion of the cleaning and disinfection.

c. Progeny may be weaned, isolated from a quarantined herd under direction ~~and supervision~~ of the board, and pass two negative official tests of 100 percent of these pigs at least 30 days apart.

2. When an epidemiological evaluation and herd history ~~indicate~~ establish that a tentative diagnosis of pseudorabies is the result of a vaccination reaction, the quarantine ~~may~~ must be released. The epidemiological evaluation must be conducted by under the direction of the district veterinarian and must include at least all the items in a.-d.

a. The herd owner shall submit a signed statement that the animal diagnosed as having pseudorabies was either vaccinated for pseudorabies or was the progeny of a vaccinated animal ~~and of an age when maternal antibodies would normally be present.~~ The owner shall also state that, to the best of his knowledge, he has not seen any indication of pseudorabies in the herd.

c. Evidence must be submitted to document the use of pseudorabies vaccine in the herd. Acceptable evidence includes purchase records, owner vaccination request forms, and or other relevant items reliable evidence that the owner has vaccinated his herd for pseudorabies.

d. A negative pseudorabies test must be conducted, at the owner's expense, on at least 20 unvaccinated swine over four months of age. ~~If necessary, additional testing may be conducted at the discretion of the state or federal veterinarian.~~

3. A quarantine on livestock other than swine ~~may~~ must be released 21 days after the diagnosis or exposure if there are no signs of pseudorabies in the herd.

F. Pseudorabies traceback to source herd.

2. a. If pseudorabies is diagnosed in breeding or feeding swine which have been purchased from another swine producer within the preceding 12 months, the board ~~may~~ shall require a pseudorabies test of ten percent of the breeding herd of the seller or ten percent of the progeny over four months of age of a vaccinated herd.

b. If pseudorabies titres are disclosed on a test conducted pursuant to a. or the owner refuses to test, the herd must be considered to be an infected herd ~~until the purchased swine are tested and found negative.~~

G. Intrastate movement of breeding swine.

1. No person may sell, lease, or loan breeding swine within the state of Minnesota unless the swine are accompanied by a health certificate or test chart provided by the seller which includes:

a. identification by ~~an~~ a yellow metal eartag, tattoo, brand, or ear notch recognized by a breed association; and

b. a negative pseudorabies test conducted within 30 days prior to the sale, except for swine from a qualified pseudorabies negative herd or a pseudorabies controlled vaccinated herd.

2. a. Breeding swine sold through a swine concentration point where they could come in contact with feeder pigs, market hogs, or other untested swine, are restricted movement breeding swine.

b. Restricted movement breeding swine must be identified at the swine concentration point by a ~~one-half inch diameter hole punched~~ yellow metal eartag in the right ear ~~and an eartag.~~

c. Restricted movement breeding swine must be moved from the swine concentration point to the herd of destination accompanied by a ~~document~~ certificate explaining the restricted movement breeding swine status. A copy of this restricted movement certificate must be retained for two years at the swine concentration point and one copy must be submitted to the board. At the herd of destination they must be maintained in the herd until they have farrowed and then must be sold for slaughter. Restricted movement breeding swine may not be resold for breeding purposes except pursuant to f.

g. All swine which are maintained in contact with restricted movement breeding swine in the herd of destination are also restricted movement swine ~~and must be handled accordingly.~~

H. Intrastate movement of feeder pigs.

1. ~~a.~~ All feeder pigs sold in Minnesota through a swine concentration point ~~are~~ must be classified as restricted movement feeder pigs. Restricted movement feeder pigs are not eligible for resale through a second swine concentration point except as provided in 4.

~~b.~~ 2. Restricted movement feeder pigs must be identified at the swine concentration point by a one-half inch diameter hole punched in the right ear ~~and an~~ or by a yellow metal eartag. They are not eligible for resale through a second The choice of identification is made by the management of the swine concentration point.

~~e.~~ 3. Restricted movement feeder pigs bearing a yellow metal eartag must be moved from the swine concentration point to the herd of destination accompanied by a ~~document~~ certificate explaining the restricted movement feeder pig status. A copy of this restricted movement certificate must be retained for two years at the swine concentration point and one copy must be submitted to the board. Feeder pigs bearing the one-half inch ear punch need not be accompanied by a certificate. At the herd of destination they all restricted movement feeder pigs must be maintained in separation isolation from breeding swine until they are sold for slaughter. They may not be used for breeding purposes or resold for breeding purposes except pursuant to f. 6.

~~d.~~ 4. Restricted movement feeder pigs purchased at a swine concentration point by a livestock dealer for resale purposes must be:

(+) a. maintained separately from other swine until resold;

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

(2) b. accompanied to the farm of destination by a document explaining the restricted movement feeder pig status; and

(3) c. maintained on the farm of destination, fed out, and sold pursuant to ~~e.~~ 5.

~~e.~~ 5. Restricted movement feeder pigs may be sold as market hogs through any livestock marketing channel. They may not, however, be sold through a marketing facility at which breeding stock is sold unless the facility maintains separate chutes, pens, and scales for breeding swine.

~~f.~~ 6. The restricted movement feeder pig classification may be removed from swine by a negative pseudorabies test conducted at least 30 days after movement of the swine through the swine concentration point.

J. Pseudorabies controlled vaccinated herd procedures.

4. Progeny from a pseudorabies controlled vaccinated herd may be sold in Minnesota for breeding or feeding purposes without further testing.

