

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 1217 05-0009-04R

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 10-29-85
DATE FOR REVIEW 11-1-85
DATE DUE 11-12-85

Adopted w/a hearing _____
Adopted w/o hearing _____
Temporary rule _____

Approved _____ Disapproved _____ Returned to Agency _____

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State _____ Revisor approved 10/30/85
disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

? ✓ Order Adopting 10 24 85 Date combined with F of F
(omits ref. to adopted section) OK new findings & order submitted

N/A ✓ Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking ✓
N/A date of Hearing

✓ Certificate of Board's Authorizing Resolution ✓

✓ Notice of rulemaking
? Sufficiency shortens comment period by 4½ hours!

✓ ✓ Affidavit of Mailing Notice or rulemaking
9 13 84 At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate combined with Affidavit of Mailing

✓ ✓ Publication in State Register same shortened comment period as above.
_____ At least 30/~~20~~ days prior to ~~hearing~~/adoption

N/A ✓ Hearing Examiner's Report

✓ Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

✓ Agency's Findings of Fact combined with Order Adopting

N/A ✓ LCRAR Report or agency Affidavit

✓ ✓ Certificate of Board's Resolution Adopting Rules

N/A ✓ Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness contains small biz statement

N/A ✓ Petition for Adoption of a Rule

✓ ✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

N/A ✓ Affidavit of Mailing Notice of Submission to Attorney General

✓ ✓ Notice of Submission to the Attorney General

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO: MARTIN J. MCGOWAN, CHAIRMAN
Ethical Practices Board

DATE: 11/12/85

ATTN: MARTHA J. CASSERLY
Special Assistant Attorney General

FROM: ROBERT R. NARDI RRN
Special Assistant Attorney General

PHONE: 296-6204

SUBJECT: Proposed Rules Governing Economic Interest Disclosure, Lobbyist Registration and Reporting, Conflicts of Interest, and Representation Disclosure

The above-referenced rule has been approved as to its legality by the Attorney General on November 12, 1985.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies of the approved rule with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth copy is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submission or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must publish a notice of adoption in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

If you have any questions in this regard, please contact me.

JMM:pmf

Enclosures

cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Administrative Rules

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL - Administration

Office Memorandum

TO: ROBERT R. NARDI
Special Assistant Attorney General
JUDITH V. WEHRWEIN
Legal Assistant

DATE: 10-29-85

FROM: MARTHA J. CASSERLY
Special Assistant Attorney General

PHONE: 6-4692

RECEIVED
OCT 29 1985
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

SUBJECT: In the Matter of the Proposed Adoption of Rules of the State Ethical Practices Board Governing Economic Interest Disclosure, Lobbyist Registration and Reporting, Conflicts of Interest, and Representation Disclosure.

The Ethical Practices Board is submitting the above-captioned rule for your review pursuant to Minn. Stat. § 14.26 (1984). Enclosed are the following documents supporting this submission:

1. Certificate of the Board's authorizing resolution;
2. Copy of the proposed rules as approved by the revisor of statutes;
3. Order for notice of intent to adopt rules without a public hearing;
4. Notice of intent to adopt rules without a public hearing (as mailed);
5. Notice of intent to adopt rules without a public hearing and the rules as published in the State Register.
6. Affidavit of mailing notice of proposed adoption and certificate of mailing list (combined);
7. Statement of Need and Reasonableness;
8. Four copies of the rules as adopted;
9. Certificate of the Board's resolution adopting the rules;
10. Findings of fact, conclusions and order adopting rules without a public hearing;
11. Statement of compliance with rulemaking procedures.

The following documents are not included, for the reasons stated with each:

1. A copy of the notice of solicitation of outside information or opinion, since the Board did not seek information or opinion from sources outside of the Board in preparing to propose the rules;
2. A petition for adoption, since no petition was received by the Board;
3. Any findings of fact and conclusions supporting changes to the proposed rules because the proposed rules were not amended;
4. All written requests, submissions, or comments received by the Board, since none were received;

5. An affidavit of mailing notice of submission to the Attorney General or the notice of submission, since no requests for notification were received by the Board.

If any additional information is needed, or you have any questions or comments, please let me know as soon as possible.

MJC:tt

Enclosure

cc: Mary Ann McCoy

RECEIVED SEP 24 1985 ETHICAL PRACTICES BOARD

AG copy

Ethical Practices Board

Adopted Rules Relating to Economic Interest Disclosure, Lobbyist Reporting, Conflicts of Interest, and Representation Disclosure

Rules as Adopted

4505.0900 FILING.

Subpart 1. [Unchanged.]

Subp. 2. **Filing of more than one statement in any year.** An individual is not required to file more than one statement of economic interest in any year; except that an individual who has filed a statement of economic interest within the calendar year must file a supplementary statement within 14 days after filing an affidavit of candidacy or undertaking the duties of office requiring the advice and consent of the senate.

Subp. 3. and 4. [Unchanged.]

4510.0600 DISCLOSURE OF GIFTS, LOANS, HONORARIUMS, ITEMS, OR BENEFITS.

Subpart 1. **General requirements.** The lobbyist shall report the name and address of each public official receiving any gift, honorarium, loan, item, or benefit from the lobbyist, or any employer or employee of the lobbyist, equal in value to $50 or more in a single transaction, to include the amount, the date on which it was received, and a description of the transaction, whether or not it was given for lobbying purposes, in the following categories.

Subp. 2. to 4. [Unchanged.]

4510.1300 WAIVER OF LATE FILING FEES.

The board shall grant a waiver of a late filing fee if the board is satisfied that the statement or report was not filed on time due to sickness, injury, or other compelling reason upon receipt of a written request for a waiver.

4515.0100 DEFINITIONS.

Subpart 1. Applicability. When they are used in this

chapter, the terms defined in this part have the meanings given them.

Subp. 2. [Unchanged.]

Subp. 3. [See repealer.]

Subp. 4. and 5. [Unchanged.]

Subp. 6. **Public official.** "Public official" has the meaning given in Minnesota Statutes, section 10A.01, subdivision 18.

Subp. 7. [Unchanged.]

4515.0300 APPLICABILITY OF THE CONFLICTS OF INTEREST PROVISIONS.

Any public official who, in the discharge of official duties, would be required to take action or make a decision which would substantially affect the official's financial interests, or those of a business with which he is associated, as that term is defined in Minnesota Statutes, section 10A.01, subdivision 4, must file a potential conflict of interest notice, unless the effect on the official is no greater than on other members of the official's business classification, profession, or occupation.

4520.0100 DEFINITIONS.

Subpart 1. Applicability. When they are used in this chapter, the terms defined in this part have the meanings given them.

Subp. 2. [Unchanged.]

Subp. 3. [See repealer.]

Subp. 4. [Unchanged.]

Subp. 5. **File, filed, filing.** "File," "filed," and "filing," mean delivery to the office of the Ethical Practices Board by 4:30 p.m. on the prescribed filing date or postmarked on the filing date. If the filing date is a Saturday, Sunday, or legal holiday, the filing date is the next regular business day.

Subp. 6. [Unchanged.]

Subp. 7. **Public official.** "Public official" has the meaning given in Minnesota Statutes, section 10A.01, subdivision

18.

Repealer. Minnesota Rules, parts 4515.0100, subpart 3, and 4520.0100, subpart 3, are repealed.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
NOV 12 1985
Joan Anderson Growe
Secretary of State
8:55AM

APPROVED AS TO FORM AND LEGALITY
Nov. 12 19 85
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY Robert R. Nauch
SPECIAL ASSISTANT ATTORNEY GENERAL

Rules as Proposed

4505.0900 FILING.

Subpart 1. [Unchanged.]

Subp. 2. **Filing of more than one statement in any year.** An individual ~~shall~~ is not ~~be~~ required to file more than one statement of economic interest in any year; except that ~~a public official~~ an individual who has filed a statement of economic interest within the calendar year ~~as a public official~~ must file a supplementary statement within 14 days after filing an affidavit of candidacy or ~~submitting a petition to appear on the ballot~~ undertaking the duties of office requiring the advice and consent of the senate.

Subp. 3. and 4. [Unchanged.]

4510.0600 DISCLOSURE OF GIFTS, LOANS, HONORARIUMS, ITEMS, OR BENEFITS.

Subpart 1. **General requirements.** The lobbyist shall report the name and address of each public official receiving any gift, honorarium, loan, item, or benefit from the lobbyist, or any employer or employee of the lobbyist, equal in value to ~~$20~~ $50 or more in a single transaction, to include the amount, the date on which it was received, and a description of the transaction, whether or not it was given for lobbying purposes, in the following categories.

Subp. 2. to 4. [Unchanged.]

4510.1300 WAIVER OF LATE FILING FEES.

The board shall grant a waiver of a late filing ~~fees for~~ fee if the board is satisfied that the statement or report was not filed on time due to sickness, ~~or~~ injury ~~of the filer~~, or other compelling reason ~~when~~ upon receipt of a written request for a waiver ~~is submitted not later than the fifth business day following the day of filing the late statement or report~~.

4515.0100 DEFINITIONS.

Subpart 1. ~~Act.--"Act" means Laws of Minnesota 1974, chapter 470, approved April 12, 1974, and effective April 13,~~

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

~~1974-(Minnesota-Statutes-1974,-sections-10A.01-to-10A.34)~~

Applicability. When they are used in this chapter, the terms defined in this part have the meanings given them.

Subp. 2. [Unchanged.]

Subp. 3. [See repealer.]

Subp. 4. and 5. [Unchanged.]

Subp. 6. **Public official.** "Public official" ~~means:--any member-of-the-legislature,-any-person-holding-a-constitutional office-in-the-executive-branch-and-his-chief-administrative deputy,-any-member-of-a-state-board-or-commission-with rulemaking-authority-as-provided-in-Minnesota-Statutes,-section 14.02,-any-person-employed-by-the-executive-branch-in-a-position specified-in-Minnesota-Statutes,-section-15A.0811,-any-person employed-by-the-legislature-as-secretary-of-the-senate,-chief clerk-of-the-house,-revisor-of-statutes,-legislative-auditor,-or researcher-or-attorney-in-the-office-of-legislative-research, any-member-of-the-Metropolitan-Council,-Metropolitan-Transit Commission,-Metropolitan-Sewer-Board,-or-Metropolitan-Airports Commission.--Minnesota-Statutes-1974,-section-10A.01, subdivision-18~~ has the meaning given in Minnesota Statutes, section 10A.01, subdivision 18.

