

Minnesota Attorney General: Administrative Rules Proceedings

Copyright Notice:

This material may be protected by copyright law (U.S. Code, Title 17). Researchers are liable for any infringement. For more information, visit www.mnhs.org/copyright.

Version 3
August 20, 2018

RULE REVIEW CHECKLIST

File No. 1446
DATE RECEIVED 1/25/88
REVIEW DATE 2/3/88
DUE DATE 2/8/88

APPROVED 2/4/88
DISAPPROVED
WITHDRAWN

Docket No. 05.0009.0428
ADOPTED W/O HEARING X
EMERGENCY RULE

REVISOR APPROVED 1-28-88
REVISOR DISAPPROVED
FIELD W/SEC.STATE
RETURNED TO AGENCY

✓ Rule as adopted (4 copies)
n/a Notice to Solicit Outside Information/Opinion
Date published in State Register
Comments
n/a Petition for Adoption of a Rule
✓ Board's Authorizing Resolution (old form - not § 2010.9915 form
Proposed rule
✓ Revisor's Certificate
✓ Notice of Intent to Adopt Rule
10 A.02 subd 13 Statutory Authority
✓ Small Business Statement
n/a Expenditure of public money statement
✓ Signature
✓ Statement of Need and Reasonableness
✓ Small Business Statement
n/a Fees - § 16A.128
✓ Affidavit of Mailing Notice of Intent to Adopt Rule
Dec 4, 1987 Date 30/25 days before adoption
✓ Publication in State Register
Dec 14, 1987 Date 30/25 days before adoption
✓ Resolution Adopting
✓ Findings of Fact, Conclusions & Order Adopting
Jan 21, 1988 Date
✓ Written requests, submissions or comments
✓ Declaration of attorney
Julie Leppink Name of SAAG representing agency
n/a Notice of Submission to Attorney General
n/a Affidavit of Mailing Notice to Attorney General

ATTORNEY GENERAL

February 9, 1988

MARY ANN McCOY
Executive Director
Ethical Practices Board

CHRISTIE B. ELLER
Assistant Attorney General

6-6839

In the Matter of the Adopted Rule Relating to
Ethics in Government

The above-referenced rule has been approved as to its legality by the Attorney General on February 4, 1988.

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

Also enclosed are any petitions, requests, submissions 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 establish 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.

MJC:nah
Enclosures

cc: Maryanne Bruby
Duane Harves

Ethical Practices Board

Adopted Permanent Rules Relating to Ethics in Government

Rules as Adopted

4500.1200 CHANGE OF OFFICE SOUGHT BY CANDIDATE.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Public financing agreement.** A candidate may sign a public financing agreement for each office sought until September 1 of the general election year. Signing a public financing agreement by September 1 automatically rescinds a previously filed agreement for another office.

4500.1500 JUDICIAL CANDIDATE.

Subpart 1. **Aggregate contributions.** Contributions to a candidate for district court ~~or county court~~ which in aggregate exceed $100 shall be disclosed in accordance with requirements set forth in Minnesota Statutes, section 10A.20, subdivision 3, clause (b).

Subp. 2. **Contributions from one source.** Contributions to a candidate for district court ~~or county court~~ from any one source totaling more than $400 received between the last day covered in the last report prior to an election and the election shall be reported to the board in person, by telegram or mailgram, or by certified mail sent within 48 hours after receipt and also in the next required report.

4500.2500 JOINT LIMITS FOR GOVERNOR AND LIEUTENANT GOVERNOR.

Subpart 1. **Public financing agreement.** Following their joint endorsement or filing for office, candidates for governor and lieutenant governor must jointly sign the public financing agreement if they wish to participate in public financing.

Subp. 2. [Unchanged.]

4505.0300 LATE FILING FEES.

The board shall send a delinquency notice by certified mail to a public official or candidate within ten business days after

Approved by Revisor

a filing date. A certified letter returned by the post office to the board as refused is considered received by the addressee on the date refused. The late filing fee begins accumulating on the eighth day after refusal. A certified letter returned to the board as undelivered or refused must be forwarded by first class mail to the public official or candidate. An undelivered notice of late filing is considered received by the recipient five business days after the first class mailing. A late filing fee must be charged through the business day preceding the day of filing of a late statement. A late filing fee may not be assessed for Saturday, Sunday, or legal holidays.

4510.1200 LATE FILING FEES.

The late filing fee shall commence the eighth day following receipt of a late filing notice, unless the eighth day falls on Saturday, Sunday, or a legal holiday. The late filing fee shall then commence the next business day. A late filing fee shall not be assessed for Saturday, Sunday, or legal holidays.

A certified letter returned to the board by the United States Post Office marked "refused" shall be deemed to have been received by the addressee on the date of refusal.

Except as provided in the preceding paragraph, a certified letter returned to the board by the United States Post Office undelivered for any reason shall be forwarded by first class mail to the lobbyist, addressed to the lobbyist at the address shown on his latest registration statement or disbursement report. An undelivered notice of late filing is considered received by the recipient five business days after the first class mailing.

A late filing fee shall be charged through the business day preceding the day of filing of a late statement or late periodic report.

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

Approved
by Revisor _____

interests, or those of an associated business, 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.

4525.0200 COMPLAINTS OF VIOLATIONS.

Subpart 1. to 5. [Unchanged.]

Subp. 6. **Hearings.** At any time during an investigation of a complaint, the board may hold a contested case hearing before making a finding on the complaint.

4525.0500 INVESTIGATIONS AND AUDITS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Contested case hearing.** At any time during an investigation or audit, the board may hold a contested case hearing before making a finding on any investigation or audit.

Subp. 4. and 5. [Unchanged.]

REPEALER. Minnesota Rules, parts 4500.0500; 4500.1800; 4500.4100; 4500.4200; and 4500.4300, subpart 3, are repealed.

Approved
by Revisor _____

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

FEB 9 1988

Joan Anderson Growe
Secretary of State

3:45 pm

APPROVED AS TO FORM AND LEGALITY

Feb 4 1988

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Christie B. Elle
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
STATE ETHICAL PRACTICES BOARD
625 NORTH ROBERT STREET, SUITE 102
ST. PAUL, MINNESOTA 55101-2520
PHONE: (612) 296-5148

CERTIFICATE OF BOARD'S

AUTHORIZING RESOLUTION

I, Ellen G. Sampson, do hereby certify that I am a member and the Chair, 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 5th day of November, 1987, 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 of the Board directing that Notice be given of the Board's intent to adopt without a public hearing rules governing Campaign Financing, Economic Interest Disclosure, Lobbyist Registration and Reporting, Conflicts of Interest, and Hearings, 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 5 day of November, 1987.

Ellen G. Sampson, Chair
Ethical Practices Board

Attested by

Ethical Practices Board

Proposed Permanent Rules Relating to Ethics in Government

Rules as Proposed

4500.1200 CHANGE OF OFFICE SOUGHT BY CANDIDATE.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **~~Tax-credit-and~~ Public financing agreements** agreement. ~~A-candidate-may-sign-a-tax-credit-agreement-for-the calendar-year-for-each-office-sought-until-December-31.~~ A candidate may sign a public financing agreement for each office sought until September 1 of the general election year. Signing a public financing agreement by September 1 automatically rescinds a previously filed agreement for another office.

4500.1500 JUDICIAL CANDIDATE.

Subpart 1. **Aggregate contributions.** Contributions to a candidate for district court or county court which in aggregate exceed ~~$50~~ $100 shall be disclosed in accordance with requirements set forth in Minnesota Statutes, section 10A.20, subdivision 3, clause (b).

Subp. 2. **Contributions from one source.** Contributions to a candidate for district court or county court from any one source totaling ~~$200 or~~ more than $400 received between the last day covered in the last report prior to an election and the election shall be reported to the board in person ~~or~~, by telegram or mailgram, or by certified mail sent within 48 hours after receipt and also in the next required report.