Vaccinated animals from a pseudorabies controlled vaccinated herd may be sold for breeding purposes only with a negative test within 30 days prior to the sale.

6. If one of the herd monitoring tests discloses low titres (1:8 or less) in one or more animals which may be caused by vaccination maternal antibodies, an epidemiological evaluation ~~may~~ must be conducted by the district veterinarian which may include, ~~without limitation,~~ a retest of the titred swine in 30 days and a test of 20 other unvaccinated animals over four months of age.

L. Exhibition of swine.

5. Out-of-state swine, when exhibited in Minnesota, must meet Minnesota's importation requirements, Minnesota Rules, parts 1700.2600 to 1700.3000, and the exhibition requirements of this rule.

N. Experimental use of diagnostic biological products. Notwithstanding the quarantine provisions of this rule and Minnesota Rules, parts 1720.0580 to 1720.0640, in order to promote and encourage the research on new diagnostic biological products, the board shall authorize the limited experimental use of diagnostic biological products for testing for pseudorabies if the use is part of a research project sponsored by the University of Minnesota, College of Veterinary Medicine. The research project must be conducted under conditions and limitations, including restrictions on swine movement, which the board determines are adequate to prevent the spread of disease.

No quarantine will be issued on pseudorabies infected herds disclosed on tests conducted during a board approved field research on biological products if:

1. all herds proposed to be tested during the research projects are identified to the board;
2. full disclosure of all test results from each research herd are promptly reported to the board; and
3. herd owners agree that swine from positive herds will only be sold to slaughter.

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 State Register & Public Documents Division

Notice of Publication of the 1984-85

Minnesota Guidebook to State Agency Services

Publication of the 1984-85 *Minnesota Guidebook to State Agency Services* was announced today by Sandra J. Hale, Commissioner of the Minnesota State Department of Administration, in St. Paul. *State Register* subscribers are reminded that they no longer receive a free copy of the *Guidebook* with their subscriptions.

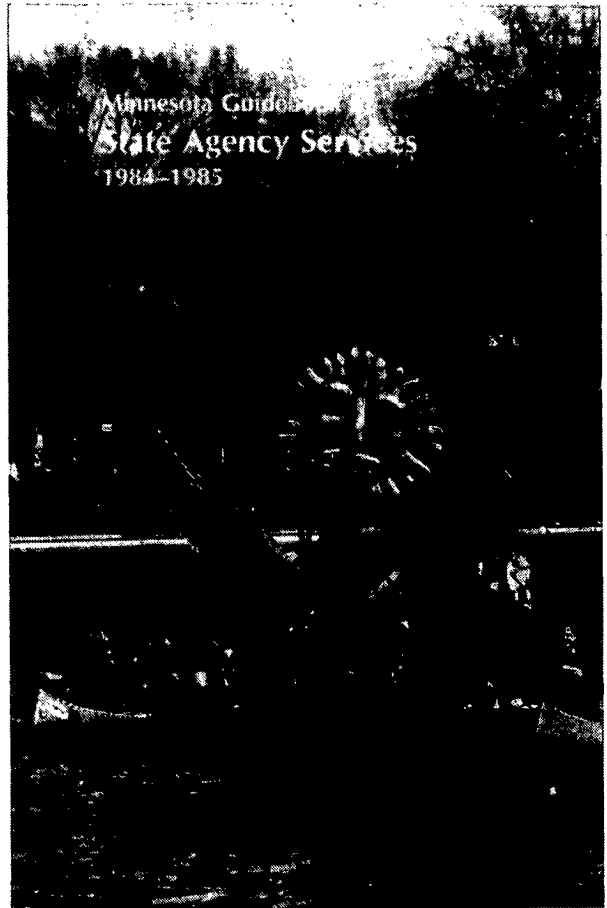
One of the state's key resource books, the *Guidebook* cuts red tape and guides readers through requirements, forms and fees, applications and complaint filing, and tells the length of waiting time for obtaining services. It explains all state agencies and their programs in detail and puts citizens in direct contact with Minnesota's state agencies. It tells how to obtain grants, scholarships, assistance programs, business and community development aid, information services, maps, guides and studies. It lists statewide emergency numbers, hotlines, crisis shelters and information-referral services; and tells how agencies are organized, who is in charge and why each was established.

The *Guidebook* also has the only complete listing of licenses and permits required in Minnesota, for the professions and occupations as well as recreation and vehicles. The book tells where to obtain them, how much they cost, what applications to fill out and how to renew them.

Besides containing a description of the administrative rulemaking process, the *Guidebook* provides *Minnesota Rules* citations for each agency authorized to adopt rules. In addition, the legislative and judicial branches of state government are described along with legislative and judicial commissions, law board admission requirements, professional standards for lawyers and judges, and Minnesota's congressional delegation and senators from neighboring states.

A new section, "Explore Minnesota," lists performing and visual arts throughout the state, county historical societies, state historical sites, statewide attractions by region, and the most up-to-date compilation of state forest campgrounds and state parks conveniently gathered in one source.

Copies of the *Guidebook* are available through the Minnesota State Documents Center, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000. Copies cost \$12.50 plus 75¢ tax, with discounts available on quantity orders.