Subp. 7. [Unchanged.]

4515.0300 APPLICABILITY OF THE CONFLICTS OF INTEREST PROVISIONS.

Any public official who, in the discharge of ~~his~~ official duties, would be required to take action or make a decision which would substantially affect ~~his~~ the official's financial interests, or those of a business with which he is associated, as that term is defined in Minnesota Statutes, section 10A.01, subdivision 4, must file a potential conflict of interest notice, unless the effect on ~~him~~ the official is no greater than on other members of ~~his~~ the official's business classification, profession, or occupation.

4520.0100 DEFINITIONS.

Subpart 1. **Act.** ~~--"Act"-means-Laws-of-Minnesota-1974, chapter-470,-approved-April-12,-1974,-and-effective-April-13,~~

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

~~1974-(Minnesota-Statutes-1974,-sections-10A.01-to-10A.34)~~

Applicability. When they are used in this chapter, the terms defined in this part have the meanings given them.

Subp. 2. [Unchanged.]

Subp. 3. [See repealer.]

Subp. 4. [Unchanged.]

Subp. 5. **File, filed, and filing.** "File," "filed," and "filing," mean delivery to the ~~Minnesota~~ office of the Ethical Practices Board by ~~midnight of~~ 4:30 p.m. on the prescribed filing date ~~for filing or deposit as certified mail in an established United States post office, postage prepaid, no later than midnight two days before the prescribed~~ or postmarked on the filing date. If the filing date is a Saturday, Sunday, or legal holiday, the filing date is the next regular business day.

Subp. 6. [Unchanged.]

Subp. 7. **Public official.** "Public official" ~~means: any member of the legislature; any person holding a constitutional office in the executive branch and his chief administrative deputy; any member of a state board or commission with rulemaking authority as provided in Minnesota Statutes, section 14.02, subdivision 4; any person employed by the legislature as secretary of the senate, chief clerk of the house, revisor of statutes, legislative auditor, or researcher or attorney in the office of legislative research; any person employed by the executive branch in a position specified in Minnesota Statutes, section 15A.0811; any member of the Metropolitan Council, Metropolitan Transit Commission, Metropolitan Sewer Board, or Metropolitan Airports Commission.~~ has the meaning given in Minnesota Statutes, section 10A.01, subdivision 18.

Repealer. Minnesota Rules, parts 4515.0100, subpart 3, and 4520.0100, subpart 3, are repealed.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD825

Agency: Ethical Practices Board

Division:

Agency Contact: Mary Ann McCoy

Minnesota Rules: Parts 4505.0900; 4510.0600; 4510.1300; 4515.0100; 4515.0300; 4520.0100

Title: Proposed Rules Relating to Economic Interest Disclosure, Lobbyist Reporting, Conflicts of Interest, and Representation Disclosure

Type of Rules: Permanent

Incorporations by Reference: None

Steven C. Cross
Revisor of Statutes

Craig E. Lindeke
Senior Assistant Revisor
Phone: 296-0946
Date: August 23, 1985

STATE OF MINNESOTA
STATE ETHICAL PRACTICES BOARD
41 STATE OFFICE BUILDING
ST. PAUL, MINNESOTA 55155-1289
PHONE: (612) 296-5148

STATE OF MINNESOTA

ETHICAL PRACTICES BOARD

In the Matter of the Proposed Adoption of the Rules of the State Ethical Practices Board Governing Economic Interest Disclosure, Lobbyist Registration and Reporting, Conflict of Interest, and Representation Disclosure	FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULES ADOPTED WITHOUT PUBLIC HEARING

Notice of the Board's proposed adoption of the above-entitled rules was published in the State Register on September 16, 1985, and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14, subdivision 1, paragraph (a) and 14.22 on September 13, 1985.

All persons were given the opportunity to submit comment on the rules for 30 days after notice of proposed rulemaking.

No submissions or written comments on the rules or requests for notice of submission to the attorney general were received by the agency.

Based on the comments and evidence in the record before the agency, I find the following:

The above-captioned rules are needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rules identified as Minn. Rules pts. 4505.0900, subp. 2; 4510.0600, subp. 1; 4510.1300; 4515.0100, subp. 1; 4515.0300; and 4520.0100, subpts. 1, 5, and 7 are adopted this 24th day of

October, 1985 pursuant to authority vested in the Board by Minnesota Statutes, section 10A.02, subdivision 13.

STATE OF MINNESOTA

Mary Ann McCoy

Mary Ann McCoy, Executive Director
ETHICAL PRACTICES BOARD

STATE OF MINNESOTA
STATE ETHICAL PRACTICES BOARD
41 STATE OFFICE BUILDING
ST. PAUL, MINNESOTA 55155-1289
PHONE: (612) 296-5148

STATE OF MINNESOTA

ETHICAL PRACTICES BOARD

In the Matter of the Proposed Adoption of the Rules of the State Ethical Practices Board Governing Economic Interest Disclosure, Lobbyist Registration and reporting, Conflict of Interest, and Representation Disclosure

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULES ADOPTED WITHOUT PUBLIC HEARING

Notice of the Board's proposed adoption of the above-entitled rules was published in the State Register on September 16, 1985, and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14, subdivision 1, paragraph (a) and 14.22 on September 13, 1985.

All persons were given the opportunity to submit comment on the rules for 30 days after notice of proposed rulemaking.

No submissions or written comments on the rules or requests for notice of submission to the attorney general were received by the agency.

Based on the comments and evidence in the record before the agency, I find the following:

The above-captioned rules are needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rules identified as In the Matter of the Proposed Adoption of the Rules of the State Ethical Practices Board Governing Economic Interest Disclosure, Lobbyist Registration and Reporting, Conflict of

Interest, and Representation Disclosure are adopted this 8th day of November, 1985 pursuant to authority vested in the Board by Minnesota Statutes, section 10A.02, subdivision 13.

STATE OF MINNESOTA

Mary Ann McCoy

MARY ANN MCCOY
Executive Director
Ethical Practices Board

STATE OF MINNESOTA
STATE ETHICAL PRACTICES BOARD
41 STATE OFFICE BUILDING
ST. PAUL, MINNESOTA 55155-1289
PHONE: (612) 296-5148

STATE OF MINNESOTA

ETHICAL PRACTICES BOARD

In the Matter of the Proposed Adoption of Rules of the State Ethical Practices Board Governing Economic Interest Disclosure, Lobbyist Registration and Reporting, Conflicts of Interest, and Representation Disclosure

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 30th day of August, 1985, that a Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the State Ethical Practices Board for that purpose and be published in the State Register.

STATE OF MINNESOTA

Mary Ann McCoy
EXECUTIVE DIRECTOR
ETHICAL PRACTICES BOARD

STATE OF MINNESOTA
STATE ETHICAL PRACTICES BOARD
41 STATE OFFICE BUILDING
ST. PAUL, MINNESOTA 55155-1289
PHONE: (612) 296-5148

CERTIFICATE OF BOARD'S
AUTHORIZING RESOLUTION

I, Martin J. McGowan, do hereby certify that I am a member and the Chairman, of the Board of Ethical Practices, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Ethical Practices duly and properly called and held on the 9th day of August, 1985, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

"RESOLVED, that Mary Ann McCoy, executive director of the Board of Ethical Practices, be and she hereby is granted the authority and directed to sign an Order fo the Board directing that Notice be given of the Board's intent to adopt without a public hearing rules governing Economic Interest Disclosure, Lobbyist Registration and Reporting, Conflicts of Interest, and Representation Disclosure, to sign the Notice thereof, and to perform any and all acts incidental thereto. In the event a public hearing becomes necessary, she hereby is granted the authority and directed to call a hearing for the purpose of promulgating said rules as well as perform any and all acts incidental thereto, including but without being limited to signing an Order for Hearing and Notice of Hearing as well as acting as the Board's representative at all hearings."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 9th day of August, 1985.

Martin J. McGowan

Martin J. McGowan, Chairman
Ethical Practices Board

Attested by

Ellen G. Sampson

Ellen G. Sampson, Secretary
Ethical Practices Board

AN EQUAL OPPORTUNITY EMPLOYER

Ethical Practices Board

Proposed Rules Governing Economic Interest Disclosure, Lobbyist Registration and Reporting, Conflicts of Interest, and Representation Disclosure

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Ethical Practices Board proposes to adopt the above-captioned rules without a public hearing. The Board has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. §§14.21-14.28.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules or any part or subpart of the proposed rules and that comment is encouraged. The proposed rules may be modified if the modifications are supported by data or views submitted to the Board and do not result in a substantial change in the proposed language.

No public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period. If a public hearing is required, the Board will proceed according to the provisions of Minn. Stat. §§14.131-14.20.

Comments or written requests for a public hearing should be submitted to Mary Ann McCoy, Executive Director, Ethical Practices Board, at 41 State Office Bldg., St. Paul, MN 55155 (mailing address) or Room 200 Capitol Medical Office Bldg., 590 Park St., St. Paul (walk-in address). Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. Any person requesting a public hearing should state her or his name, address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. Written requests must be received by the Board office not later than 12 o'clock noon on Wednesday, October 16, 1985.

4E has Too Soon!

The Board's authority to adopt rules is found in Minn. Stat. §10A.02, subd. 13. A statement describing the need and reasonableness of the proposed rules is available from the Board upon request.

Minn. Stat. §14.115 requires the Board to provide an opportunity for small businesses to participate in the rulemaking process. It appears that the proposed amendments do not directly affect small business, for by definition, the regulations are imposed on individuals. However, small businesses may be affected indirectly by these regulations, for example a public official may disclose information on his or her Statement of Economic Interest which may affect small businesses. For more information on the possible small business

impact, see the Statement of Need and Reasonableness.

If no hearing is required, upon adoption of the rules, the rules and the required supporting documents will be delivered to the Attorney General for review as to form and legality, including the issue of substantive change. Persons who wish to be advised of the submission of this material to the Attorney General or who wish to receive a copy of the adopted rules should submit a written request to Ms. McCoy.