4500.2500 JOINT LIMITS FOR GOVERNOR AND LIEUTENANT GOVERNOR.

Subpart 1. **Public financing ~~or tax-credit~~ agreements** agreement. ~~A-candidate-seeking-the-endorsement-for lieutenant-governor-who-signs-a-tax-credit-agreement-does-not bind-either-the-candidate-for-governor-or-his-own-candidacy-to campaign-expenditure-limits-following-their-joining-of candidacies.~~ Following their joint endorsement or filing for

Approved by Revisor

office, ~~the~~ candidates for governor and lieutenant governor must jointly sign ~~either~~ the public financing agreement ~~or the tax credit agreement or both agreements~~ if they wish to participate in public financing.

Subp. 2. [Unchanged.]

4505.0300 LATE FILING FEES.

The board shall send a delinquency notice by certified mail to a public official or candidate within ten business days after a filing date. A certified letter returned by the post office to the board as refused is considered received by the addressee on the date refused. The late filing fee begins accumulating on the eighth day after refusal. A certified letter returned to the board as undelivered or refused must be forwarded by first class mail to the public official or candidate. An undelivered notice of late filing is considered received by the recipient five business days after the first class mailing. ~~The late filing fee for an undelivered notice begins accumulating on the eighth day after the notice is deposited in first class mail.~~ A late filing fee must be charged through the business day preceding the day of filing of a late statement. A late filing fee may not be assessed for Saturday, Sunday, or legal holidays.

4510.1200 LATE FILING FEES.

The late filing fee shall commence the eighth day following receipt of a late filing notice, unless the eighth day falls on Saturday, Sunday, or a legal holiday. The late filing fee shall then commence the next business day. A late filing fee shall not be assessed for Saturday, Sunday, or legal holidays.

A certified letter returned to the board by the United States Post Office marked "refused" shall be deemed to have been received by the addressee on the date of refusal.

Except as provided in the preceding paragraph, a certified letter returned to the board by the United States Post Office undelivered for any reason shall be forwarded by first class mail to the lobbyist, addressed to the lobbyist at the address shown on his latest registration statement or disbursement

Approved
by Revisor _____

report. ~~The late filing fee shall then commence the first business day following the seventh day after deposit in first class United States mail~~ An undelivered notice of late filing is considered received by the recipient five business days after the first class mailing.

A late filing fee shall be charged through the business day preceding the day of filing of a late statement or late periodic report.

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~~ an associated business, 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.

4525.0200 COMPLAINTS OF VIOLATIONS.

Subpart 1. to 5. [Unchanged.]

Subp. 6. **Hearings.** At any time during an investigation of a complaint, the board ~~in its discretion,~~ may hold a contested case hearing before making a finding on the complaint.

4525.0500 INVESTIGATIONS AND AUDITS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Contested case hearing.** At any time during an investigation or audit, the board ~~in its discretion~~ may hold a contested case hearing before making a finding on any investigation or audit.

Subp. 4. and 5. [Unchanged.]

REPEALER. Minnesota Rules, parts 4500.0500; 4500.1800; 4500.4100; 4500.4200; and 4500.4300, subpart 3, are repealed.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Ethics in Government

AGENCY: Ethical Practices Board

MINNESOTA RULES: Chapters 4500; 4505; 4510; 4515; and 4525

The attached rules are approved for publication in the State Register

Craig E. Lindeke
Senior Assistant Revisor

Ethical Practices Board

Proposed Rule Relating to Campaign Financing, Economic Interest Disclosure, Lobbyist Registration and Reporting, Conflicts of Interest, and Hearings

Notice of Intent to Adopt a Rule without a Public Hearing

Notice is hereby given that the State Ethical Practices Board proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes, section 10A.02, subd.13.

All persons 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. The 30-day period ends January 14, 1988. 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 the request in writing. Any person requesting a public hearing should state the person's 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 Board will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Comments or written requests for a public hearing should be submitted to Mary Ann McCoy, Executive Director, Ethical Practices Board, 625 North Robert Street, St. Paul, MN 55101-2520.

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

A copy of the proposed rule is attached to this notice.

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

Please be advised that Minn.Stat.Ch.10A requires each lobbyist to register with the Ethical Practices Board within five days after the lobbyist commences lobbying. A lobbyist is defined in Minn.Stat.S 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 the individual's 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; or (b)who spends more than $250, not including the individual's 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.

Minn. Stat. S 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 lobbyist may disclose information on her or his registration 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 rule, the rule and the supporting documents will be submitted 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 Ceil Gerlach, at the Board Office address listed above.

Date: November 30, 1987

Mary Ann McCoy

Mary Ann McCoy, Executive Director

Ethical Practices Board

Proposed Rule Relating to Campaign Financing, Economic Interest Disclosure, Lobbyist Registration and Reporting, Conflicts of Interest, and Hearings

Notice of Intent to Adopt a Rule without a Public Hearing

Notice is hereby given that the State Ethical Practices Board proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes, section 10A.02, subd.13.

All persons 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. The 30-day period ends January 14, 1988. 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 the request in writing. Any person requesting a public hearing should state the person s 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 Board will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Comments or written requests for a public hearing should be submitted to Mary Ann McCoy, Executive Director, Ethical Practices Board, 625 North Robert Street, St. Paul, MN 55101-2520.

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

A copy of the proposed rule is attached to this notice.

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

Please be advised that Minn.Stat.Ch.10A requires each lobbyist to register with the Ethical Practices Board within five days after the lobbyist commences lobbying. A lobbyist is defined in Minn.Stat.S 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 the individual s 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; or (b)who spends more than $250, not including the individual s 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.

Minn. Stat. S 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 lobbyist may disclose information on her or his registration 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 rule, the rule and the supporting documents will be submitted 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 Ceil Berlach, at the Board Office address listed above.

Date: November 30, 1981

Mary Ann McCoy

Mary Ann McCoy, Executive Director

after receipt and also in the next required report.

4500.2500 JOINT LIMITS FOR GOVERNOR AND LIEUTENANT GOVERNOR.

Subpart 1. **Public financing ~~or tax credit agreements~~** agreement. ~~A candidate seeking the endorsement for lieutenant governor who signs a tax credit agreement does not bind either the candidate for governor or his own candidacy to campaign expenditure limits following their joining of candidacies.~~ Following their joint endorsement or filing for office, ~~the~~ candidates for governor and lieutenant governor must jointly sign ~~either~~ the public financing agreement ~~or the tax credit agreement or both agreements~~ if they wish to participate in public financing.

Subp. 2. [Unchanged.]

4505.0300 LATE FILING FEES.

The board shall send a delinquency notice by certified mail to a public official or candidate within ten business days after a filing date. A certified letter returned by the post office to the board as refused is considered received by the addressee on the date refused. The late filing fee begins accumulating on the eighth day after refusal. A certified letter returned to the board as undelivered or refused must be forwarded by first class mail to the public official or candidate. An undelivered notice of late filing is considered received by the recipient five business days after the first class mailing. ~~The late filing fee for an undelivered notice begins accumulating on the eighth day after the notice is deposited in first class mail.~~ A

Ethical Practices Board

Proposed Permanent Rules Relating to Ethics in Government

Rules as Proposed

4500.1200 CHANGE OF OFFICE SOUGHT BY CANDIDATE.

Subpart 1. and 2. [Unchanged.]

Subp. 3. ~~Tax-credit-and~~ **Public financing agreements** agreement. ~~A-candidate-may-sign-a-tax-credit-agreement-for-the calendar-year-for-each-office-sought-until-December-31.~~ A candidate may sign a public financing agreement for each office sought until September 1 of the general election year. Signing a public financing agreement by September 1 automatically rescinds a previously filed agreement for another office.

4500.1500 JUDICIAL CANDIDATE.

Subpart 1. **Aggregate contributions.** Contributions to a candidate for district court or county court which in aggregate exceed ~~$50~~ $100 shall be disclosed in accordance with requirements set forth in Minnesota Statutes, section 10A.20, subdivision 3, clause (b).

Subp. 2. **Contributions from one source.** Contributions to a candidate for district court or county court from any one source totaling ~~$200 or~~ more than $400 received between the last day covered in the last report prior to an election and the election shall be reported to the board in person ~~or~~, by telegram or mailgram, or by certified mail sent within 48 hours

late filing fee must be charged through the business day preceding the day of filing of a late statement. A late filing fee may not be assessed for Saturday, Sunday, or legal holidays.