OFFICIAL NOTICES

Department of Agriculture Planning Division

Outside Opinion Sought Regarding Amendments to Rules Governing Processing, Labeling, Distribution and Handling of Smoked Fish (Minnesota Rules 1545.3130-1545.3330)

Notice is hereby given that the Minnesota Department of Agriculture is seeking information or opinions from sources outside the agency in preparing to amend existing rules governing processing, labeling, distribution and handling of smoked fish. The promulgation of these rules is authorized by Minnesota Statutes, section 28A.10, which permits the department to adopt and enforce such rules as are necessary to carry out the provisions of Minnesota Statutes sections 28A.01-28A.16.

The Department requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements of information and comment may be addressed to:

Mr. Gerald Heil
Minnesota Department of Agriculture
90 West Plato Boulevard
St. Paul, MN 55107

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-1486, and in person at the above address.

All statements of information and comment must be received by August 13, 1984. Any written material received by the Department shall become part of the hearing record.

July 16, 1984

Jim Nichols
Commissioner

State Board of Education

Notice of Intent to Fill an Unclassified Managerial Staff Assistant Position by the State Board of Education

The State Board of Education is seeking a qualified individual to provide assistance as described in the statements which follow:

— To monitor and research national developments and issues in public education and prepare summaries, recommendations and possible options for State Board of Education deliberation and consideration. To review and inform the Board about legislative actions and federal developments relating to education.

— To facilitate implementation of State Board of Education resolutions, motions and policies so the Board actions are effectively and efficiently implemented in Minnesota's educational community.

— To attend legislative hearings and provide the State Board of Education with information relative to specific legislation. To follow the progress of selected legislation and report status to State Board of Education and to assist in preparation of documents required for legislative hearings.

— To develop procedural guidelines and promote the State Board of Education's professional interaction with Minnesota's educational organizations so that effective communication networks can be established and maintained for the mutual exchange of pertinent information. To prepare information for dissemination and prepare information summaries for State Board of Education.

— To assist the State Board of Education in fulfilling its legislative responsibility to the Faribault Residential Schools so that the management and education programs of the schools can be continuously reviewed and improved. To establish a procedure for the establishment of a communication network with parent and advisory groups. To continuously review the operation of the communication network to improve operational effectiveness. To review and analyze educational programs operation for programmatic changes which will improve overall operation of the schools and to prepare summaries of needed actions to be taken for State Board of Education approval.

— To perform other tasks and activities as assigned which are required to carry out the functions of the State Board of Education.

Desire applicants who possess an operational understanding of the programs and administrative structure of Minnesota's public school system; research, planning, communication and human relations skills; knowledge of educational, legislative and congressional data sources; knowledge of the operation of the Minnesota Department of Education, the Executive and Legislative Branches of State government; and the ability to maintain a delicate balance among the needs, rules, policies and interests of constituent groups and the Board.

Resumes must be received in the Office of Employee Relations no later than Thursday, August 2, 1984.

Resumes should be directed to:

Mr. Donn H. Escher, Director
Office of Employee Relations
Minnesota Department of Education
754 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
Telephone: (66 29-3377

Telephone inquiries may be made to:

Mrs. Beverly J. Carpenter
Chairperson, Search Committee
Minnesota State Board of Education
Telephone: (612) 881-7043

This is not a classified civil service position. The annual salary range for this unclassified managerial position is \$25,265-33,972.

Department of Human Services Income Maintenance Bureau Assistance Payments Division

Solicitation Period Ending for the AFDC Rule

Notice is hereby given that the period of solicitation for information and opinions from sources outside the agency in preparing to revise subparts of the Aid to Families with Dependent Children (AFDC) program to promulgate emergency rules will end on July 27, 1984 at 4:30 p.m. AFDC is governed under Minnesota Rules, Part 9500.0010-9500.0370, formerly known as DPW Rule 44 and 12 MCAR 2.044. AFDC is the program that provides for financial aid to families with dependent children in financial need. Public opinion was solicited in the *State Register* on June 11, 1984 on the emergency assistance portion of the AFDC program. Public opinion was solicited in the *State Register* on July 2, 1984 on the following subjects:

- 1) Continued absence.
- 2) Quality control reviews, specifically:
 - a. The required cooperation of AFDC recipients in the quality control review process.
 - b. Definition of "timely" report of income.
 - c. Penalty for late reporting of income.
 - d. Proration of work expense and child care disregards for part-time employment.
- 3) In-kind income.
- 4) The 30-day waiting period for the AFDC Unemployed Parent Program.
- 5) Personal property consideration.
- 6) Allocation of stepparent income.

If you have any questions about the ending of the solicitation period, call Dorothy Mosso at (612) 296-1545.

OFFICIAL NOTICES

Department of Human Services Support Services Bureau

Outside Opinion Sought Concerning a Proposed Rule to Establish a Licensing Fee Schedule

Notice is hereby given that the Department of Human Services is seeking information or opinions from sources outside the agency in preparing to promulgate a new rule to establish a licensing fee schedule. All facilities licensed by the Department of Human Services Licensing Division will be charged a licensing fee based on the fee schedule established in this rule. The promulgation of this rule is authorized by Laws of Minnesota 1984, chapter 654, article 5, section 18.