Please be advised that Minn. Stat. Ch. 10A requires each lobbyist to register with the Ethical Practices Board within five days after she or he commences lobbying. A lobbyist is defined in Minn. Stat. §10A.01, subd. 11 as 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 her or his own traveling 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 her or his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating with or urging others to communicate with public officials. The statute provides certain exceptions. Questions should be directed to the Board at the address above, telephone (612)296-5615.

A copy of the proposed rules is attached to this notice. Copies of this notice, the proposed rules, and the Statement of Need and Reasonableness are available from Ceil Gerlach at the Board office, (612) 296-5148.

Mary Ann McCoy, Executive Director

STATE OF MINNESOTA
STATE ETHICAL PRACTICES BOARD
41 STATE OFFICE BUILDING
ST. PAUL, MINNESOTA 55155-1289
PHONE: (612) 296-5148

In the Matter of the Proposed Adoption of the Rules of the State Ethical Practices Board Governing Economic Interest Disclosure, Lobbyist Registration and Reporting, Conflicts of Interest, and Representation Disclosure

AFFIDAVIT OF MAILING THE NOTICE OF PROPOSED ADOPTION OF RULES WITHOUT A PUBLIC HEARING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Cecilia Gerlach, being first duly sworn deposes and says:

I hereby certify that the list of persons, who have requested, pursuant to Minnesota Statutes, sections 14.14, subdivision 1, paragraph (a), and 14.22 or 14.30, that their names be placed on the state Ethical Practices Board rulemaking mailing list is accurate and complete as of 1:00 P.M., this 13th day of September, 1985.

That on the 13th day of September, 1985, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Proposed Adoption of Rules Without a Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing at said City of St. Paul, a copy thereof with postage prepaid, to all persons on the aforementioned mailing list.

Cecilia Gerlach
Cecilia Gerlach
Administrative Secretary
ETHICAL PRACTICES BOARD

Subscribed and sworn to before me

this 28th day of October, 1985.

MARY ANN McCOY
NOTARY PUBLIC-MINNESOTA
HENNEPIN COUNTY
My Comm. Expires June 30, 1990

Mary Ann McCoy

Ethical Practices Board

Proposed Rules Governing Economic Interest Disclosure, Lobbyist Registration and Reporting, Conflicts of Interest, and Representation Disclosure

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Ethical Practices Board proposes to adopt the above-captioned rules without a public hearing. The Board has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. §§14.21-14.28.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules or any part or subpart of the proposed rules and that comment is encouraged. The proposed rules may be modified if the modifications are supported by data or views submitted to the Board and do not result in a substantial change in the proposed language.

No public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period. If a public hearing is required, the Board will proceed according to the provisions of Minn. Stat. §§14.131-14.20.

Comments or written requests for a public hearing should be submitted to Mary Ann McCoy, Executive Director, Ethical Practices Board, at 41 State Office Bldg., St. Paul, MN 55155 (mailing address) or Room 200 Capitol Medical Office Bldg., 590 Park St., St. Paul (walk-in address). Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. Any person requesting a public hearing should state her or his name, address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. Written requests must be received by the Board office not later than 12 o'clock noon on Wednesday, October 16, 1985.

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impact, see the Statement of Need and Reasonableness.

If no hearing is required, upon adoption of the rules, the rules and the required supporting documents will be delivered to the Attorney General for review as to form and legality, including the issue of substantive change. Persons who wish to be advised of the submission of this material to the Attorney General or who wish to receive a copy of the adopted rules should submit a written request to Ms. McCoy.

Please be advised that Minn. Stat. Ch. 10A requires each lobbyist to register with the Ethical Practices Board within five days after she or he commences lobbying. A lobbyist is defined in Minn. Stat. §10A.01, subd. 11 as 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 her or his own traveling 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 her or his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating with or urging others to communicate with public officials. The statute provides certain exceptions. Questions should be directed to the Board at the address above, telephone (612) 296-5615.

A copy of the proposed rules is attached to this notice. Copies of this notice, the proposed rules, and the Statement of Need and Reasonableness are available from Ceil Gerlach at the Board office, (612) 296-5148.

Mary Ann McCoy, Executive Director

RECEIVED
SEP 16 1985
ETHICAL
PRACTICES
BOARD

STATE REGISTER

STATE OF MINNESOTA



VOLUME 10, NUMBER 12

September 16, 1985

Pages 641-668

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 10		
13	Monday September 9	Monday September 16	Monday September 23
14	Monday September 16	Monday September 23	Monday September 30
15	Monday September 23	Monday September 30	Monday October 7
16	Monday September 30	Monday October 7	Monday October 14

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

**Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the Office of the State Register, 506 Rice Street, St. Paul, Minnesota 55103, (612) 296-0930.

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

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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).
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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:

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Issues 14-25, inclusive
Issue 26, cumulative for 1-26
Issues 27-38, inclusive
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PROPOSED RULES

Pursuant to Minn. Stat. of 1982, §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Ethical Practices Board

Proposed Rules Relating to Economic Interest Disclosure, Lobbyist Reporting, Conflicts of Interest, and Representation Disclosure

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Ethical Practices Board proposes to adopt the above-captioned rules without a public hearing. The Board has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. §§ 14.21-14.28.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules or any part or subpart of the proposed rules and that comment is encouraged. The proposed rules may be modified if the modifications are supported by data or views submitted to the Board and do not result in a substantial change in the proposed language.

No public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period. If a public hearing is required, the Board will proceed according to the provisions of Minn. Stat. §§ 14.131-14.20.

Comments or written requests for a public hearing should be submitted to Mary Ann McCoy, Executive Director, Ethical Practices Board, at 41 State Office Bldg., St. Paul, MN 55155 (mailing address) or Room 200 Capitol Medical Office Bldg., 590 Park

St., St. Paul (walk-in address). Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. Any person requesting a public hearing should state her or his name, address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. Written requests must be received by the Board office not later than 12 o'clock noon on Wednesday, October 16, 1985.

The Board's authority to adopt rules is found in Minn. Stat. § 10A.02, subd. 13. A statement describing the need and reasonableness of the proposed rules is available from the board upon request.

Minn. Stat. § 14.115 requires the Board to provide an opportunity for small businesses to participate in the rulemaking process. It appears that the proposed amendments do not directly affect small business, for by definition, the regulations are imposed on individuals. However, small businesses may be affected indirectly by these regulations, for example a public official may disclose information on his or her Statement of Economic Interest which may affect small businesses. For more information on the possible small business impact, see the Statement of Need and Reasonableness.

If no hearing is required, upon adoption of the rules, the rules and the required supporting documents will be delivered to the Attorney General for review as to form and legality, including the issue of substantive change. Persons who wish to be advised of the submission of this material to the Attorney General or who wish to receive a copy of the adopted rules should submit a written request to Ms. McCoy.

Please be advised that Minn. Stat. Ch. 10A requires each lobbyist to register with the Ethical Practices Board within five days after she or he commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 as 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 her or his own traveling 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 her or his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating with or urging others to communicate with public officials. The statute provides certain exceptions. Questions should be directed to the Board at the address above, telephone (612) 296-5615.

A copy of the proposed rules is attached to this notice. Copies of this notice, the proposed rules, and the Statement of Need and Reasonableness are available from Ceil Gerlach at the Board office, (612) 296-5148.

Mary Ann McCoy
Executive Director

Rules as Proposed

4505.0900 FILING.

Subpart 1. [Unchanged.]

Subp. 2. **Filing of more than one statement in any year.** An individual ~~shall~~ is not ~~be~~ required to file more than one statement of economic interest in any year; except that ~~a public official~~ an individual who has filed a statement of economic interest within the calendar year ~~as a public official~~ must file a supplementary statement within 14 days after filing an affidavit of candidacy or ~~submitting a petition to appear on the ballot~~ undertaking the duties of office requiring the advice and consent of the senate.

Subp. 3. and 4. [Unchanged.]

4510.0600 DISCLOSURE OF GIFTS, LOANS, HONORARIUMS, ITEMS, OR BENEFITS.

Subpart 1. **General requirements.** The lobbyist shall report the name and address of each public official receiving any gift, honorarium, loan, item, or benefit from the lobbyist, or any employer or employee of the lobbyist, equal in value to ~~$20~~ $50 or more in a single transaction, to include the amount, the date on which it was received, and a description of the transaction, whether or not it was given for lobbying purposes, in the following categories.

Subp. 2. to 4. [Unchanged.]

4510.1300 WAIVER OF LATE FILING FEES.

The board shall grant a waiver of a late filing ~~fees for~~ fee if the board is satisfied that the statement or report was not filed on time

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.

due to sickness, ~~or~~ injury ~~of the filer~~, or other compelling reason ~~when~~ upon receipt of a written request for a waiver ~~is submitted not later than the fifth business day following the day of filing the late statement or report~~.

4515.0100 DEFINITIONS.

Subpart 1. ~~**Act.** "Act" means Laws of Minnesota 1974, chapter 470, approved April 12, 1974, and effective April 13, 1974 (Minnesota Statutes 1974, sections 10A.01 to 10A.34)~~ **Applicability.** When they are used in this chapter, the terms defined in this part have the meanings given them.

Subp. 2. [Unchanged.]

Subp. 3. [See repealer.]

Subp. 4. and 5. [Unchanged.]

Subp. 6. **Public official.** "Public official" ~~means: any member of the legislature; any person holding a constitutional office in the executive branch and his chief administrative deputy; any member of a state board or commission with rulemaking authority as provided in Minnesota Statutes, section 14.02; any person employed by the executive branch in a position specified in Minnesota Statutes, section 15A.081; any person employed by the legislature as secretary of the senate, chief clerk of the house, revisor of statutes, legislative auditor, or researcher or attorney in the office of legislative research; any member of the Metropolitan Council, Metropolitan Transit Commission, Metropolitan Sewer Board, or Metropolitan Airports Commission. Minnesota Statutes 1974, section 10A.01, subdivision 18~~ has the meaning given in Minnesota Statutes, section 10A.01, subdivision 18.

Subp. 7. [Unchanged.]

4515.0300 APPLICABILITY OF THE CONFLICTS OF INTEREST PROVISIONS.

Any public official who, in the discharge of ~~his~~ official duties, would be required to take action or make a decision which would substantially affect ~~his~~ the official's financial interests, or those of a business with which he is associated, as that term is defined in Minnesota Statutes, section 10A.01, subdivision 4, must file a potential conflict of interest notice, unless the effect on ~~him~~ the official is no greater than on other members of ~~his~~ the official's business classification, profession, or occupation.