4510.1200 LATE FILING FEES.

The late filing fee shall commence the eighth day following receipt of a late filing notice, unless the eighth day falls on Saturday, Sunday, or a legal holiday. The late filing fee shall then commence the next business day. A late filing fee shall not be assessed for Saturday, Sunday, or legal holidays.

A certified letter returned to the board by the United States Post Office marked "refused" shall be deemed to have been received by the addressee on the date of refusal.

Except as provided in the preceding paragraph, a certified letter returned to the board by the United States Post Office undelivered for any reason shall be forwarded by first class mail to the lobbyist, addressed to the lobbyist at the address shown on his latest registration statement or disbursement report. ~~The late filing fee shall then commence the first business day following the seventh day after deposit in first class United States mail~~ An undelivered notice of late filing is considered received by the recipient five business days after the first class mailing.

A late filing fee shall be charged through the business day preceding the day of filing of a late statement or late periodic report.

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~~ an associated business, 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.

4525.0200 COMPLAINTS OF VIOLATIONS.

Subpart 1. to 5. [Unchanged.]

Subp. 6. **Hearings.** At any time during an investigation of a complaint, the board ~~in its discretion,~~ may hold a contested case hearing before making a finding on the complaint.

4525.0500 INVESTIGATIONS AND AUDITS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Contested case hearing.** At any time during an investigation or audit, the board ~~in its discretion~~ may hold a contested case hearing before making a finding on any investigation or audit.

Subp. 4. and 5. [Unchanged.]

REPEALER. Minnesota Rules, parts 4500.0500; 4500.1800; 4500.4100; 4500.4200; and 4500.4300, subpart 3, are repealed.

STATE OF MINNESOTA
COUNTY OF RAMSEY

ETHICAL PRACTICES BOARD

- -

In the matter of Proposed Rules governing Campaign Financing (Minnesota Rules parts 4500.0100-4500.4400); 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 Hearings (Minnesota Rules parts 4525.0100-4525.1000)

STATEMENT OF NEED AND REASONABLENESS

- -

The Ethics in Government Act, Minn. Stat. S 10A.02, subd.13, enacted in 1974, authorized the Ethical Practices Board to promulgate rules to carry out the purposes of the Act. Rules nave been adopted governing Campaign Financing (Minnesota Rules parts 4500.0100-4500.4400) - adopted 1974; amended 1976, 1978, 1979, 1982, 1986); Economic Interest Disclosure (Minnesota Rules parts 4505.0100-4505.1000) - adopted 1974; amended 1976, 1978, 1979. 1982, 1985, 1986; Lobbyist Registration and Reporting (Minnesota Rules parts 4510.0100-4510.1400) - adopted 1974; amended 1979, 1982, 1985, 1986; Conflicts of Interest (Minnesota Rules parts 4515.0100-4515.0800) - adopted 1975; amended 1982, 1985,1986; Representation Disclosure (Minnesota Rules parts 4520.0100-4520.0800) - adopted 1975;amended 1982, 1985, 1986; and Hearings (Minnesota Rules parts 4525.0100-4525.1000) - adopted 1976; amended 1982, 1986.

The need to amend these rules arises in order to implement registration and reporting requirements of Minn. Stat. ch. 10A enacted in Laws of 1987 Chapter 214; Laws of 1987 Chapter 268; Laws of 1st Special Session 1986 Chapter 3; Laws of 1985 Chapter 40; Laws of 1976 Chapter 307; enable the Board to provide direction to individuals and associations required to register and file statements and reports with the Board; guide the Board in providing forms and monitoring compliance; provide the public with information regarding the data collected by Minn. Stat. SS 10A.01-10A.34; and 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 4500: CAMPAIGN FINANCING

4500.1200 CHANGE OF OFFICE SOUGHT BY CANDIDATE
Subpart 3. Public financing agreement. The rule is needed to remove reference to tax credit agreement because state income tax credits for contributions to candidates were repealed in Laws of Minnesota 1987, chapter 268, article I, section 127.

4500.1500 JUDICIAL CANDIDATE. This rule is needed to change the dollar amounts and method of notice as amended at Minnesota Statutes 1986, section 10A.20, subdivisions 3 and 5, in Laws of Minnesota 1987, Chapter 214, and Laws of Minnesota 1985, Chapter 40, respectively.

4500.2500 JOINT LIMITS FOR GOVERNOR AND LIEUTENANT GOVERNOR.
Subpart 1. Public financing agreement. This rule is needed to remove reference to tax credit agreement because state income tax credits for contributions to candidates were repealed in Laws of Minnesota 1987, chapter 268, article I, section 127.

Minnesota Rules chapter 4505: ECONOMIC INTEREST DISCLOSURE

4505.0300 LATE FILING FEES. This rule is needed to remove existing language that conflicts with Minn. Stat. S 10A.09, subd. 7. State law provides that a late filing fee begins to accrue on the eighth day after receipt of the certified notice. The existing rule appears to contradict statutory provisions by shortening the time between when an undelivered notice is deemed "received", for purposes of calculating the late filing fee as provided in Minn. Stat. S 10A.09, subd. 7., and the time when the late filing fee begins to accrue.

Minnesota Rules chapter 4510: LOBBYIST REGISTRATION AND REPORTING

4510.1200 LATE FILING FEES. This rule is needed to remove existing language that repeats a provision of Minn. Stat. S 10A.04, subd. 5. and the content of the first sentence of this rule. The new language proposed clarifies when an undelivered notice of late filing is deemed "received", for purposes of calculating the late filing fee as provided in Minn. Stat. S 10A.04, subd. 5. The proposed amendment provides uniform reference to the administration of late filing notices which is consistent with late filing provisions in other chapters of Board rules, for example: Minn. Rules, parts 4500.2600 and 4505.0300.

Minnesota Rules chapter 4515: CONFLICTS OF INTEREST

4515.0300 APPLICABILITY OF THE CONFLICTS OF INTEREST PROVISIONS. This rule is needed to remove from the existing rule the phrase "business with which he is associated" which was removed from Minn. Stat. SS 10A.01, subd. 4, and 10A.07, subd. 1, in Laws of Minnesota, 1st Special Session 1986, chapter 3, article 1, section 2. The proposed new language, "associated business", is the same language that was added to Minn. Stat. SS 10A.01, subd. 4 and 10A.07, subd. 1, in the 1987 law cited above. The proposed change will clarify that the conflicts of interest provisions may apply to a public official's "associated business".

Minnesota Rules chapter 4525: HEARINGS

4525.0200 COMPLAINTS OF VIOLATIONS.
Subpart 6. Hearings. This rule is needed to clarify and ensure that a contested case hearing be held when required. The proposed rule is consistent with requirements of the state Administrative Procedures Act, Minn. Stat. Ch. 14, regarding contested cases.

4525.0500 INVESTIGATIONS AND AUDITS.
Subpart 3. Contested case hearing. This rule is needed to clarify and ensure that a contested case hearing be held when required. The proposed rule is consistent with requirements of the state Administrative Procedures Act, Minn. Stat. Ch. 14, regarding contested cases.

REPEALER

4500.0500 ALLOCATION OF MONEY FROM GENERAL ACCOUNT REFUSED BY A CANDIDATE. This rule is repealed because it repeats statutory language in Sec. 10A.31.

4500.1800 EMPLOYEE VOLUNTARY CONTRIBUTION PLAN. This rule is repealed because the authority for the rule was repealed in Laws of 1976, chapter 307, section 8.

4500.4100 TAX CREDIT AGREEMENT. This rule is repealed because state income tax credits for contributions to candidates were repealed in Laws of 1987, chapter 268, article I, section 127.

4500.4200 TAX CREDIT AGREEMENT AND PUBLIC FINANCING AGREEMENT. This rule is repealed because state income tax credits for contributions to candidates were repealed in Laws of 1987, chapter 268, article 1, section 127.

4500.4300 SPECIAL ELECTIONS.
Subpart 3. Official tax credit receipts prohibited. This rule is repealed because state income tax credits for contributions to candidates were repealed in Laws of Minnesota 1987, chapter 268, article I, section 127.