The Minnesota Department of Human Services requests information and comments concerning the subject matter of this proposed rule. All interested or affected persons or groups are invited to submit statements of information in writing or comment orally to:

Linda Donahue, Assistant Director
Special Services Division
Support Services Bureau
Department of Human Services
Centennial Building — 4th Floor
658 Cedar Street
St. Paul, MN 55155
Telephone: 612/296-6633 (regular business hours)

All statements of information and comment shall be accepted until further notice.

Department of Labor and Industry Prevailing Wage Division

Notice of Prevailing Wage Rates for Commercial Construction

On July 13, 1984 the commissioner certified prevailing wage rates for the following Minnesota counties: Becker, Beltrami, Benton, Big Stone, Cass, Chippewa, Chisago, Clay, Clearwater, Cook, Cottonwood, Crow Wing, Dodge, Douglas, Fillmore, Freeborn, Goodhue, Grant, Houston, Hubbard, Isanti, Jackson, Kanabec, Kandiyohi, Kittson, Lac Qui Parle, Lake of the Woods, Lincoln, Lyon, Mahnommen, Marshall, McLeod, Meeker, Mille Lacs, Morrison, Mower, Murray, Nobles, Norman, Ottertail, Pennington, Pine, Pipestone, Polk, Pope, Red Lake, Redwood, Renville, Rice, Rock, Roseau, Sherburne, Sibley, Stearns, Steele, Stevens, Swift, Todd, Traverse, Wabasha, Wadena, Wilkin, Winona, Wright and Yellow Medicine.

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 charges for the cost of copying and mailing are \$.50 for the first county and \$.30 for any subsequent copies of the same or other counties. For all 87 counties the charge is \$25.00. A sales tax of 6% must be added to all orders.

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

Steve Keefe, Commissioner
Department of Labor & Industry

Department of Transportation

Notice to Disadvantaged Business Enterprises and Women-Owned Business Enterprises

The Minnesota Department of Transportation announces the establishment of Disadvantaged Business Enterprise (DBE) goals of ten percent (10%) and Women Owned Business Enterprise (WBE) goals of three percent (3%) for the Section 8, 16(b)(2), and 18 programs as described in the Urban Mass Transportation Act of 1964, as amended and in accordance with Section 105(f) of the 1982 Surface Transportation Assistance Act.

The Minnesota Department of Transportation is requesting DBE's/WBE's capable of providing goods and services in support of public transportation including, but not limited to: insurance, office supplies and equipment, building maintenance, vehicle

STATE CONTRACTS

maintenance, bus parts, fuel, printing, and consultant services to contact Ms. Sandy Vargas, Assistant to the Commissioner, EEO Contract Compliance Office at (612) 297-3594 or by mail at Minnesota Department of Transportation, Transportation Building Room G20, John Ireland Boulevard, St. Paul, Minnesota 55155.

We request that any such firm submit a summary of services, brochures, catalog and/or letter of interest stating the firm's qualifications and area of service.

Department of Transportation

Petition of the City of Winona for a Variance from State Aid Standards for Street Width

Notice is hereby given that the City Council of the City of Winona has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from minimum standards for a resurfacing project on Broadway Street (MSAS 104) from Mankato Avenue to Sioux Street.

The request is for a variance from Minnesota Rules for State Aid Operations § 8820.9919 adopted pursuant to Minnesota Statutes Chapters 161 and 162, so as to permit a street width of 64 feet instead of the required 66 feet.

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

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

July 13, 1984

Richard P. Braun
Commissioner of Transportation

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.

Commodities contracts with an estimated value of \$5,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers by calling 296-2513. If the appropriate buyer is not available, contact Harvey Leach or Barbara Jolly at 296-3779.

Department of Administration Procurement Division

Commodities Contracts Currently Open for Bidding

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
PD#778672-42316-27-153	Prospectus—1984-85	N. Hennepin Community College	Minneapolis	Contact buyer
PD#778684-43055-27-151	Cont. Education 1984-85 Class Schedule	Minneapolis Community College	Minneapolis	Contact buyer
PD#778685-43056-27-151	Mpls Comm. College MTI Cooperative	Minneapolis Community College	Minneapolis	Contact buyer
27-151-43040	Purchase of Photocopy Machine	Minneapolis Community College	Minneapolis	Contact buyer