4520.0100 DEFINITIONS.

Subpart 1. ~~**Act.** "Act" means Laws of Minnesota 1974, chapter 470, approved April 12, 1974, and effective April 13, 1974 (Minnesota Statutes 1974, sections 10A.01 to 10A.34)~~ **Applicability.** When they are used in this chapter, the terms defined in this part have the meanings given them.

Subp. 2. [Unchanged.]

Subp. 3. [See repealer.]

Subp. 4. [Unchanged.]

Subp. 5. **File, filed, ~~and~~ filing.** "File," "filed," and "filing," mean delivery to the ~~Minnesota~~ office of the Ethical Practices Board by ~~midnight of~~ 4:30 p.m. on the prescribed filing date ~~for filing or deposit as certified mail in an established United States post office, postage prepaid, no later than midnight two days before the prescribed~~ or postmarked on the filing date. If the filing date is a Saturday, Sunday, or legal holiday, the filing date is the next regular business day.

Subp. 6. [Unchanged.]

Subp. 7. **Public official.** "Public official" ~~means: any member of the legislature; any person holding a constitutional office in the executive branch and his chief administrative deputy; any member of a state board or commission with rulemaking authority as provided in Minnesota Statutes, section 14.02, subdivision 4; any person employed by the legislature as secretary of the senate, chief clerk of the house, revisor of statutes, legislative auditor, or researcher or attorney in the office of legislative research; any person employed by the executive branch in a position specified in Minnesota Statutes, section 15A.081; any member of the Metropolitan Council, Metropolitan Transit Commission, Metropolitan Sewer Board, or Metropolitan Airports Commission. Minnesota Statutes 1974, section 10A.01, subdivision 18~~ has the meaning given in Minnesota Statutes, section 10A.01, subdivision 18.

REPEALER. Minnesota Rules, parts 4515.0100, subpart 3, and 4520.0100, subpart 3, are repealed.

Department of Human Services

Proposed Rules Relating to Reimbursement for Cost of Care of Patients in a State Hospital

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the State Department of Human Services proposes to adopt the above-entitled rule without a public

hearing following the procedures set forth in Minnesota Statutes, sections 14.22 to 14.28. The specific statutory authority to adopt the rule is Minnesota Statutes, sections 246.50 to 246.55.

Persons interested in this rule shall have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule and comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Persons who wish to submit comments or a written request for a public hearing must submit such comments or requests by 4:30 p.m., October 16, 1985, to:

Luanne Laurents
Reimbursement Division
Department of Human Services
Fourth Floor Space Center
444 Lafayette Road
St. Paul, MN 55101
612/296-2140

The proposed rule may be modified if the modifications are supported by data and views and do not result in a substantial change in the proposed rule as noticed.

The proposed amendments to Minnesota Rules, parts 9515.1000 to 9515.2600 implement amendments passed by the 1984 Legislature. Parts 9515.1000 to 9515.2600 specify the extent of liability of responsible relatives for the cost of care of patients in state hospitals. Most of the amendments are procedural in nature or result in minor changes only.

For the purpose of determining a relative's reimbursement for the cost of care of a patient of a state hospital, dividends and interest would be characterized as personal property; the definition of "homestead" would be made consistent with the long-standing definition in Minnesota Statute, section 510.02; all references to in-kind income would be eliminated; children of mentally ill or chemically dependent patients would no longer be liable for state hospital costs; personal interview procedures would be modified to allow contact by mail or telephone; retroactive lump sum awards would be treated as income during the months for which they are designated; the special personal allowance would change from $50 per month to 50 percent of net monthly income as specified by statute; and differential treatment between spouses who are employed outside the home, and those who are not, would be eliminated.

The amendments would further provide for the deduction from gross income of actual costs of housing and a monthly household living allowance in situations involving outpatients and former patients.

A copy of the rule is available for review from Luanne Laurents upon request.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule amendments and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Luanne Laurents upon request.

The adoption of these rules will not require the expenditure of any money by local government bodies. A fiscal note which explains that there is no cost to local government bodies is available from Luanne Laurents.

These rules will not have a direct impact on small businesses.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be delivered to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Luanne Laurents.

August 30, 1985

Leonard W. Levine
Commissioner

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.

Rules as Proposed

9515.1200 DEFINITIONS.

Subpart 1. to 6. [Unchanged.]

Subp. 7. **Gross income or gross earnings.** "Gross income" or "gross earnings" means all income received ~~including in-kind income~~ except dividends and interest.

Subp. 8. **Homestead.** "Homestead" means the house owned and occupied by the patient as his or her dwelling place, together with the land upon which it is situated ~~and an area no greater than two contiguous lots in a platted and laid-out city or town or the smallest parcel allowed under applicable zoning regulations in unplatted land~~ as limited by Minnesota Statutes, section 510.02.

Subp. 9. [See Repealer.]

Subp. 10. to 16. [Unchanged.]

Subp. 17. **Personal property.** "Personal property" means all property which is not real property including dividends and interest.

Subp. 18. to 20. [Unchanged.]

Subp. 21. **Responsible relative.** "Responsible relative" means the spouse~~,~~ and the parents of minor children~~, and in the case of the mentally ill or chemically dependent, the adult children of a patient,~~ in that order of liability for cost of care.

Subp. 22. [Unchanged.]

9515.1300 TIME OF DETERMINATION.

Ability to pay the cost of care shall be determined when the patient is admitted, when there is a change in the ~~patient's~~ person's financial affairs is in the hands of another person. When the patient is not the source of financial information the reason shall be cial status used in determining ability to pay, when the patient has been hospitalized for 120 days or more, when the patient is being discharged, and when the responsible relative's financial status has not been reviewed for one year.

Within the six-year period after the date of a patient's discharge from the hospital, the department from time to time may, and upon request of the patient shall, reevaluate the patient's ability to pay any balance of the charge for cost of care.

9515.1400 PERSONS INTERVIEWED TO DETERMINE ABILITY TO PAY.

In all instances the patient shall be present at the interview to determine ability to pay unless the patient is a minor or the ~~attending physician~~ treatment staff of the state hospital attests the patient's presence is medically contraindicated. ~~The physician's signed statement shall be placed~~ When the patient cannot be present at the interview, the reason shall be noted in the patient's financial information file.

The patient shall be the source of financial information to determine ability to pay except when the management of the patient's financial affairs is in the hands of another person. When the patient is not the source of financial information the reason shall be noted in the patient's financial information file.

When the patient is not able to act on his own behalf, the person interviewed shall be the patient's legal guardian, the conservator, the parents of a minor child, a spouse, a relative of the patient, a trustee, a representative payee, the patient's legal representative, or a county social worker.

If the patient is unable to pay the full cost of the per diem, the responsible relative shall be interviewed.

9515.1600 VERIFICATION REQUIRED.

This process shall be used to substantiate information entered on the signed financial information form. The ~~reimbursement officer~~ department shall verify: the ~~patient's~~ person's income, insurance benefits, property, deductions allowed to pay previously incurred debts, and the number of dependents claimed.

9515.1700 CONSENT FORMS.

The person shall provide the ~~reimbursement officer~~ department with a separate signed consent form for each verification which must be obtained from a third party. The name, date, and the information authorized shall be on the consent form prior to the person's signature. A blanket authorization may be used for a group of related agencies such as banks or insurance companies.

9515.2200 SOURCES OF INCOME CONSIDERED TO BE PATIENT RESOURCES.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Net income.** The patient's entire net income remaining after the deductions from gross income have been made in accordance with part 9515.2300, subpart 4 shall be available to pay the cost of care ~~and shall be converted to a daily amount~~.

Subp. 4. [Unchanged.]

9515.2300 NET INCOME OF PATIENT.

Subpart 1. [See Repealer.]

Subp. 2. **Lump sums.** Lump sums, other than excluded property, shall be treated as income in the month received and thereafter shall be treated as property, except that retroactive awards of social security or veterans' benefits shall be treated as income during the months to which such benefits are attributable. The patient shall report the lump sum to the department within ten working days.

Subp. 3. [Unchanged.]

Subp. 4. **Deductions from gross income to arrive at net income.** The following items shall be deducted from the patient's monthly gross income:

A. to J. [Unchanged.]

K. A personal needs and clothing allowance of the inpatient in the amount determined in accordance with Minnesota Statutes, section 256B.35 for persons receiving public assistance grants. In addition, a special personal allowance drawn solely from earnings from any productive employment under an individual plan of rehabilitation or work therapy shall be given to all patients in state hospitals. The special personal allowance shall not exceed ~~$50 per month~~ 50 percent of net monthly income. ~~This amount shall be adjusted in accordance with the limit established by the department pursuant to Minnesota Statutes, section 256B.36 for persons receiving public assistance grants;~~

L. [Unchanged.]

M. ~~A housing allowance for inpatients.~~ An inpatient without dependents living in his or her home shall be allowed the actual cost of his or her housing and utilities in the community for the month of admission and a period of three months of continuous hospitalization subsequent to that admission. An inpatient with dependents living in his or her home shall be allowed a pro rata share of his or her household's total actual housing costs during the month of admission and for a period of three months of continuous hospitalization subsequent to that admission. This housing allowance shall be available to the inpatient only twice in any one calendar year regardless of the number of times the patient is admitted to a state hospital in that calendar year. An outpatient or former patient shall be allowed the actual cost of his or her housing and utilities.

N. [Unchanged.]

9515.2400 MONTHLY HOUSEHOLD LIVING ALLOWANCE SCHEDULE.

Number in Household	Monthly Household Living Allowance
1	~~$ 356~~ $ 419
2	~~$ 534~~ $ 628
3	~~$ 712~~ $ 838
4	~~$ 890~~ $1,047
5	~~$1,068~~ $1,256
6	~~$1,246~~ $1,466
over 6	~~$1,246~~ $1,466 plus ~~$178~~ $209 for each additional person

The number in household of an inpatient shall be the number of dependents the patient claims. The number in household of an outpatient or former patient shall be the patient plus the number of dependents the patient claims. ~~The housing allowance for the outpatient is included in the above budgets~~ The gross monthly income of a patient's spouse, if any, shall be deducted from the housing allowances shown above.