SMALL BUSINESS CONSIDERATIONS IN RULEMAKING

When an agency amends an existing rule which may affect small businesses, Minn. Stat. S 14.115 requires that the agency consider certain methods for reducing the impact of the rule and to provide certain notices to small businesses.

After considering the methods for reducing the impact of the proposed rules as set forth in Minn. Stat. S 14.115, it appears that except for the repeal of part 4500.1800, the proposed amendments do not directly impact or affect small businesses. Since corporations who complied with the

provisions of part 4500.1800 were not required to register with or report to the Ethical Practices Board, repeal of this rule does not directly impact or affect small businesses. Each of the other amendments proposed regulates, by definition, individuals. Specifically, for part 4500.1200. subpt. 3, individuals file public financing agreements. The amendments in chapters 4505 and 4515, which cover economic interest disclosure and conflicts of interest disclosure, govern candidates or public officials only (SS 10A.01, subd. 18; 10A.07; and 10A.09). The amendments in chapter 4510, affect lobbyists (SS 10A.03; 10A.04), who can be only individuals (S 10A.01, subd. 11). The amendments in Chapter 4525, which cover hearings, govern individuals' actions.

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

The proposed rules do not require businesses to make reports, so the requirements for reporting defined in items (a), (b), and (c) are not applicable. Compliance requirements of items (a), (b), and (c) and performance standards establishment requirements of item (d) are not applicable because the proposed rules do not require compliance by or set standards for businesses. Since the proposed rules do not require reporting,compliance, or standards for businesses, the method described at item (e) is not applicable.

However, none of the proposed amendments establish more stringent deadlines or regulations. 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.

Dated: November 30, 1987

Mary Ann McCoy, Executive Director

STATE OF MINNESOTA
COUNTY OF RAMSEY

ETHICAL PRACTICES BOARD

- -

In the matter of Proposed Rules governing Campaign Financing (Minnesota Rules parts 4500.0100-4500.4400); 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 Hearings (Minnesota Rules parts 4525.0100-4525.1000)

STATEMENT OF NEED AND REASONABLENESS

- -

The Ethics in Government Act, Minn. Stat. S 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 Campaign Financing (Minnesota Rules parts 4500.0100-4500.4400) - adopted 1974; amended 1976, 1978, 1979, 1982, 1986); Economic Interest Disclosure (Minnesota Rules parts 4505.0100-4505.1000) - adopted 1974; amended 1976, 1978, 1979, 1982, 1985, 1986; Lobbyist Registration and Reporting (Minnesota Rules parts 4510.0100-4510.1400) - adopted 1974; amended 1979, 1982, 1985, 1986; Conflicts of Interest (Minnesota Rules parts 4515.0100-4515.0800) - adopted 1975; amended 1982, 1985,1986; Representation Disclosure (Minnesota Rules parts 4520.0100-4520.0800) - adopted 1975;amended 1982, 1985, 1986; and Hearings (Minnesota Rules parts 4525.0100-4525.1000) - adopted 1976; amended 1982, 1986.

The need to amend these rules arises in order to implement registration and reporting requirements of Minn. Stat. ch. 10A enacted in Laws of 1987 Chapter 214; Laws of 1987 Chapter 268; Laws of 1st Special Session 1986 Chapter 3; Laws of 1985 Chapter 40; Laws of 1976 Chapter 307; enable the Board to provide direction to individuals and associations required to register and file statements and reports with the Board; guide the Board in providing forms and monitoring compliance; provide the public with information regarding the data collected by Minn. Stat. SS 10A.01-10A.34; and 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 4500: CAMPAIGN FINANCING

4500.1200 CHANGE OF OFFICE SOUGHT BY CANDIDATE
Subpart 3. Public financing agreement. The rule is needed to remove reference to tax credit agreement because state income tax credits for contributions to candidates were repealed in Laws of Minnesota 1987, chapter 268, article I, section 127.

4500.1500 JUDICIAL CANDIDATE. This rule is needed to change the dollar amounts and method of notice as amended at Minnesota Statutes 1986, section 10A.20, subdivisions 3 and 5, in Laws of Minnesota 1987, Chapter 214, and Laws of Minnesota 1985, Chapter 40, respectively.

4500.2500 JOINT LIMITS FOR GOVERNOR AND LIEUTENANT GOVERNOR.
Subpart 1. Public financing agreement. This rule is needed to remove reference to tax credit agreement because state income tax credits for contributions to candidates were repealed in Laws of Minnesota 1987, chapter 268, article I, section 127.

Minnesota Rules chapter 4505: ECONOMIC INTEREST DISCLOSURE

4505.0300 LATE FILING FEES. This rule is needed to remove existing language that conflicts with Minn. Stat. S 10A.09, subd. 7. State law provides that a late filing fee begins to accrue on the eighth day after receipt of the certified notice. The existing rule appears to contradict statutory provisions by shortening the time between when an undelivered notice is deemed "received", for purposes of calculating the late filing fee as provided in Minn. Stat. S 10A.09, subd. 7., and the time when the late filing fee begins to accrue.

Minnesota Rules chapter 4510: LOBBYIST REGISTRATION AND REPORTING

4510.1200 LATE FILING FEES. This rule is needed to remove existing language that repeats a provision of Minn. Stat. S 10A.04, subd. 5. and the content of the first sentence of this rule. The new language proposed clarifies when an undelivered notice of late filing is deemed "received", for purposes of calculating the late filing fee as provided in Minn. Stat. S 10A.04, subd. 5. The proposed amendment provides uniform reference to the administration of late filing notices which is consistent with late filing provisions in other chapters of Board rules, for example: Minn. Rules, parts 4500.2600 and 4505.0300.

Minnesota Rules chapter 4515: CONFLICTS OF INTEREST

4515.0300 APPLICABILITY OF THE CONFLICTS OF INTEREST PROVISIONS. This rule is needed to remove from the existing rule the phrase "business with which he is associated" which was removed from Minn. Stat. SS 10A.01, subd. 4, and 10A.07, subd. 1, in Laws of Minnesota, 1st Special Session 1986, chapter 3, article 1, section 2. The proposed new language, "associated business", is the same language that was added to Minn. Stat. SS 10A.01, subd. 4 and 10A.07, subd. 1, in the 1987 law cited above. The proposed change will clarify that the conflicts of interest provisions may apply to a public official's "associated business".

Minnesota Rules chapter 4525: HEARINGS

4525.0200 COMPLAINTS OF VIOLATIONS.
Subpart 6. Hearings. This rule is needed to clarify and ensure that a contested case hearing be held when required. The proposed rule is consistent with requirements of the state Administrative Procedures Act, Minn. Stat. Ch. 14, regarding contested cases.

4525.0500 INVESTIGATIONS AND AUDITS.
Subpart 3. Contested case hearing. This rule is needed to clarify and ensure that a contested case hearing be held when required. The proposed rule is consistent with requirements of the state Administrative Procedures Act, Minn. Stat. Ch. 14, regarding contested cases.

REPEALER

4500.0500 ALLOCATION OF MONEY FROM GENERAL ACCOUNT REFUSED BY A CANDIDATE. This rule is repealed because it repeats statutory language in Sec. 10A.31.

4500.1800 EMPLOYEE VOLUNTARY CONTRIBUTION PLAN. This rule is repealed because the authority for the rule was repealed in Laws of 1976, chapter 307, section 8.

4500.4100 TAX CREDIT AGREEMENT. This rule is repealed because state income tax credits for contributions to candidates were repealed in Laws of 1987, chapter 268, article I, section 127.

4500.4200 TAX CREDIT AGREEMENT AND PUBLIC FINANCING AGREEMENT. This rule is repealed because state income tax credits for contributions to candidates were repealed in Laws of 1987, chapter 268, article I, section 127.

4500.4300 SPECIAL ELECTIONS.
Subpart 3. Official tax credit receipts prohibited. This rule is repealed because state income tax credits for contributions to candidates were repealed in Laws of Minnesota 1987, chapter 268, article I, section 127.