STATE CONTRACTS

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
PD#778550-02306-26-176	Class Schedules	Metropolitan State University	St. Paul	Contact buyer
47-000-05493	Rental of Crawler Dozer	Iron Range Resources & Rehabilitation	Zim	Contact buyer
55-105-06613	Rubbish Disposal—St. Peter S.H.	St. Peter State Hospital	St. Peter	Contact buyer
Various	Toothbrushes and Dental Care Kite	Various	Various	Contact buyer
07-300-30839	Motorhome	Public Safety	St. Paul	Contact buyer
PD778600-42504-27-157	Quarterly Class Schedule	Inver Hills Community College	Inver Grove Hts.	Contact buyer
PD778435-42299-27-153	Tabloid 1984-85	N. Hennepin Community College	Minneapolis	Contact buyer
79-450-00277	Concrete Pipe	Transportation	Crookston	Contact buyer
PD778754-42091-27-148	1984-85 Echo	Rochester Community College	Rochester	Contact buyer
PD778424-36020-29-000	Big Game Possession Tag	Natural Resources	St. Paul	Contact buyer
26-175-05101	Typewriter Service	Southwest State University	Marshall	Contact buyer
12-200-79702	Graphite Tubes	MN Dept. of Health	Minneapolis	Contact buyer
27-143-39748	Lanier Word Processor	Hibbing Community College	Hibbing	Contact buyer
26-074-07574	Rubbish Disposal—Winona State	Winona State University	Winona State Univ.	Contact buyer
Contract 27-154-41006	Brief Cases, Business Cases, Etc. Electronic Learning Lab	Various Lakewood Community College	Various White Bear Lake	\$22,000-25,000 Contact buyer
Contract	Guard Uniform Clothing	MN Correctional Facility	Various	Contact buyer
Contract 27-000-44222	Carbon Paper Repair & Resurface 4 Tennis Courts	Central Stores Community College Board	St. Paul Various Community Colleges	\$10,000-12,000 Contact buyer
Contract	Safety Shoes	Various	Various	Contact buyer
Contract	Work Clothing Contract	Various	Various	Contact buyer
Contract	Parole Clothing	MN Correctional Facility	Various	Contact buyer
55-000-88932	Versa Braille System	Public Welfare	St. Paul	Contact buyer
27-156-43462	Motion Picture Sound Projector	Normandale College	Bloomington	Contact buyer
26-175-05836	Roof Repair Southwest State Univ.	Southwest State University	Southwest State University	Contact buyer
39-000-03690	Cellular Mobile Telecomm. Equipment	Governor's Office	St. Paul	Contact buyer
27-000-43441	Elevator Maintenance	Normandale Community College	Bloomington	Contact buyer
27-152-42894	Purchase of Photocopy Machine	Anoka-Ramsey Community College	Anoka	Contact buyer
27-156-43476	Purchase of Photocopy Machine	Normandale Community College	Bloomington	Contact buyer
Contract	Printed Envelopes	Various	St. Paul	\$60,000-70,000

Contact the receptionist at 296-2513 for referral to specific buyers.

Department of Human Services Income Maintenance Bureau

Request for Proposal for Refugee Employment Services

Notice is hereby given that the Income Maintenance Bureau, Minnesota Department of Human Services, is seeking proposals concerning the delivery employment services to refugee persons in and around Hennepin, Olmsted and Ramsey Counties.

Employment services generally consist of job development, client assessment, plan preparation, referral and placement, and follow-up through the first 90 days on the job.

The estimated total amount of the contract(s) will not exceed \$320,000. We must receive all proposals by 4:20 P.M., CDT, Friday, August 17, 1984. We reserve the right to not act on this RFP.

Please direct requests for the complete information package, questions, and proposals to:

Refugee Program Office
Minnesota Department of Human Services
444 Lafayette Road
St. Paul, Minnesota 55101

612-296-1383.

Department of Human Services Income Maintenance Bureau

Request for Proposal for Refugee English as a Second Language Instruction

Notice is hereby given that the Income Maintenance Bureau, Minnesota Department of Human Services, is seeking proposals concerning the delivery of English as a Second Language (ESL) instruction to refugee persons in Hennepin, Kandiyohi, Ramsey and St. Louis counties.

ESL programs provide English language training and other employability related educational services for adult refugees.

The estimated total amount of the contract(s) will not exceed \$110,000. We must receive all proposals by 4:20 P.M., CDT, Friday, August 17, 1984. We reserve the right to not act on this RFP.

Please direct requests for the complete information package, questions, and proposals to:

Refugee Program Office
Minnesota Department of Human Services
444 Lafayette Road
St. Paul, Minnesota 55101

612-296-1383.

Department of Human Services Income Maintenance Bureau

Request for Proposal for Refugee Pre-Employment Case Management Services

Notice is hereby given that the Income Maintenance Bureau, Minnesota Department of Human Services, is seeking proposals concerning the delivery of pre-employment services to refugee persons who are recipients of certain public assistance programs and who have resided in the United States for thirty-six (36) months or less.

Pre-employment case management services generally consist of client assessment, employment plan preparation, referral to relevant service(s), and support and follow-up through the point that the client no longer needs cash public assistance.

STATE CONTRACTS

The estimated total amount of the contract(s) will not exceed \$500,000. We must receive all proposals by 4:20 P.M., CDT, Friday, August 17, 1984. We reserve the right to not act on this RFP.

Please direct requests for the complete information package, questions, and proposals to:

Refugee Program Office
Minnesota Department of Human Services
444 Lafayette Road
St. Paul, Minnesota 55101

612-296-1383.

Department of Human Services Mental Health Bureau

Request for Proposal to Assess Services to Mentally Ill Persons

The Minnesota Department of Human Services is soliciting proposals from individuals and organizations qualified to assess the adequacy of county-level services to mentally ill persons.

Specifically, the contractor will design and conduct a mailed survey of county welfare departments to acquire descriptive information about the availability, quantity, perceived quality, cost, accessibility of services to this high risk population and the extent to which each of these services is coordinated with other pertinent services needed for adequate treatment and care. In addition, the contractor will conduct on site interviews with key informants in a sample of 6-10 counties (e.g., service providers, advocacy groups, human services personnel, etc.) to gather specific detail about the adequacy of the services in those counties. A report to the Department of Human Services describing the results of each investigation and recommending needed improvements will be required by December 1, 1984.

Proposals for this contract must include a complete description of the applicant's qualifications and experience, especially as it relates to the field of mental health and the technical considerations of human services' needs assessments. Consulting organizations must submit the resume's of all persons that would be involved in the contract. All proposals must include a detailed description of the method proposed to acquire the necessary data and information, including recommendations for selecting counties for on site interviews.