By July 1 of each year, the department shall adjust the monthly household living allowance to reflect the annual percentage change reported in the most recent Consumer Price Index, for all urban consumers in the Minneapolis-Saint Paul area. The Consumer Price Index shall be as published by the Bureau of Labor Statistics, U.S. Department of Labor. The year 1967 is the standard reference base period.

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9515.2500 PROPERTY OF PATIENT.

Subpart 1. [Unchanged.]

Subp. 2. **Real property.** The value of the patient's homestead shall be excluded from consideration as a resource ~~if the patient remains in the hospital for less than 18 months, if the spouse or a minor child lives in it, or if it is rented while the patient is hospitalized~~.

The value of real property owned by the patient which produces a net income shall be excluded from consideration as a resource. Real property which the patient is selling on a contract for deed and for which the patient receives payments shall be considered income producing property.

Subp. 3. to 7. [Unchanged.]

9515.2600 RESPONSIBLE RELATIVE'S ABILITY TO PAY.

Subpart 1. [Unchanged.]

Subp. 2. **Interview.** The responsible relative shall be ~~interviewed~~ contacted to obtain and verify financial information.

Subp. 3. [Unchanged.]

Subp. 4. **Liability of responsible relatives.** When the sum of the benefits described in subpart 3 and the patient's other resources pay less than the full cost of care, the ability of each responsible relative to pay shall be determined in the statutory order of liability for cost of care. When two ~~or more~~ responsible relatives have the same order of liability for cost of care, a determination shall be made for each one except that a joint determination shall be made for parents who reside in the same household. ~~This provision applies to parents of a minor child and to the adult children of a mentally ill or chemically dependent patient.~~

Subp. 5. **Limitations on relative's ability to pay.** The ability of a responsible relative to pay shall be determined from the annual gross earnings of the responsible relative subject to the following limitations:

A. to F. [Unchanged.]

G. The liability of parents for cost of care provided to minor children shall be determined according to Minnesota Statutes, section 252.27, subdivision 2, and rules adopted under that section.

Subp. 6. to 11. [Unchanged.]

REPEALER. Minnesota Rules, parts 9515.1200, subpart 9, and 9515.2300, subpart 1, are repealed.

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.

Department of Human Services

Extension of Emergency Rules Governing Medical Assistance Prepaid Demonstration Project

Notice of Continuation of Emergency Rules

Notice is hereby given that the above-entitled emergency rules (9 SR 2063) which were effective on October 29, 1984, proposed in the *State Register* on September 3, 1984 (9 SR 488), and published March 18, 1985 (9 SR 2063) and continued in effect for an additional 180 days until October 24, 1985 by publication in the *State Register* on April 1, 1985 (9 SR 2176) are continued in effect until December 31, 1986 according to Minnesota Statutes, section 256.991.

August 19, 1985

Leonard W. Levine
Commissioner of Human Services

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 Agriculture Planning Division

Outside Opinion Sought Regarding Proposed Rules Governing Crop and Livestock Buyer Registration

Notice is hereby given that the Minnesota Department of Agriculture is seeking information or opinions from sources outside the agency in preparing rules governing crop and livestock buyer registration. The adoption of these rules is authorized by Laws of Minnesota, 1985, ch. 233, which requires the department to adopt rules governing registration.

The Department requests information and comments concerning the subject matter of these rules. Interested or affected persons

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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 October 7, 1985. Any written material received by the Department shall become part of the rulemaking record.

September 4, 1985

Jim Nichols
Commissioner

Department of Energy and Economic Development Energy and Economic Development Authority

Public Hearing on Proposed Project and Issuance of Bonds Under Minnesota Statutes, Chapter 116M, Exclusive—City of Hastings

NOTICE IS HEREBY GIVEN that the Minnesota Energy and Economic Development Authority (the "Authority") or its designated representative, shall meet on September 25, 1985, at 3:00 p.m. o'clock, at 900 American Center Building, 150 East Kellogg Boulevard, Saint Paul, Minnesota, for the purpose of conducting a public hearing on a proposed issue of bonds (the "Bonds") under *Minnesota Statutes*, Chapter 116M, as amended and supplemented (the "Act"), to undertake and finance a project on behalf of the City of Hastings, Minnesota (the "City"). Such persons as desire to be heard with reference to said issue of Bonds will be heard at this meeting.

The project to be financed consists of the construction and equipping of a low-head hydroelectric facility on an existing dam owned by the Federal government (and operated and maintained by the U. S. Army Corps of Engineers), to be located in the City of Hastings, Washington and Dakota Counties, Minnesota (general description of location: at the existing Locks and Dam No. 2 on the Mississippi River in the City of Hastings, Washington and Dakota Counties, Minnesota) (the "Project"). The initial owner of the Project will be the City, and the Project is expected to be operated and managed by the City or its agent. It is contemplated that the electricity produced by the Project will be sold to Northern States Power Company pursuant to a long-term output contract. The estimated maximum amount of the Authority's proposed bond issue is an amount equal to $9,500,000. The Bonds shall be limited obligations of the Authority, and the Bonds and the interest thereon shall be payable solely from the revenue pledged to the payment thereof, except that such Bonds may be secured by a mortgage or security interest or other security arrangements to be created by the City if subsequently required by the Authority. In addition, the Bonds and the Project may subsequently be considered by the Authority for financial assistance to be provided by the Energy Development Fund, created and established pursuant to the Act or other applicable financial assistance of the Authority. Notwithstanding the foregoing, no holders of any such Bonds shall ever have the right to compel any exercise of the taxing powers of the State of Minnesota or any political subdivision thereof to pay the Bonds or the interest thereon nor to enforce payment against any property of said State or said political subdivision.

A copy of the application to the Authority for approval of the Project, together with all attachments and exhibits thereto and a copy of the Authority's resolution accepting the Application and accepting the Project is available for public inspection at the offices of the Authority at 900 American Center Building, 150 East Kellogg Boulevard, Saint Paul, Minnesota from the date of this notice to the date of the public hearing hereinabove identified, during normal business hours.

September 3, 1985

By order of the members of the
Minnesota Energy and Economic
Development Authority,
Mark B. Dayton
Commissioner, Department of Energy
and Economic Development, and
Chairman, Minnesota Energy and
Economic Development Authority

Department of Energy and Economic Development Financial Management Division

Availability of Issuance Authority in Competitive Pool, September, 1985

Pursuant to Minn. Laws 1984, ch. 582 § 17, subd. 2, to be codified as 474.20, the Department gives notice that the amount of Industrial Development Bond issuance authority available in the Competitive Pool as of September 5, 1985, is $25,489,604.53, and will be available to qualifying Industrial Development Bond Issuers submitting qualification criteria applications by September 10, 1985. Pursuant to Minn. Laws 1984, ch. 582 § 16, to be codified as 474.19, non Entitlement Issuers must submit an application, a preliminary resolution, an application deposit and any other supporting documents required.

Balance of Competitive Pool on August 5, 1985	$ 4,525,000.00
Add:	
Entitlement Allocations not retained as of September 18, 1985:	$52,289,604.53
Returned Allocations:	$ 7,480,000.00
Total Pool Available:	$64,294,604.53

Allocations awarded from the Competitive Pool during the month ending September 5, 1985, are:

Issuer	Project	No. of Pts.	Amount
City of Lindstrom	Wash. Fed. S & L	6	$ 560,000.00
City of Sauk Center	Wash. Fed. S & L	7	465,000.00
Olmstead County	Solid Waste Management	N/A	8,000,000.00
City of Bemidji	Union Square	9	3,500,000.00
City of Buffalo	Pamida, Inc.	6	1,600,000.00
City of Falcon Heights	Stratford Investments	11	4,000,000.00
City of Green Isle	Green Isle Plating	9	400,000.00
City of Little Falls	United Mailing, Inc.	7	4,000,000.00
City of Monticello	Raindance Partnership	8	1,500,000.00
City of Roseville	Berger Transfer & Storage	8	4,700,000.00
City of Waite Park	Second Street Partnerships	5	10,000,000.00
City of Zumbrota	McCord Tire	6	80,000.00

Total Allocations Awarded:	$ 38,805,000.00
Amount of Issuance Authority Available as of September 5, 1985:	$ 25,489,604.53

Metropolitan Council

Public Hearing: Part 3, Water Resources Management Development Guide Water Availability and Use

The Metropolitan Council will hold a public hearing on Thursday, Oct. 10, 1985, at 7 p.m. at the Metropolitan Council Chambers, 300 Metro Square Bldg., 7th and Robert Streets, St. Paul, Minn., for the purpose of receiving public comments on Part 3 of the *Water Resources Management Development Guide* chapter of the *Metropolitan Development Guide*.

The new chapter contains information on the sources and use of water in the Metropolitan Area, and policies the Metropolitan Council will use to review proposed projects that may affect water resources. Recommendations are also made for actions by the Council and other agencies to protect those resources.

All interested persons are encouraged to attend the hearing and offer comments. Persons wishing to speak should register in advance by contacting Lucy Thompson at 291-6521 by Wednesday, Oct. 9. Written comments may be sent to the Metropolitan Council, 300 Metro Square Bldg., St. Paul, MN 55101, Attention: Gary Oberts. The Council will accept written comments until Oct. 24. Questions on Part 3 should be directed to Gary Oberts of the Council's environmental planning staff at 291-6484.

Copies of the public hearing draft are available free of charge from the Council's Communications Department at 291-6464. Copies are also available for public inspection beginning Sept. 10 at the following locations:

Metropolitan Council Library
300 Metro Square Bldg.
St. Paul, MN 55101

Minneapolis Public Library
Government Documents Room
300 Nicollet Mall
Minneapolis, MN 55401

St. Paul Public Library
Science and Industry Room
90 W. Fourth St.
St. Paul, MN 55102

Anoka County Library—Blaine Branch
707 Hwy. 10
Blaine, MN 55434

Carver County Library—Chaska Branch
314 Walnut St.
Chaska, MN 55318

Dakota County Library—Burnsville Branch
1101 W. County Rd. 42
Burnsville, MN 55337

Hennepin County Library—Southdale Branch
7001 York Av.
Edina, MN 55435

Ramsey County Library—Roseville Branch
2180 N. Hamline Av.
Roseville, MN 55113

Scott County Library—Shakopee Branch
235 S. Lewis St.
Shakopee, MN 55379

Washington County Library—Park Grove Branch
7510 - 80th St. S.
Cottage Grove, MN 55106

Sandra S. Gardebring, Chair

Metropolitan Waste Control Commission

Public Hearing: Facility Plan for Combined Sewer Overflow Control in the Twin Cities Area

Notice is hereby given that on Tuesday, October 8, 1985, the Metropolitan Waste Control Commission will hold a public hearing at 4:00 p.m. in the Board Room of the Commission's offices at 350 Metro Square Building, St. Paul, to receive public comments on the Commission's Facility Plan for Combined Sewer Overflow (CSO) Control in the Twin Cities Area.