SMALL BUSINESS CONSIDERATIONS IN RULEMAKING

When an agency amends an existing rule which may affect small businesses, Minn. Stat. S 14.115 requires that the agency consider certain methods for reducing the impact of the rule and to provide certain notices to small businesses.

After considering the methods for reducing the impact of the proposed rules as set forth in Minn. Stat. S 14.115, it appears that except for the repeal of part 4500.1800, the proposed amendments do not directly impact or affect small businesses. Since corporations who complied with the

provisions of part 4500.1800 were not required to register with or report to the Ethical Practices Board, repeal of this rule does not directly impact or affect small businesses. Each of the other amendments proposed regulates, by definition, individuals. Specifically, for part 4500.1200, subpt. 3, individuals file public financing agreements. The amendments in chapters 4505 and 4515, which cover economic interest disclosure and conflicts of interest disclosure, govern candidates or public officials only (SS 10A.01, subd. 18; 10A.07; and 10A.09). The amendments in chapter 4510, affect lobbyists (SS 10A.03; 10A.04), who can be only individuals (S 10A.01, subd. 11). The amendments in Chapter 4525, which cover hearings, govern individuals' actions.

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

The proposed rules do not require businesses to make reports, so the requirements for reporting defined in items (a), (b), and (c) are not applicable. Compliance requirements of items (a), (b), and (c) and performance standards establishment requirements of item (d) are not applicable because the proposed rules do not require compliance by or set standards for businesses. Since the proposed rules do not require reporting,compliance, or standards for businesses, the method described at item (e) is not applicable.

However, none of the proposed amendments establish more stringent deadlines or regulations. 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.

Dated: November 30, 1987

Mary Ann McCoy, Executive Director

6

In the matter of the Proposed Adoption of the Rule of the State Ethical Practices Board Governing Campaign Financing, Economic Interest Disclosure, Lobbyist Registration and Reporting, Conflicts of Interest, and Hearings

AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING AND CERTIFICATE OF MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Cecilia Gerlach, being sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the Ethical Practices Board rulemaking list is accurate, complete, and current as of this fourth day of December, 1987.

That on the fourth day of December, 1987, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt a Rule Without a Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Cecilia Gerlach

Cecilia Gerlach

Administrative Secretary

Subscribed and sworn to before me
this fourth day of December, 1987.

Mary Ann McCoy

Mary Ann McCoy

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

Editors, Politics in MN
353 Hanover Bldg.
480 Cedar Street
St. Paul, MN 55101

Stephen Alnes
Minnesota Journal
908 Park Avenue
Mahtomedi, MN 55115

Bob Ambrose
Cooperative Power
14615 Lone Oak Road
Eden Prairie, MN 55344

Tom Anderson, Legal Counsel
MAC, Box 1700
Twin City Airport Station
St. Paul, MN 55111

Dr. Charles Backstrom
1414 Social Science
University of Minnesota
Minneapolis, MN 55455

Margit Berg
Legislative Assoc. Returned
475 Rice Street
St. Paul, MN 55103

Jeff Bertram
Route 1, Box 88
Paynesville, MN 56362

Bill Bierman
9th Floor
Commerce Building
St. Paul, MN 55101

Board of Nursing
Executive Director
Rm. 104, 2700 University Ave.W
St. Paul, MN 55114

Lynn Bolnick
DFL Research
304A State Office Building
St. Paul, MN 55155

John M. Broeker, Esq.
2850 Metro Drive, Suite 800
Minneapolis, MN 55420

Robert C. Brown, Examiner of Titles
St. Louis County
Court House
Duluth, MN 55802

Martha Casserly
Sp. Asst. Atty. Gen.
204 Administration Bldg.
St. Paul, MN 55155

Paul Cerkvenik
House DFL Caucus
467 State Office Building
St. Paul, MN 55155

Marge Christianson
A607
Hennepin County Govt. Center
Minneapolis, MN 55487

Nancy Crippen
LWVMN Govt. Chair
2140 Timmy Street
Mendota Heights, MN 55120

Jean Dawson, Editor
Minn. Govt. Report
B12 Press Room, Capitol
St. Paul, MN 55155

Daniel F. Decowski
Hennepin County
8600 Hennepin Cty. Govt. Ctr.
Minneapolis, MN 55487

Debbie Delvalle
Associated Press
511 11th Avenue South #404
Minneapolis, MN 55415

Larry Dillehay
ChaNet Consulting
14180 West 78th Street
Eden Prairie, MN 55344

Phyllis Dorsey
414 Nicollet Mall
Minneapolis, MN 55401

Judy Duffy
LWV Minnesota
505 Lake Avenue
Birchwood, MN 55110

Walter Duffy, Treasurer
Perpich Committee
733 Marquette Ave., #2300
Minneapolis, MN 55402

Tom Durand
Office Director
180 State Office Building
St. Paul, MN 55155

News Editor
United Press Int'l.
301 4th Avenue South
Minneapolis, MN 55415

Doug Elsass
205 State Capitol
St. Paul, MN 55155

Ruth Esala
DFL State Office
121 East 7th St., # 250
St. Paul, MN 55101

Linda Ewen
Anoka Cty Financial
Courthouse, Third Floor
Anoka, MN 55303

Linda Falkman
Minn. Newspaper Assn
84 South Sixth Street
Minneapolis, MN 55402

John T. Farmer, Exec. Dir.
MN Manuf. Housing
222 E. Little Canada Rd, #222
Little Canada, MN 55117

Liz Fedor
Grand Forks Herald
Grand Forks, ND 58201

Ron Fischer
I.R., Suite 202
8030 Cedar Avenue South
Bloomington, MN 55420

Michael Flanagan
1200 Pillsbury Center
Minneapolis, MN 55402

Kathy Foley
328 State Capitol
St. Paul, MN 55155

Conrad M. Fredlin, Esq.
Johnson, Fredin,etal
811 First National Bank Blc
Duluth, MN 55802

Bob Geiger
St. Cloud Times
St. Cloud, MN 56301

Neal Gendler
Minneapolis Tribune
425 Portland Avenue
Minneapolis, MN 55488

General Mills, Inc.
Dr. J.W. Haun
P. O. Box 1113
Minneapolis, MN 55440

Judy Grudem
Minnesota AFL-CIO
175 Aurora Avenue
St. Paul, MN 55103

Gretchen Haase, Librarian
Oppenheimer Law Firm
1700 First Bank Building
St. Paul, MN 55151

David Hansen
IR House Caucus
263 State Office Building
St. Paul, MN 55155

M. J. Hedstrom
434 H State Office Building
St. Paul, MN 55155

Bob Hentges
Faegre & Benson
2300 Multifoods Tower
Minneapolis, MN 55402

Paul Hess
271 State Office Building
St. Paul, MN 55155

Connie Howard
Legal Dept. MS&T
425 Portland Avenue
Minneapolis, MN 55488

Bob Jackson
4th District IR
555 Wabasha, Room 305
St. Paul, MN 55102

John S. Jackson
Minn. Bankers Assoc.
332 Baker Building
Minneapolis, MN 55402

Ray Joachim
G12 State Capitol
St. Paul, MN 55155

Sandra Johnson
1420 Melrose Avenue
Minneapolis, MN 55426

Thomas C. Kayser
Latimer Vol. Comm.
466 So. Mississippi River Blvd
St. Paul, MN 55105

Libby Keefe
Faricy & Thompson
877 Jefferson Avenue
St. Paul, MN 55102

Rep. Gerald C. Knickerbocker
283 State Office Building
St. Paul, MN 55155

Tom Kukielka
Senate Majority Res.
24B State Capitol
St. Paul, MN 55155

Kirk O. Kuwitzky, Attorney
Minn. Power & Light
30 West Superior Street
Duluth, MN 55802

Byron Laher, Govt. Relations Dir.
United Way of Mpls.
404 South 8th Street
Minneapolis, MN 55404

Pete Landsdowne
310 Medical Arts Building
Albert Lea, MN 56007

James Lee, Asst.Dir.
Legal Affairs,MCLU
1021 Broadway W.
Minneapolis, MN 55411-2503