Priority attention will be given to proposals which do not exceed \$37,000 and which demonstrate an ability to perform qualified work within the extremely tight timeframe.

The Department of Human Services will award this contract after consulting with the advisory committee established by the legislation requiring this study. The issuance of this RFP, however, does not require the Department to award a contract.

Four copies of each proposal should be submitted by 4:30 p.m. August 24, 1984.

Terry Sarazin, Director
Mental Illness Program Division
Department of Human Services
4th Floor, Centennial Building
St. Paul, MN 55155

Lake County

Request for Proposals to Prepare an Environmental Impact Statement Regarding the Proposed Construction of a Private Marina in Flood Bay, Lake Superior

The county of Lake is seeking proposals to prepare an Environmental Impact Statement regarding a proposal by private developers to construct a 400 slip marina in the Flood Bay area of Lake Superior. The project site lies on the shoreline of Lake Superior and immediately north of the city of Two Harbors, Minnesota. The marina basin would be dredged from a wetland area lying behind the existing beach and would be accessed via a channel to be cut through the shoreline. A breakwater would be constructed at the entrance. The project would also require diversion of an intermittent stream which presently runs through the area.

In addition to the marina, the EIS will address related and phased actions. These include a condominium development presently under construction and a proposed convention center. The sites for these developments are located immediately adjacent to the proposed marina. It has been determined that a consultant will be hired to prepare the EIS, and thus a call for proposals is being made.

The consultant will be responsible for preparation of the EIS regarding this project. The contents and topics to be addressed in the EIS have been delineated in the scoping decision document and include several technical elements. The major work elements include: analysis of traffic flow and safety, technical evaluation of breakwater design and hydrologic modeling of impacts on off-shore sediment transport, evaluation of the effectiveness of proposed erosion control measures (i.e., rip-rap), assessment of the impacts of the proposed stream diversion including erosion and sediment transport to Lake Superior, evaluation of employment and economic impacts, assessment of impacts on fish and wildlife including loss of wetlands and fish use of Flood Bay, assessment of impacts on water quality in Flood Bay, evaluation of the impact on recreational use of the nearby Flood Bay Wayside Rest Area, and evaluation of the proposed wastewater treatment plan and alternatives to it.

For formal Request for Proposals documents, interested parties should contact:

Tom Davis
Flood Bay EIS Coordinator for Lake County
Arrowhead Regional Development Commission
200 Arrowhead Place
Duluth, Minnesota 55802
(218) 722-5545

Proposals must be received at the above address no later than 4:30 p.m., August 21, 1984. Bids will be opened at 4:30 p.m., August 22, 1984 as part of the Lake County Board of Commissioners meeting. This meeting will be held in the Commissioners' Board Room, Compton Center, Outer Driver, Silver Bay, Minnesota.

SUPREME COURT**Decisions of the Court of Appeals Filed Tuesday, July 10, 1984**

Compiled by Wayne O. Tschimperle, Clerk

CX-84-581 State of Minnesota, Appellant, v. David Michael Skoog. Crow Wing County.

The record supports the trial court's determination that a police officer lacked probable cause in seizing a snowblower from the trunk of respondent's car.

Affirmed. Popovich, C.J.

C6-84-237 In the Matter of the Welfare of T.J.D. Murray County.

The evidence was sufficient to convict appellant of speeding.

Affirmed. Popovich, C.J.

C6-84-75 State of Minnesota v. Norman Hayes, Appellant. Crow Wing County.

Accomplice testimony was sufficiently corroborated to support appellant's convictions for burglary, furnishing liquor to a minor, and contributing to the delinquency of a minor.

Affirmed. Popovich, C.J.

CX-83-1753 State of Minnesota v. David C. Heidelberger, Appellant. Anoka County.

Appellant forfeited his right to appeal the issue of his Sixth Amendment right to counsel when he failed to raise the issue by challenging the admissibility of his statements to police at trial.

Appellant voluntarily, knowingly and intelligently waived his right to counsel when he made statements to police in the absence of counsel after formal charges had been filed.

The trial court did not abuse its discretion in admitting, for impeachment purposes, appellant's two prior convictions for criminal sexual conduct in the first degree, where the probative value of admitting this evidence outweighed any prejudicial effect.

SUPREME COURT

There was sufficient evidence as a matter of law for the jury to find appellant guilty of intrafamilial sexual abuse in the third degree, kidnapping and incest.

Incest is an included offense of intrafamilial sexual abuse in the third degree.

The particularly cruel manner in which appellant committed the offenses justified the trial court's decision to double one mandatory minimum sentence.

Affirmed in part, vacated in part, modified in part. Parker, J.

C7-84-389 State of Minnesota v. Terry Cook, Appellant. Hennepin County.

Use of a weapon and threatening the victim's life are not substantial and compelling reasons for departing from the guidelines sentence for an aggravated robbery and kidnapping conviction.

Reversed and remanded. Sedgwick, J.

C4-84-110 Marlene Bakke, Appellant, v. Arlan Bakke. Morrison County.

The trial court erred in deviating downward from the child support guidelines on the ground that the father's expenses exceeded his income where those expenses included debts owed to private creditors, and allotments for investments and luxuries.

The trial court erred in deviating downward from the child support guidelines on the ground that the father adopted the natural child of the mother one year before the parents separated.