The proposed CSO Control Plan is based on the continuation of the existing sewer separation program as planned and being implemented by the Cities of Minneapolis, St. Paul and South St. Paul. The objective of the CSO Control Plan is the elimination of overflows to the Mississippi River which contain sanitary wastewater in addition to stormwater runoff.

The Facility Planning Report, together with the Environmental Information Document, are on file at the office of the Metropolitan Waste Control Commission and may be viewed between the hours of 8:00 a.m. to 5:00 p.m. Arrangements to review the reports can also be made by contacting Mr. Klaus Foerster at 222-8423.

Interested parties and representatives of local government and organizations are invited to present their views and comments, in writing, or in person, at the hearing. Written statements may be mailed to: Louis J. Breimhurst, Chief Administrator, Metropolitan Waste Control Commission, 350 Metro Square Building, St. Paul, Minnesota 56101, and will be accepted as part of the hearing record until Monday, October 21st.

Please bring this notice to the attention of any person you feel would be interested in this matter.

September 5, 1985

By:
Louis J. Breimhurst
Chief Administrator

Department of Natural Resources Division of Waters

Outside Opinion Sought Concerning Amendments to the Kettle Wild and Scenic River Rules

Notice is hereby given that the Minnesota Department of Natural Resources is seeking information or opinions from interested

persons outside of the agency regarding amendments to the Land Management and Administration requirements of MN Rule 1983 Part 6105.0640 and Part 6105.0650 (formerly NR 2300 (c) and (d)).

Amendments to the rule are authorized by Minnesota Statutes, Section 104.34, Subdivision 1, which establishes the Commissioner of Natural Resources' responsibility to promulgate regulations for the management of designated components of the Minnesota Wild and Scenic Rivers System. The Kettle River was designated a wild and scenic river in 1975 and the department is currently evaluating the applicable rules and considering appropriate amendments.

All interested persons may submit comments or information on this subject either orally or in writing. Written statements should be addressed to:

William Zachmann
Minnesota Department of Natural Resources
Box 32
500 Lafayette Road
St. Paul, MN 55146

Oral statements should be received during regular business hours over the telephone at 612/296-9224 or in person at the above address. All statements of information and comment will be accepted until October 7, 1985. Any written material received shall become part of the record in the event the rules are amended.

Joseph N. Alexander
Commissioner of Natural Resources

Pollution Control Agency

Outside Opinion Sought Concerning Proposed Amendments Incorporating Provisions of the Federal Hazardous and Solid Waste Amendments of 1984

Notice is hereby given that the Minnesota Pollution Control Agency (MPCA) is seeking information and opinions from sources outside the MPCA regarding amendments to portions of the Minnesota hazardous waste rules to incorporate the federal Hazardous and Solid Waste Amendments of 1984.

The MPCA will be amending at least the following to conform to the federal requirements:

1. Minnesota Rules, parts 7045.0450 to 7045.0642 (Facility Standards);

2. Hazardous waste facility permitting requirements of Minnesota Rules, Chapter 7001; and

3. Minnesota Rules, parts 7045.0075 (Petitions), 7045.0120 (Exempt Wastes), 7045.0135 (Lists of Hazardous Wastes), 7045.0296 (Annual Reporting), 7045.0125 (Management of Waste by Use, Reuse, Recycling, and Reclamation).

The MPCA requests information and comments concerning the subject matter of the proposed amendments.

Written or oral information concerning the subject matter will be accepted until October 10, 1985. Oral statements will be received during regular business hours. Written statements should be addressed to:

Melba Hensel
Minnesota Pollution Control Agency
Solid and Hazardous Waste Division
1935 West County Road B2
Roseville, Minnesota 55113
612/296-7712

September 9, 1985

Michael Robertson
for
Thomas J. Kalitowski
Executive Director

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 completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

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 296-6152. If the appropriate buyer is not available, contact Harvey Leach or Barbara Jolly at 296-3779.

Department of Administration Procurement Division

Commodities Contracts and Requisitions Currently Open for Bidding

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
29-007-40911	Sugar Pine Lumber	Natural Resources	Grand Rapids	Contact buyer
55-303-10933	Electric Motor	Faribault State Hospital	Faribault	Contact buyer
60-000-04506-2225	Student Guide	Higher Education Coordinating Board	St. Paul	Contact buyer
21-200-10521-1492	Employer's Quarterly Unemployment Tax Report	Economic Security	St. Paul	Contact buyer
26-071-15529 Rebid	Installation & Start Up Service on Boilers	Mankato State University	Mankato	Contact buyer
26-071-15771	Track Pit	Mankato State University	Mankato	Contact buyer
79-000-49121	Luminaires	Transportation	St. Paul	Contact buyer
42-207-08027	Telephone System	Labor & Industry	St. Paul	Contact buyer
79-000-49153	Automated Fuel Recording System	Transportation	Golden Valley	Contact buyer
29-000-38413 & 38465	Steel ''U'' Posts	Natural Resources	St. Paul	Contact buyer
79-000-49122	Luminaire	Transportation	St. Paul	Contact buyer
26-073-18143, etc.	Video Equipment	St. Cloud State University	St. Cloud	Contact buyer
78-550-04907	Telephone System	MN Correctional Facility	Lino Lakes	Contact buyer
26-071-15587	Skid Steer Loader	Mankato State University	Mankato	Contact buyer
26-074-10048 Rebid	Purchase of Printer	Winona State University	Winona	Contact buyer
79-000-49123	KMCE Econolite Chassis	Transportation	St. Paul	Contact buyer
78-830-07700	Light Fixtures	MN Correctional Facility	St. Cloud	Contact buyer
79-000-49542	Relocation of Shops & Offices	Transportation	Minneapolis	Contact buyer
78-620-25478	Lavatories & Faucets	St. Cloud State University	St. Cloud	Contact buyer
26-073-18153	Water Meter	St. Cloud State University	St. Cloud	Contact buyer
27-000-47710	Purchase and Installation of Electric Kiln	Vermillion Community College	Ely, Mn.	Contact buyer
26-071-15856	Purchase of Copy Control System	Mankato State University	Mankato	Contact buyer

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
26-175-06189	Outdoor Light Fixtures	Southwest State University	Marshall	Contact buyer
Contract rebid	Rubbish Disposal	St. Cloud State University	St. Cloud	$30,000-40,000
79-000-47040	Telephone System	Transportation	Minneapolis	Contact buyer
79-000-49473	Calculators	Transportation	St. Paul	Contact buyer
Contract	Food Contract	MN Correctional Facility	Various	Contact buyer
79-000-49394	1980 or Newer Beechcraft C-90	Transportation-Aeronautics Div.	St. Paul	Contact buyer
27-148-48047	Athletic Tape	Rochester Community College	Rochester	Contact buyer

Contact 296-6152 for referral to specific buyers.

Housing Finance Agency

Request for Proposals for Administrators for the Urban Indian Housing Loan Program

The Minnesota Housing Finance Agency announces the availability of funding for the Urban Indian Housing Loan Program. Proposals are hereby solicited from all interested parties who are considered eligible "Administrators" by Minnesota Rule, Part 4900.1510.

The deadline for receipt of hand delivered proposals is 4:30 p.m., October 18, 1985. All other proposals must be sent by certified mail and postmarked no later than October 18, 1985.

The Urban Indian Housing Loan Program provides money for housing loan programs (home mortgage loans) for low and moderate income American Indians residing in urban areas of the state. Urban areas include the cities of Minneapolis, St. Paul, the suburban areas of the Twin City Seven County Metropolitan area, and the city of Duluth. (Though the City of Rochester is eligible under the statute, the size of the Indian population is so small that no set-aside may be established.)

There is currently $750,000 available for the Urban Indian Housing Program, with half of the funds available on or after July 1, 1985 and the other half disbursed on or after July 1, 1986. If the combined requested amount of approved proposals exceeds the amount of this appropriation, the money shall be allocated among the applicants on a prorated basis according to the Agency's allocation percentage of urban Indian programs.

Proposals must include:

1. Evidence of applicant eligibility as an "Administrator." This can be determined by examination of eligible "Administrator" criteria contained in the information packet described below.

2. The proposal program including the communities or areas to be served, population and need data for American Indians residing in the area and methods to be used to meet the identified needs.

3. A financial description of the program including the dollar amount of funds requested, types and terms of loans, the costs and method of program administration, and the source of funds with which state appropriated will be combined. Please note that evidence regarding the availability of this additional source of funds must be submitted with the proposal, and that said funds must be available as of the date of program commencement.

4. A description of the methods proposed to identify and select participants.

5. Evidence of administrative capacity to carry out the proposed program including resumes of personnel, a brief description of past performance which indicates previous housing experience.

6. The extent to which American Indians will be or are involved in the administration of the program and in the ownership, management and labor force of contractors or subcontractors intended to be employed in the program, if known.

All proposals will be evaluated by Agency staff in accordance with Minnesota Rules 4900.1560. Comments from the Urban Indian Advisory Council will be solicited and considered for each proposal. Any applicant submitting a proposal which meets the objectives of the Urban Indian Housing Loan Program and which the applicant determines is not best presented in the form of

proposal required by this request may submit the proposal in any form desired, provided that the applicant also submits a proposal meeting the requirements of the request.

Complete proposal packets which contain specific information and instructions for proposal submission may be obtained from the Minnesota Housing Finance Agency, 400 Sibley Street-Suite 300, St. Paul, Minnesota 55101.

ATTN: Donna Folstad, Indian Housing Coordinator.

Department of Human Services Health Care Programs Division

Health Care Consultation Contracts Available

The Department of Human Services intends to issue a consultant contract to 1 Licensed Consulting Psychologist for the purpose of providing professional advice and recommendations in the administration of the Medical Assistance and General Assistance Medical Care Programs. Applicants must possess current licensure by the Minnesota Board of Psychology as a Licensed Consulting Psychologist in order to receive consideration. Applicants should also specify their areas of competency.