Julie Leppink
Sp. Asst. Atty. Gen.
204 Administration Bldg.
St. Paul, MN 55155

W. John Licke, Gen'l Counsel
Blandin Paper Co.
115 S.W. First Street
Grand Rapids, MN 55744

Constance Lounsbury
MN Assn. of Township
Box 246
St. Michael, MN 55376

Greg Magnuson
Minn. Public Radio
45 East 8th Street
St. Paul, MN 55101

Gail MarksJarvis
City Business
600 1st Ave. No., #600
Minneapolis, MN 55403

Virginia Marra
Mobil Oil Corp.
Box 66568
AMS O'Hare, IL 60666

George C. Mastor, Gen. Counsel
Minn. Gas Company
201 South 7th Street
Minneapolis, MN 55402

Deborah K. Mc.Knight
House Research
11 State Capitol
St. Paul, MN 55155

William McCormack, Esq.
George A. Hormel Co.
Box 800
Austin, MN 55912

Norbert McCrady, Exec. V.P.
Independent Bankers
7850 Metro Parkway
Bloomington, MN 55420

Dan McGowan
Senate Counsel
123 State Capitol
St. Paul, MN 55155

Dave McPherson
1st Congressional IR
2320 Milo Avenue
Albert Lea, MN 56007

Herbert W. Meyer
City Manager's Off.
2215 W. Old Shakopee Road
Bloomington, MN 55431

James Miller, Senior Attorney
MPIRG
2412 University Avenue S.E.
Minneapolis, MN 55414

Deborah Nankivell, Exec.Dir.
Common Cause - Minn.
2395 University Ave., #220
St. Paul, MN 55114

IBM Corporation, Office of Counsel
Dept.809/Bldg. 006-1
Highway 51 & NW 37th Street
Rochester, MN 55901

Wayne H. Olson, Esq.
Olson, Gunn & Seran
730 Second Ave. So., # 315
Minneapolis, MN 55402

Hon. Tom Osthoff
591 State Office Building
St. Paul, MN 55155

Beverly Owen
Senate Counsel
G 17 State Capitol
St. Paul, MN 55155

Kenneth Peterson, Exec. Dir.
MPIRG
2412 University Avenue S. E.
Minneapolis, MN 55414

Phillips Legislative Service
459 Rice Street
St. Paul, MN 55103

Robert F. Piculell
Ashland Petroleum Co
Box 9
St. Paul Park, MN 55071

John G. Pidgeon, City Manager
City of Bloomington
2215 W. Old Shakopee Road
Bloomington, MN 55431

Gary Radloff
Winona Daily News
601 North Franklin
Winona, MN 55987

Patsy Randell
Honeywell Plaza
MN 12-5215
Minneapolis, MN 55408

Abe Rosenthal, Exec. V.P.
Minn. Transport Serv
1821 University Ave (N310)
St. Paul, MN 55104

Sam Ruhl
Admin. Hearings Off.
310 4th Avenue South 4th Flr.
Minneapolis, MN 55415

Sally Sawyer, Exec. Dir.
LWV Minnesota
106 Como Avenue
St. Paul, MN 55103

Norma Schumacher
38th Floor
IDS Tower
Minneapolis, MN 55402

Dominic J. Sposeto, Govt. Relations
Minn. Dental Assoc.
2236 Marshall Avenue
St. Paul, MN 55104

Mary Stanton, Staff Assoc., Finance
University System
555 Park Street
St. Paul, MN 55103

Vic Thorstenson
304 State Office Building
St. Paul, MN 55155

Dr. Arley Waldo
U of M Ag. Extension
Classroom Office Building
St. Paul, MN 55108

Steve Waller
Northfield News
Box 58
Northfield, MN 55057

Jeff Weldon
Senate Ir Caucus
155 State Office Building
St. Paul, MN 55155

Eileen Wells
204 1/2 Chestnut Street
Virginia, MN 55792

Helen Whipple
Legislative Library
6th Floor, State Office Bldg.
St. Paul, MN 55155

Chuck Wiger
Minn. Medical Assoc.
900 American National Bank Bld
St. Paul, MN 55101

Bruce D. Willis, Esq.
3300 Piper Jaffray Tower
Minneapolis, MN 55402

Dan Wolf
151 State Office Building
St. Paul, MN 55155

Peg Jacobs
IDS Financial Services
IDS Tower 10
Minneapolis, MN 55440

Ethical Practices Board

Proposed Rule Relating to Campaign Financing, Economic Interest Disclosure, Lobbyist Registration and Reporting, Conflicts of Interest, and Hearings

Notice of Intent to Adopt a Rule without a Public Hearing

Notice is hereby given that the State Ethical Practices Board proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes, section 10A.02, subd.13.

All persons 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. The 30-day period ends January 14, 1988. 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 the request in writing. Any person requesting a public hearing should state the person's 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 Board will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Comments or written requests for a public hearing should be submitted to Mary Ann McCoy, Executive Director, Ethical Practices Board, 625 North Robert Street, St. Paul, MN 55101-2520.

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

A copy of the proposed rule is attached to this notice.

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

Please be advised that Minn.Stat.Ch.10A requires each lobbyist to register with the Ethical Practices Board within five days after the lobbyist commences lobbying. A lobbyist is defined in Minn.Stat.S 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 the individual's 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; or (b)who spends more than $250, not including the individual's 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.

Minn. Stat. S 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 lobbyist may disclose information on her or his registration 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 rule, the rule and the supporting documents will be submitted 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 Ceil Gerlach, at the Board Office address listed above.

Date: November 30, 1981

Mary Ann McCoy

Mary Ann McCoy, Executive Director

after receipt and also in the next required report.

4500.2500 JOINT LIMITS FOR GOVERNOR AND LIEUTENANT GOVERNOR.

Subpart 1. **Public financing ~~or tax credit agreements~~** agreement. ~~A candidate seeking the endorsement for lieutenant governor who signs a tax credit agreement does not bind either the candidate for governor or his own candidacy to campaign expenditure limits following their joining of candidacies.~~ Following their joining for office, ~~the~~ candidates for governor and lieutenant governor must jointly sign ~~either~~ the public financing agreement ~~or the tax credit agreement or both agreements~~ if they wish to participate in public financing.

Subp. 2. [Unchanged.]

4505.0300 LATE FILING FEES.

The board shall send a delinquency notice by certified mail to a public official or candidate within ten business days after a filing date. A certified letter returned by the post office to the board as refused is considered received by the addressee on the date refused. The late filing fee begins accumulating on the eighth day after refusal. A certified letter returned to the board as undelivered or refused must be forwarded by first class mail to the public official or candidate. An undelivered notice of late filing is considered received by the recipient five business days after the first class mailing. ~~The late filing fee for an undelivered notice begins accumulating on the eighth day after the notice is deposited in first class mail.~~ A

Ethical Practices Board

Proposed Permanent Rules Relating to Ethics in Government

Rules as Proposed

4500.1200 CHANGE OF OFFICE SOUGHT BY CANDIDATE.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **~~Tax-credit-and~~ Public financing agreements** **agreement**. ~~**A-candidate-may-sign-a-tax-credit-agreement-for-the calendar-year-for-each-office-sought-until-December-31.**~~ A candidate may sign a public financing agreement for each office sought until September 1 of the general election year. Signing a public financing agreement by September 1 automatically rescinds a previously filed agreement for another office.

4500.1500 JUDICIAL CANDIDATE.

Subpart 1. **Aggregate contributions.** Contributions to a candidate for district court or county court which in aggregate exceed ~~$50~~ $100 shall be disclosed in accordance with requirements set forth in Minnesota Statutes, section 10A.20, subdivision 3, clause (b).

Subp. 2. **Contributions from one source.** Contributions to a candidate for district court or county court from any one source totaling ~~$200 or~~ more than $400 received between the last day covered in the last report prior to an election and the election shall be reported to the board in person ~~or~~, by telegram or mailgram, or by certified mail sent within 48 hours

late filing fee must be charged through the business day preceding the day of filing of a late statement. A late filing fee may not be assessed for Saturday, Sunday, or legal holidays.