Reversed. Sedgwick, J.

C4-84-298 Timothy McDonald, Petitioner, Appellant, v. State of Minnesota. Hennepin County.

The trial court, in a criminal prosecution for the sale of a controlled substance, did not abuse its discretion in admitting Dilaudid pills into evidence over defendant's objection that chain-of-custody foundation was not established.

There was no abuse of discretion in denial of defendant's motion for a mistrial following equivocal out-of-courtroom outburst in the presence of the jury by potential state's witness never called to testify.

Affirmed. Forsberg, J.

C2-84-624 State of Minnesota, Appellant, v. Christian Thorpe Kline, Respondent. Aitkin County.

Where the trial court excluded all evidence because it erroneously ruled the arrest of the respondent illegal, the state has clearly and unequivocally shown a critical impact on the outcome of the trial.

Reversed and remanded. Leslie, J.

C5-84-407 Mid-West Medical, Inc. v. Kremmling Medical-Surgical Associates, P.C., Petitioner, Appellant, Gerald Zabielski. Washington County.

Defendant does not have the requisite "minimum contacts" with Minnesota to permit Minnesota to exercise personal jurisdiction over it.

Reversed. Leslie, J.

C7-83-1645 James Brian Drewes, Appellant, v. Leonard W. Levine, Commissioner of Public Welfare. Itasca County.

The petitioner in a discharge hearing carries the burden of proving by the fair preponderance of evidence that he is no longer mentally ill and dangerous.

The Supreme Court appeal panel conducting a de novo review of the Commissioner's denial of discharge from mentally ill and dangerous commitment must make specific findings identifying the factual base for its decision.

Reversed and remanded. Leslie, J.

C0-83-1423 Continental Insurance Company, et al v. Loctite Corporation. Hennepin County.

A jury verdict that a product is not in a defective condition but its manufacturer was negligent in respect to its manufacture or sale, is inconsistent when the jury was instructed that the product is in a defective condition if not accompanied by adequate warnings and there were no separate instructions on negligence other than failure to properly warn.

Reversed. Nierengarten, J.

C9-84-801 In the Matter of James Knapp, Appellant. Hennepin County.

The trial court properly found appellant mentally ill and committed him to Anoka State Hospital pursuant to Minn. Stat. § 253B.09 (1982).

Affirmed. Randall, J.

C9-83-1999 Jeane Thorne Temporary Service, Inc. Relator, v. Keith Elliott, and Commissioner of Economic Security. Department of Economic Security.

Evidence was sufficient to support the Commissioner of Economic Security's decision upholding the granting of unemployment compensation benefits.

Affirmed. Randall, J.

MEMORANDUM OPINION AND ORDER

C6-84-397 Angela M. Setter and Ronald Setter, Appellants, v. John Mauritz. Carver County.

An order for judgment is a nonappealable order.

An inadequate record prevents review of an issue raised on appeal.

Dismissed. Popovich, C.J.

Decisions of the Supreme Court Filed Friday, July 13, 1984

Compiled by Wayne O. Tschimperle, Clerk

C4-83-887 State of Minnesota v. Joyce M. Becker, Appellant, Hennepin County.

The provision of the intrafamilial sexual abuse statute allowing prosecution for multiple acts occurring over an extended period of time, Minn. Stat. § 609.3641, subd. 1(2)(e) (1982), is not unconstitutionally vague.

A complaint charging a defendant with multiple acts of intrafamilial sexual abuse over an extended period of time must allege that the crime occurred during a reasonably specific time period not exceeding the statute of limitations. It is not sufficient to merely restate the statutory language without setting forth a time frame.

A *Spreigl* notice of prior offenses is not necessary in charging a defendant with multiple offenses occurring over an extended period of time.

Affirmed. Todd, J.

CX-83-1106 State of Minnesota v. Mahlon D. Goodridge, Appellant. Hennepin County.

Where defendant clearly and unequivocally adopted third-party statements as his own, the Sixth Amendment confrontation clause was not violated, since such statements were no longer accusations, but admissions.

The evidence was sufficient to support defendant's first-degree murder conviction under Minn. Stat. § 609.185(3) (1982).

Pursuant to Minn. Stat. § 609.04 (1982), defendant's first-degree murder conviction under Minn. Stat. § 609.185(2) (1982) and his sentence for that conviction must be vacated, because it was based on the same act as his murder conviction under section 609.185(3).

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

CX-82-1001, CX-82-1337 In Re Objection of Real Property Taxes Marion D. Short, Legal Representative of the Estate of Robert E. Short, Deceased, (CX-82-1001), and 3030 Drew Company (CX-82-1337), v. County of Hennepin, Relator. Tax Court.

The assessment/sales ratio studies prepared by the Minnesota Department of Revenue may be used to establish a *prima facie* case of unequal assessment under Minn. Stat. § 278.01 (1982).

A sales ratio derived from a comparison of all property of all classes within the taxing district or within the county may be used in determining a claim of unequal assessment.

The tax court did not err in taking judicial notice of the 1981 sales ratio studies where it clearly advised the parties in advance of its intent to do so.

The tax court did not err in finding the market value of the Short property in 1976 to be lower than the market value judicially determined for the previous year.

Affirmed. Wahl, J.