This contract will be awarded to a candidate based on his/her experience, education, achievements and professional standing. The Department of Human Services will make the final selection of a consultant and issue a contract based upon the Department's needs, but not to exceed $25,000 for the period October 14, 1985 through June 30, 1987.

Proposals must be received by October 7, 1985 and should be directed to:

Thomas L. JoliCoeur, Supervisor
Health Care Programs Division
Professional Services Section
Space Center
444 Lafayette Road
St. Paul, Minnesota 55101
(612) 297-2022

Department of Human Services Long Term Care Management Division

Deadline Extension for Submitting Requests for Proposals to Study Reimbursement Mechanisms for Providers of Service to Mentally Retarded Persons that Are Based on Individual Client Needs and Resource Use

This notice is to extend the date of submission for request for proposals, originally published in the *State Register* on August 19, 1985, to study reimbursement mechanisms for providers of service to Mentally Retarded Persons that are based on Individual Client Needs and Resource use.

The deadline for submittal has been extended to September 30, 1985. Three copies of the proposal must be submitted and sealed in a mailing envelope or package with the responder's name and address clearly marked on the outside.

Each copy of the proposal must be signed by an authorized member of the firm or person making the bid. Prices and terms of the proposal as stated by the respondent must be valid for the length of the project.

For a copy of a more detailed explanation of this request for proposals contact:

Long Term Care Management Division
Department of Human Services
444 Lafayette Road
St. Paul, MN 55101
612-297-1698

Metropolitan Waste Control Commission

Prequalifications Requested for the Preparation of Two Planning Studies

Notice is hereby given that the Metropolitan Waste Control Commission is soliciting prequalifications for the preparation of a facility planning study for the Seneca Secondary and Expansion, and a planning study for the Minnesota River.

The prequalification should include the firm's interest to provide services, background data, qualifications and disciplines of employees, and the demonstratable experience of the firm.

The prequalification should include information on the firm's programs for compliance with equal employment opportunities, affirmative action and utilization of minority firms. The prequalifications will be used by the Commission as a mechanism for selecting a firm to prepare a facility plan for the Seneca Plant Secondary and Expansion and a study for the Minnesota River.

The Seneca Study will update existing planning documents and will contain an evaluation of alternatives to provide increased hydraulic and waste treatment capacity for more stringent effluent limitations. The Minnesota River Study will involve analyses of cost and potential water quality improvements by reducing pollution discharges from point sources in relation to non-point sources. Costs for treatment at the Seneca and Blue Lake Wastewater Treatment Plants for various levels of treatment will be provided. Computer modeling will be done by Commission and MPCA staff. An analysis will be required to evaluate the feasibility and costs associated with other control options in lieu of treatment plant improvements in the Minnesota River to raise water quality to meet water quality standards.

Firms not currently on the Commission's prequalification list should submit a letter stating their interest in the projects or services and one copy of its prequalifications. Firms presently on the Commission's prequalification list need only to submit a letter stating their interest in the project and the necessary information, if any, to update their prior prequalifications.

Please submit letters with prequalifications or updated information within one week of this notice to the Chief Administrator of the Metropolitan Waste Control Commission, 350 Metro Square Building, St. Paul, Minnesota 55101. Inquiries regarding the solicitation should be directed to Mr. Ray Payne, Deputy Director of Engineering, 612-222-8423.

September 3, 1985

By Order of the
Metropolitan Waste Control Commission,

Mr. Louis J. Breimhurst
Chief Administrator

Waste Management Board

Request for Proposals to Assist in Long-Range Public Affairs Planning

Notice is hereby given that the Waste Management Board is requesting proposals for the purpose of contracting consultation services to assist in public affairs planning by Waste Management Board staff. Staff is seeking assistance in evaluating current public affairs programs and activities and developing a public affairs plan. The plan will be used to help the Board carry out its statutory duties in encouraging the proper management of solid and hazardous wastes in Minnesota, including the education of the public and waste generators, and encouragement of participation by private enterprise in carrying out the goals of the Minnesota Waste Management Act.

Contractor will recommend strategies to effectively communicate Board programs and recommendations to specific audiences. Plan to be completed by November 15, 1985, with additional follow-up evaluation by the contractor.

Estimated cost: contract must be less than $10,000.

Contact person:
Patrick Hirigoyen
Information Officer
Waste Management Board
7323 58th Avenue North
Crystal, MN 55428
(612) 536-0816

Submission deadline: 5:00 p.m. Monday, September 23, 1985

NON-STATE PUBLIC CONTRACTS

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as $1,000. Contact the editor for further details.

City of St. Paul
Department of Public Works

Public Notice for Prequalifications for the Preparation of Construction Plans and Providing Construction Inspection for Combined Sewer System Separation for the City of Saint Paul

Notice is hereby given that the City of Saint Paul, Minnesota is soliciting prequalifications for the preparation of construction plans and providing construction inspection for combined sewer system separation. The construction will be funded in part by grants from the Environmental Protection Agency and the Minnesota Pollution Control Agency.

The prequalification should include the firm's interest to provide services, background data, qualifications and disciplines of employees, and the demonstratable experience of the firm. If Computer Aided Design and Drafting (CADD) is utilized, the firm should include information on the capabilities to perform as well as the type of hardware and software used. The prequalifications should include information on the firm's programs for compliance with equal employment opportunities, affirmative action and utilization of minority firms.

The prequalifications will be used by the City as a mechanism for selecting firms to be invited to prepare proposals for the construction plans and do the construction inspection to separate the present combined sewer system. It is expected that during the next two years (1986-1987), $25 million of Saint Paul sewer construction will be designed by consultants. A minimum of five firms will be selected to do the engineering.

Firms interested in this work should submit a letter stating their interest and four copies of its prequalifications.

Please submit letters with prequalification no later than 4:30 p.m., October 1, 1985 to the Director of the Department of Public Works, Room 600 City Hall Annex, 25 West Fourth Street, Saint Paul, Minnesota 55102. Inquiries regarding the solicitation should be directed to Mr. Daniel J. Dunford, Design Engineer, at 612-292-6750.

Donald E. Nygaard, Director
Department of Public Works
City of Saint Paul

SUPREME COURT DECISIONS

Decisions Filed Friday, September 6, 1985

Compiled by Wayne O. Tschimperle, Clerk

C9-84-832 State of Minnesota, Petitioner, Appellant v. Kym A. Coleman. Court of Appeals.

The trial court did not err in failing to submit the requested instruction on theft by swindle.

The trial court properly refused to instruct the jury on the defendant's theory of the case where there was insufficient evidence to support the theory.

The trial court did not err in admitting *Spreigl* evidence of other crimes.

The defendant was not deprived of a fair trial by various statements made by the prosecution in closing argument.

Reversed, conviction reinstated. Wahl, J.

TAX COURT

Pursuant to Minn. Stat. § 271.06, subd. 1, an appeal to the tax court may be taken from any official order of the Commissioner of Revenue regarding any tax, fee or assessment, or any matter concerning the tax laws listed in § 271.01, subd. 5, by an interested or affected person, by any political subdivision of the state, by the Attorney General in behalf of the state, or by any resident taxpayer of the state in behalf of the state in case the Attorney General, upon request, shall refuse to appeal. Decisions of the tax court are printed in the *State Register*, except in the case of appeals dealing with property valuation, assessment, or taxation for property tax purposes.

State of Minnesota Tax Court
Regular Division

Northwestern Bell Telephone Company, Appellant, v. Commissioner of Revenue, Appellee, Docket #3803

Order for Partial Summary Judgment Dated September 6, 1985

This is an appeal from an Order of the Commissioner of Revenue dated January 19, 1983, relating to the gross earnings tax liability of appellant for taxable years ending December 31, 1979, December 31, 1980, and December 31, 1981.

Appellee moved for partial summary judgment and the motion was heard at the Hennepin County Government Center in Minneapolis, Minnesota, at 10:00 a.m. on June 10, 1985, before the Honorable M. Jean Stepan, Judge of the Minnesota Tax Court.

Thomas R. Muck, Deputy Attorney General, appeared for appellee.

Robert L. Schnell, Jr., Attorney at Law, appeared for appellant.

The Court, having heard the arguments of counsel and upon all of the affidavits, files and proceedings herein,

DOES HEREBY GRANT PARTIAL SUMMARY JUDGMENT for appellee and against appellant with respect to the Commissioner's Order dated January 19, 1983.

IT IS SO ORDERED.

September 6, 1985

By the Court,
M. Jean Stepan, Judge
Minnesota Tax Court

ERRATA

Pollution Control Agency

Corrections to Proposed Rules Relating to Hazardous Waste, Dioxins and Aliphates

Two errors occurred in printing these rules in the Volume 10, #8, August 19, 1985 issue of the *State Register* (10 SR 460). The errors and corrections are as follows:

Page 461: "**7001.0600 PART B INFORMATION REQUIREMENTS FOR WASTE PILES.** Except as otherwise provided by part 7045.0532" should read: "7045.0534" instead.

Page 470, under **7045.0542 THERMAL TREATMENT, Subpart 4, Performance standards**, the equation at the top of page 470 currently reads:

$$\text{DRE} = \frac{(\text{Win} - \text{Wout})}{\text{Win}} + 100\%$$

It should read:

$$\text{DRE} = \frac{(\text{Win} - \text{Wout})}{\text{Win}} \times 100\%$$

State of Minnesota
State Register and Public Documents Division
117 University Avenue
St. Paul, Minnesota 55155

(612) 297-3000
(toll-free # for MN:
1-800-652-9747)

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FOR LEGISLATIVE NEWS

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

SENATE

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

Perspectives—Publication about the Senate.