4510.1200 LATE FILING FEES.

The late filing fee shall commence the eighth day following receipt of a late filing notice, unless the eighth day falls on Saturday, Sunday, or a legal holiday. The late filing fee shall then commence the next business day. A late filing fee shall not be assessed for Saturday, Sunday, or legal holidays.

A certified letter returned to the board by the United States Post Office marked "refused" shall be deemed to have been received by the addressee on the date of refusal.

Except as provided in the preceding paragraph, a certified letter returned to the board by the United States Post Office undelivered for any reason shall be forwarded by first class mail to the lobbyist, addressed to the lobbyist at the address shown on his latest registration statement or disbursement report. ~~The late filing fee shall then commence the first business day following the seventh day after deposit in first class United States mail~~ An undelivered notice of late filing is considered received by the recipient five business days after the first class mailing.

A late filing fee shall be charged through the business day preceding the day of filing of a late statement or late periodic report.

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~~ an associated business, 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.

4525.0200 COMPLAINTS OF VIOLATIONS.

Subpart 1. to 5. [Unchanged.]

Subp. 6. **Hearings.** At any time during an investigation of a complaint, the board ~~in its discretion,~~ may hold a contested case hearing before making a finding on the complaint.

4525.0500 INVESTIGATIONS AND AUDITS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Contested case hearing.** At any time during an investigation or audit, the board ~~in its discretion~~ may hold a contested case hearing before making a finding on any investigation or audit.

Subp. 4. and 5. [Unchanged.]

REPEALER. Minnesota Rules, parts 4500.0500; 4500.1800; 4500.4100; 4500.4200; and 4500.4300, subpart 3, are repealed.

STATE OF MINNESOTA
COUNTY OF RAMSEY

ETHICAL PRACTICES BOARD

- -

In the matter of Proposed Rules governing Campaign Financing (Minnesota Rules parts 4500.0100-4500.4400); 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 Hearings (Minnesota Rules parts 4525.0100-4525.1000)

STATEMENT OF NEED AND REASONABLENESS

- -

The Ethics in Government Act, Minn. Stat. S 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 Campaign Financing (Minnesota Rules parts 4500.0100-4500.4400) - adopted 1974; amended 1976, 1978, 1979, 1982, 1986); Economic Interest Disclosure (Minnesota Rules parts 4505.0100-4505.1000) - adopted 1974; amended 1976, 1978, 1979, 1982, 1985, 1986; Lobbyist Registration and Reporting (Minnesota Rules parts 4510.0100-4510.1400) - adopted 1974; amended 1979, 1982, 1985, 1986; Conflicts of Interest (Minnesota Rules parts 4515.0100-4515.0800) - adopted 1975; amended 1982, 1985,1986; Representation Disclosure (Minnesota Rules parts 4520.0100-4520.0800) - adopted 1975;amended 1982, 1985, 1986; and Hearings (Minnesota Rules parts 4525.0100-4525.1000) - adopted 1976; amended 1982, 1986.

The need to amend these rules arises in order to implement registration and reporting requirements of Minn. Stat. ch. 10A enacted in Laws of 1987 Chapter 214; Laws of 1987 Chapter 268; Laws of 1st Special Session 1986 Chapter 3; Laws of 1985 Chapter 40; Laws of 1976 Chapter 307; enable the Board to provide direction to individuals and associations required to register and file statements and reports with the Board; guide the Board in providing forms and monitoring compliance; provide the public with information regarding the data collected by Minn. Stat. SS 10A.01-10A.34; and 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 4500: CAMPAIGN FINANCING

4500.1200 CHANGE OF OFFICE SOUGHT BY CANDIDATE
Subpart 3. Public financing agreement. The rule is needed to remove reference to tax credit agreement because state income tax credits for contributions to candidates were repealed in Laws of Minnesota 1987, chapter 268, article I, section 127.

4500.1500 JUDICIAL CANDIDATE. This rule is needed to change the dollar amounts and method of notice as amended at Minnesota Statutes 1986, section 10A.20, subdivisions 3 and 5, in Laws of Minnesota 1987, Chapter 214, and Laws of Minnesota 1985, Chapter 40, respectively.

4500.2500 JOINT LIMITS FOR GOVERNOR AND LIEUTENANT GOVERNOR.
Subpart 1. Public financing agreement. This rule is needed to remove reference to tax credit agreement because state income tax credits for contributions to candidates were repealed in Laws of Minnesota 1987, chapter 268, article I, section 127.

Minnesota Rules chapter 4505: ECONOMIC INTEREST DISCLOSURE

4505.0300 LATE FILING FEES. This rule is needed to remove existing language that conflicts with Minn. Stat. S 10A.09, subd. 7. State law provides that a late filing fee begins to accrue on the eighth day after receipt of the certified notice. The existing rule appears to contradict statutory provisions by shortening the time between when an undelivered notice is deemed "received", for purposes of calculating the late filing fee as provided in Minn. Stat. S 10A.09, subd. 7., and the time when the late filing fee begins to accrue.

Minnesota Rules chapter 4510: LOBBYIST REGISTRATION AND REPORTING

4510.1200 LATE FILING FEES. This rule is needed to remove existing language that repeats a provision of Minn. Stat. S 10A.04, subd. 5. and the content of the first sentence of this rule. The new language proposed clarifies when an undelivered notice of late filing is deemed "received", for purposes of calculating the late filing fee as provided in Minn. Stat. S 10A.04, subd. 5. The proposed amendment provides uniform reference to the administration of late filing notices which is consistent with late filing provisions in other chapters of Board rules, for example: Minn. Rules, parts 4500.2600 and 4505.0300.

Minnesota Rules chapter 4515: CONFLICTS OF INTEREST

4515.0300 APPLICABILITY OF THE CONFLICTS OF INTEREST PROVISIONS. This rule is needed to remove from the existing rule the phrase "business with which he is associated" which was removed from Minn. Stat. SS 10A.01, subd. 4, and 10A.07, subd. 1, in Laws of Minnesota, 1st Special Session 1986, chapter 3, article 1, section 2. The proposed new language, "associated business", is the same language that was added to Minn. Stat. SS 10A.01, subd. 4 and 10A.07, subd. 1, in the 1987 law cited above. The proposed change will clarify that the conflicts of interest provisions may apply to a public official's "associated business".

Minnesota Rules chapter 4525: HEARINGS

4525.0200 COMPLAINTS OF VIOLATIONS.
Subpart 6. Hearings. This rule is needed to clarify and ensure that a contested case hearing be held when required. The proposed rule is consistent with requirements of the state Administrative Procedures Act, Minn. Stat. Ch. 14, regarding contested cases.

4525.0500 INVESTIGATIONS AND AUDITS.
Subpart 3. Contested case hearing. This rule is needed to clarify and ensure that a contested case hearing be held when required. The proposed rule is consistent with requirements of the state Administrative Procedures Act, Minn. Stat. Ch. 14, regarding contested cases.

REPEALER

4500.0500 ALLOCATION OF MONEY FROM GENERAL ACCOUNT REFUSED BY A CANDIDATE. This rule is repealed because it repeats statutory language in Sec. 10A.31.

4500.1800 EMPLOYEE VOLUNTARY CONTRIBUTION PLAN. This rule is repealed because the authority for the rule was repealed in Laws of 1976, chapter 307, section 8.

4500.4100 TAX CREDIT AGREEMENT. This rule is repealed because state income tax credits for contributions to candidates were repealed in Laws of 1987, chapter 268, article I, section 127.

4500.4200 TAX CREDIT AGREEMENT AND PUBLIC FINANCING AGREEMENT. This rule is repealed because state income tax credits for contributions to candidates were repealed in Laws of 1987, chapter 268, article I, section 127.

4500.4300 SPECIAL ELECTIONS.
Subpart 3. Official tax credit receipts prohibited. This rule is repealed because state income tax credits for contributions to candidates were repealed in Laws of Minnesota 1987, chapter 268, article I, section 127.

SMALL BUSINESS CONSIDERATIONS IN RULEMAKING

When an agency amends an existing rule which may affect small businesses, Minn. Stat. S 14.115 requires that the agency consider certain methods for reducing the impact of the rule and to provide certain notices to small businesses.