SUPREME COURT

C8-83-536 Jeffrey Jonathan DeMars, Appellant, v. State of Minnesota. Sherburne County.

The evidence was sufficient to support the trial court's determination that defendant knew the nature of his act and that it was wrong so that he was not relieved of criminal liability for his act by his mental illness.

Affirmed. Wahl, J.

Concurring Specially, Todd, J.

C6-83-664 State of Minnesota, Department of Public Safety, Appellant, v. Marc Davis Petersen. Olmsted County.

The training standard for those authorized to draw blood samples for later analysis promulgated by the Commissioner of Public Safety are sufficient to meet the statutory requirement, Minn. Stat. § 169.123, subd. 3(1982).

Reversed. Wahl, J.

C2-83-1021, C6-83-1068 Danny J. Quimby v. State of Minnesota, Appellant, (C2-83-1021); and Danny J. Quimby, Appellant v. State of Minnesota, Department of Public Safety, (C6-83-1068). Olmsted County.

The training standard for breathalyzer operators promulgated by the Commissioner of Public Safety, within the broad discretion accorded him by Minn. Stat. § 169.123, subd. 3 (1982), accomplishes the purpose of the statute and does not preclude admission of breathalyzer test results in implied consent hearings.

The lack of explicit approval by the Commissioner of the breathalyzer training program undergone by the operator in this case does not make the result of the breath test inadmissible at the implied consent hearing.

The district court appeals panel properly concluded, on the record before it, that the lower court's finding of probable cause for Quimby's arrest on November 21, 1982, was not clearly erroneous.

The training standards for those authorized to draw blood samples for later analysis for alcohol concentration promulgated by the Commissioner of Public Safety are sufficient to meet the statutory requirement.

Case No. C2-83-1021, Quimby I, reversed. Case No. C6-83-1068 Quimby II, Affirmed. Wahl, J.

C6-83-1670 Charles Allen Johnson v. State of Minnesota, Department of Public Safety, Appellant. Steele County.

The training standard for breathalyzer operators promulgated by the Commissioner of Public Safety, within the broad discretion accorded by Minn. Stat. § 169.123, subd. 3 (1982), accomplishes the purpose of the statute and does not preclude admission of breathalyzer results in implied consent hearings.

The lack of explicit approval by the Commissioner of the breathalyzer training program undergone by the operator in this case does not make the result of appellant's breath test inadmissible at the implied consent hearing.

Reversed. Wahl, J.

C5-83-140 State of Minnesota v. Billie Jo Morrison, Appellant. Ramsey County.

Trial court did not prejudicially err in its evidentiary rulings or in its instructions and jury properly found defendant guilty of assault in the second degree, Minn. Stat. § 609.222 (1982).

Affirmed. Simonett, J.

C9-83-545 State of Minnesota v. Nicolas Edward Lala, Appellant. Anoka County.

Defendant's gross misdemeanor conviction of aggravated DWI is reduced to a misdemeanor conviction pursuant to *State v. Leonard*, 336 N.W. 271 (Minn. 1983).

Affirmed as modified; remanded for sentencing. Simonett, J.

CX-83-599 Mill City Heating & Air Conditioning Co., a Minnesota Corporation, Appellant v. Robert P. Nelson, Vicky Ann Nelson, Banco Mortgage Company, an Iowa Corporation, Trans America Life Insurance and Annuity Company, a California Corporation, Bartholomew J. Baker, d/b/a Baker Electric, Zagar Construction Co., Inc., a Minnesota Corporation, Thompson Lumber Company, a Minnesota Corporation, Appellant. Hennepin County.

A purchaser of registered land under an unrecorded purchase agreement and not in possession is not an "owner" entitled to the prelien notice of the mechanics lien law.

If the subcontractor-materialman knows of the ownership interest of a purchaser of registered land under an unrecorded purchase agreement, even though the purchaser is not in possession, the purchaser qualifies as an "owner" to whom the subcontractor-materialman must give a prelien notice.

Reversed and remanded. Simonett, J.

C3-82-1664 In the Matter of the Application for the Discipline of Robert C. Rice, an Attorney at Law of the State of Minnesota.
Supreme Court.

Respondent, attorney publicly reprimanded and placed on probation for one year upon certain conditions.

Amdahl, C.J.

Took no part, Yetka, J.

ERRATA

Economic Security Department

Request for Proposal to Evaluate Energy Assistance Pilot Programs—Correction

An incorrect phone number was listed last week for the contact person for this request for proposals. The *incorrect* number is, 296-3408; the *correct* number is 297-3408, Bill Grant. Proposal deadline is Friday, August 30, 1984, 4:30 p.m.

ORDER FORM

State Register. Minnesota's official weekly publication for agency rules and notices, executive orders of the Governor, state contracts, Supreme Court and Tax Court decisions.

- _____ Annual subscription \$130.00
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Please enclose full amount for items ordered; prepaid orders only. Make check/money order payable to "State of Minnesota." (Phone orders are taken only with a Mastercard/VISA charge number.)

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

SENATE

Briefly/Preview—Senate news and committee calendar; published weekly during legislative sessions.

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Contact: Senate Public Information Office
 B29 State Capitol, St. Paul, MN 55155
 (612) 296-0504

HOUSE

Session Monthly—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions

This Week—weekly interim bulletin of the House.

Contact: House Information Office
 Room 8 State Capitol, St. Paul, MN 55155
 (612) 296-2146