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

HOUSE

Session Weekly—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

STATE OF MINNESOTA
STATE ETHICAL PRACTICES BOARD
41 STATE OFFICE BUILDING
ST. PAUL, MINNESOTA 55155-1289
PHONE: (612) 296-5148

CERTIFICATE OF BOARD'S

RESOLUTION ADOPTING THE RULES

I, Martin J. McGowan, do hereby certify that I am a member and the Chairman of the Board of Ethical Practices, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Ethical Practices, duly and properly called and held on the 24th day of October, 1985, that a quorum was present at said meeting, that a majority of those present voted for the resolution, and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

"RESOLVED, that the rules relating to Economic Interest Disclosure, Lobbyist Registration and Reporting, Conflicts of Interest, and Representation Disclosure are approved and adopted, pursuant to authority vested in us by Minnesota Statutes sec. 10A.02, subd. 13 and that Mary Ann McCoy, the Executive Director of the Board of Ethical Practices, is authorized to sign the findings of fact, conclusions, and order adopting the rules and further is authorized to perform the necessary acts to provide that the rules shall have the force and effect of law.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 24 day of October, 1985.

Martin J. McGowan

Martin J. McGowan, Chairman
Ethical Practices Board

Attested by

Ellen G Sampson

STATE OF MINNESOTA
COUNTY OF RAMSEY

ETHICAL PRACTICES BOARD

- -

In the matter of Proposed Rules governing Economic Interest Disclosure (Minnesota Rules parts 4505.0100-4505.1000); Lobbyist Registration and Reporting (Minnesota Rules parts 4510.0100-4510.1400); Conflicts of Interest (Minnesota Rules parts 4515.0100-4515.0800); and Representation Disclosure (Minnesota Rules parts 4520.0100-4520.0800)

- -

STATEMENT OF NEED AND REASONABLENESS

The Ethics in Government Act, Minn. Stat. §10A.02, subd. 13, enacted in 1974, authorized the Ethical Practices Board to promulgate rules to carry out the purposes of the Act. Rules have been adopted governing Economic Interest Disclosure (Minnesota Rules parts 4505.0100-4505.1000) - adopted 1974; amended 1976, 1978, 1979, 1982; Lobbyist Registration and Reporting (Minnesota Rules parts 4510.0100-4510.1400) - adopted 1974; amended 1979, 1982); Conflicts of Interest (Minnesota Rules parts 4515.0100-4515.0800) - adopted 1975; amended 1982; and Representation Disclosure (Minnesota Rules parts 4520.0100-4520.0800) - adopted 1975; amended 1982.

The need to amend these rules arises in order to implement registration and reporting requirements of Minn. Stat. ch. 10A enacted in Laws of 1982 Chapter 305, Laws of 1984 Chapter 654; and the Report of the Legislative Auditor, July, 1985; to enable the Board to provide direction to individuals and associations required to register and file statements and reports with the Board; to guide the Board in providing forms and monitoring compliance; to provide the public with information regarding the data collected by Minn. Stat. §§ 10A.01 - 10A.34; and to remove obsolete provisions and language from existing rules.

The following material describes the need for and reasonableness of each rule proposed. To assist members of the public who are not trained in the law or in political activities and who are involved in endeavors regulated and administered by Minn. Stat. ch. 10A, rules which consolidate and interpret statutory language are crucial to the understanding of the rules.

Minnesota Rules chapter 4505: ECONOMIC INTEREST DISCLOSURE

4505.0900 FILING

Subpart 2. Filing of more than one statement in any year. Language added to this rule incorporates provisions of Laws of 1983, Chapter 305, Section 3, (Minn. Stat. §10A.09, subd. 1(c)), which requires an individual to file a statement of economic interest within 14 days after undertaking the duties of office as a public official when the individual's appointment is subject to the advice and consent of the senate. Stricken language is obsolete, since all candidates must file an affidavit of candidacy, whether they are seeking nomination in a primary election or whether they are nominated by petition to the general election ballot (Minn. Stat. §204B.03).

Minnesota Rules chapter 4510: LOBBYIST REGISTRATION AND REPORTING

4510.0600 DISCLOSURE OF GIFTS, LOANS, HONORARIUMS, ITEMS OR BENEFITS

Subpart 1. General requirements. This rule incorporates provisions of Laws

of 1984, Chapter 654, Article 2, Section 37 (Minn. Stat. §10A.04, subd. 4(b)), which changed the disclosure threshold to $50 or more, for lobbyist reporting gifts to public officials under Minn. Stat. §10A.04, subd. 4(b).

4510.1300 WAIVER OF LATE FILING FEES. This rule is needed to repeal restrictive language for time deadline to submit a waiver request and to make this rule consistent with other waiver of late filing fee rules. Minn. Stat. §§10A.03, subd. 3, and 10A.04, subd. 5, provide that the Board may impose a late filing fee for late lobbyist registration or report. The rule is recommended by the Legislative Auditor in order to make Board procedures for review of waiver requests conform with Parts 4500.2700 (Campaign Financing Rules) and 4505.0400 (Economic Interest Disclosure Rules).

Minnesota Rules chapter 4515: CONFLICTS OF INTEREST

4515.0100 DEFINITIONS.

Subpart 1. Applicability. This rule removes obsolete language in reference to Minn. Stat. ch. 10A and clarifies the application of the definitions in this part.

Subpart 6. Public Official. This rule removes obsolete language and clarifies the application of Minn. Stat. §10A.01, subd. 18, to the definitions in this part.

4515.0300 APPLICABILITY OF THE CONFLICTS OF INTEREST PROVISIONS. This rule clarifies the application of Minn. Stat. §10A.01, subd. 4, to this part. The substance of the present rule is unchanged.

Minnesota Rules chapter 4520: REPRESENTATION DISCLOSURE

4520.0100 DEFINITISON.

Subpart 1. Applicability. This rule removes obsolete language in reference to Minn. Stat. ch. 10A and clarifies the application of the definitions in this part.

Subpart 5. File, filed, filing. Reference to time and date of filing is clarified to conform with provisions of other Board rules (4500.0100 subpt. 4; 4510.0100 subpt. 3) and with the method of computing time in Minn. Stat. ch. 645.

Subpart 7. Public official. This rule removes obsolete language and clarifies the application of Minn. Stat. §10A.01, subd. 18, to the definitions in this part.

REPEALER

4515.0100, subpart 3. Business with which he is associated. This rule is repealed to remove repetition of statutory language in Minn. Stat. §10A.01, subd. 4. Substance of the rule is proposed as an amendment to part 4515.0300.

4520.0100, subpart 3. Association. This rule is repealed to remove repetition of statutory language in Minn. Stat. §10A.01, subd. 3.

SMALL BUSINESS CONSIDERATIONS IN RULEMAKING

When an agency amends an existing rule which may affect small businesses, Minn.

Minn. Stat. §14.115 requires that the agency consider certain methods for reducing the impact on the rule and to provide certain notices to small businesses.

It appears that the proposed amendments do not directly impact or affect small businesses, therefore, Minn. Stat. §14.115 does not apply. Each amendment proposed regulates, by definition, only individuals. Specifically, for part 4505.0900, by definition, only individuals file statements of economic interest (§10A.09, subd. 1). The amendments in chapter 4510 affect only lobbyists (§10A.03, subd. 3), which can be only individuals (§10A.01, subd. 11). The amendments in chapters 4515 and 4520, which cover conflicts of interest and representation disclosure, govern public officials only (§§10A.01, subd. 18; 10A.07; and 10A.08).

However, these individuals' acts in complying with these regulations may affect small businesses, thus small business may be indirectly impacted by the regulations. To this end, the Board considered all of the methods for reducing the impact of the amendments on small businesses listed in Minn. Stat. §14.115, subd. 2.

However, none of the proposed amendments establish more stringent deadlines or regulations. In fact, in one rule the deadline for a waiver request was deleted (4510.1300). In any case, the Board's position is that amending the rule to reduce the impact on small businesses would be contrary to the statutory objectives of chapter 10A to promote public confidence in state government decision-making through development and administration of disclosure to ensure public access to information filed with the Board.

STATE OF MINNESOTA
STATE ETHICAL PRACTICES BOARD
41 STATE OFFICE BUILDING
ST. PAUL, MINNESOTA 55155-1289
PHONE: (612) 296-5148

In the Matter of the Proposed Adoption of the Rules of the State Ethical Practices Board Governing Economic Interest Disclosure, Lobbyist, Registration and Reporting, Conflicts of Interest, and Representation Disclosure

AFFIDAVIT OF PREPARATION AND AVAILABILITY OF STATEMENT OF NEED AND AND REASONABLENESS

STATE OF MINNESOTA)
(ss.
COUNTY OF RAMSEY)

Mary Ann McCoy, being sworn on oath, states follows:

1. I am the executive director of the Ethical Practices Board. In this capacity I am authorized to order and sign the Notice of Proposed Adoption of Rules Without a Public Hearing and to perform the necessary acts to provide that the rules have the force and effect of law. (Certificate of Ethical Practices Board's authorizing resolution dated August 9, 1985 and Certificate of Ethical Practices Board's resolution adopting the rule dated October 24, 1985.)

2. In that capacity I drafted and prepared the Statement of Need and Reasonableness. The final draft of the Statement of Need and Reasonableness was completed, and approved on August 28, 1985.

3. On August 30, 1985, the notice and the rules were hand delivered to the State Register for publication. On September 13, 1985, the notice of proposed rulemaking was mailed to interested persons and on September 16, 1985, the notice was published in the State Register.

4. Therefore, as required by Minn. Stat. § 14.23, the Statement of Need and Reasonableness justifying the above captioned rules was prepared and completed before the Notice of Proposed Adoption of Rules without a Public Hearing was published and mailed.

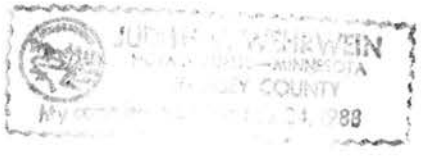
Mary Ann McCoy

MARY ANN MCCOY
Executive Director
Ethical Practices Board

Subscribed and sworn to before me this
8th day of November, 1985.

Judith V. Wehrwein

NOTARY PUBLIC



In the Matter of the Adoption
of the Rule of the State Ethical
Practices Board Governing Economic
Interest Disclosure, Lobbyist
Registration and Reporting, Conflicts
of Interest, and Representation
Disclosure

DECLARATION OF COUNSEL

I, Martha J. Casserly, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the rulemaking record, and that, based on my examination, the Administrative Procedure Act and the Attorney General rule have been followed. Any exceptions are noted below.

The four-digit docket client code for Attorney General billing purposes is 0428.

Martha J Casserly

MARTHA J. CASSERLY
Special Assistant
Attorney General

Dated: October 29, 1985.