After considering the methods for reducing the impact of the proposed rules as set forth in Minn. Stat. S 14.115, it appears that except for the repeal of part 4500.1800, the proposed amendments do not directly impact or affect small businesses. Since corporations who complied with the

provisions of part 4500.1800 were not required to register with or report to the Ethical Practices Board, repeal of this rule does not directly impact or affect small businesses. Each of the other amendments proposed regulates, by definition, individuals. Specifically, for part 4500.1200, subpt. 3, individuals file public financing agreements. The amendments in chapters 4505 and 4515, which cover economic interest disclosure and conflicts of interest disclosure, govern candidates or public officials only (SS 10A.01, subd. 18; 10A.07; and 10A.09). The amendments in chapter 4510, affect lobbyists (SS 10A.03; 10A.04), who can be only individuals (S 10A.01, subd. 11). The amendments in Chapter 4525, which cover hearings, govern individuals' actions.

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

The proposed rules do not require businesses to make reports, so the requirements for reporting defined in items (a), (b), and (c) are not applicable. Compliance requirements of items (a), (b), and (c) and performance standards establishment requirements of item (d) are not applicable because the proposed rules do not require compliance by or set standards for businesses. Since the proposed rules do not require reporting,compliance, or standards for businesses, the method described at item (e) is not applicable.

However, none of the proposed amendments establish more stringent deadlines or regulations. 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.

Dated: November 30, 1987

Mary Ann McCoy, Executive Director

State of Minnesota

STATE REGISTER

RECEIVED
DEC 15 1987
ETHICAL
PRACTICES
BOARD

Department of Administration—Documents Division



Published every Monday

14 December 1987

Volume 12, Number 24

Pages 1201-1240

STATE REGISTER

Judicial Notice Shall Be Taken of Material Published in the *State Register*

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, official notices to the public, state and non-state public contracts, grants, supreme court and tax court decisions, and a monthly calendar of cases to be heard by the state supreme court.

Volume 12 Printing Schedule and Submission Deadlines

Vol. 12 Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
24	Monday 30 November	Monday 7 December	Monday 14 December
25	Monday 7 December	Monday 14 December	Monday 21 December
26	Monday 14 December	Monday 21 December	Monday 28 December
27	Monday 21 December	Monday 28 December	Monday 4 January

*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 State Register editorial offices, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-4273.

The *State Register* is published by the State of Minnesota, Department of Administration, Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to Minn. Stat. § 14.46. Publication is weekly, on Mondays, with an index issue in September. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at $130.00 per year, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota. Publication Number 326630. (ISSN 0146-7751) No refunds will be made in the event of subscription cancellation. Single issues may be obtained at $3.50 per copy.

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

Rudy Perpich, Governor

Sandra J. Hale, Commissioner
Department of Administration

Stephen A. Ordahl, Director
Minnesota Documents Division

Robin PanLener, Editor

Paul Hoffman, Assistant Editor

Debbie Kobold, Circulation Manager

Bonita Karels, Staff Assistant

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.

Session Review—Summarizes actions of the Minnesota Senate.

Contact: Senate Public Information Office
Room 231 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.

Session Summary—Summarizes all bills that both the Minnesota House of Representatives and Minnesota Senate passed during their regular and special sessions.

Contact: House Information Office
Room 175 State Office Building, St. Paul, MN 55155
(612) 296-2146

Contents

Minnesota Rules: Amendments & Additions

Issues 14-24 inclusive 1204

Proposed Rules

Ethical Practices Board
Ethics in Government 1207

Labor & Industry Department
Revisions to the occupational safety and health standards 1209

Human Services Department
Diagnostic categories 1212

Official Notices

Ethical Practices Board
Request for advisory opinion re: Hennepin County Disclosure Law 1213

Human Services Department
Public notice regarding changes in Minnesota's Medical Assistance Program 1214

Public Safety Department
Opinion sought on rules for alcohol problem assessment reimbursement 1217

Teaching Board
Opinion sought on rules for approval of Minnesota institutions to prepare persons for teacher licensure and approval of teacher licensure programs in Minnesota institutions approved to prepare teachers 1217

State Contracts & Advertised Bids

Administration Department
Commodities and Requisitions open for bid 1218
Printing and mailing contracts open for bid 1219

Bemidji State University
Request for proposals for developing and conducting a set of focus group sessions 1219

Iron Range Resources & Rehabilitation Board
Request for proposal for a consultant to assist in business development and recruitment 1219

Secretary of State
Request for proposal on statewide computer database for voter registration records 1220

Transportation Department
Notice to marketing/public relations agencies 1224

Non-State Public Contracts

Anoka County
Request for proposals for consulting engineer for acceptance testing of refuse derived fuel facility 1225

Metropolitan Council
Request for audiovisual consultant services 1225

Metropolitan Waste Control Commission
Request for proposals for professional consultant services for the development and delivery of a training program on sexual harassment 1225

Supreme Court Decisions

Decisions and Orders filed Friday 11 December 1987 ... 1226

Tax Court

Orders for judgment on docket numbers 4127, 4559, 4615 and 4706 1227

Announcements 1231

Minnesota Rules: Amendments and Additions

NOTICE: How to Follow State Agency Rulemaking in the *State Register*

The ***State Register*** is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the ***State Register.*** Published every Monday, the ***State Register*** makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific ***Minnesota Rule*** chapter numbers. Every odd-numbered year the ***Minnesota Rules*** are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the ***State Register.***

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the ***Official Notices*** section of the ***State Register.*** When rules are first drafted, state agencies publish them as **Proposed Rules,** along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the ***State Register.*** After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the ***State Register*** as **Adopted Rules.** These final adopted rules are not printed in their entirety in the ***State Register,*** only the changes made since their publication as **Proposed Rules.** To see the full rule, as adopted and in effect, a person simply needs two issues of the ***State Register,*** the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the ***Minnesota Guidebook to State Agency Services.***

The ***State Register*** features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the ***State Register,*** a subscription, the annual index, the ***Minnesota Rules*** or the ***Minnesota Guidebook to State Agency Services,*** contact the Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-652-9747 and ask for "Documents."

Administration Department

1370.0100-.0230 (proposed) 1030

Agriculture Department

1555.6950 (proposed) 1174

Agriculture & Economic Development Board

1580.2000-.2120 (proposed emergency) 1100
1580.0100-.0900 (proposed emergency repealer) 1100

Barber Examiners Board

2100.5500 (proposed) 1177

Commerce Department

2675.2600; .2610; .2620 (adopted) 623
2675.6400 (proposed) 928
2675.6400 (proposed) 1104
2675.6400 (withdrawn) 1147
2760.0300 (proposed) 926
2760.0300 s.10 (proposed repealer) 926
2765.0900; .1300 (adopted) 845
2765.1300 s.4 (repealed) 845
2766.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .1000; .1100; .1200; .1300 (proposed) 605
2767.0100; .0200; .0400; .0600; .0700 (adopted) 846
2767.0300; .0500; .0950 (repealed) 846
2770.8000 (adopted) 845
2780.0100 (adopted) 846
2780.0100 s.1,2,5; .0200; .0300; .0400 s.5; .1400 s.1; .2700; .9910 (repealed) 846
2791.0100 (adopted) 749
2800.2100; .5100; .5600; .5700; .5900; .6700; .6710; .6720 (proposed) 930
2800.2100; .5100; .5600; .5700; .5900; .6700; .6710; .6720 (proposed) 1105
2800.2175 (proposed repealer) 1105
2800.2175 (proposed repealer) 930
2820.2900; .3000; .9000 (proposed) 741
2890.0010-.0120 (proposed emergency) 773
2890.0010-.0120 (proposed) 945

Corrections Department

2945.0100; .0110; .0120; .0130; .0500; .0510; .0520; .0530; .0540; .1000; .1600; .1610; .1620; .2100; .2110; .2120; .2130; .2500; .2510; .2520; .2530; .2540; .2550; .3400; .3410; .3420; .3430; .3440; .3450; .3460; .4700; .4710; .4720; .4730; .4740; .4750; .4760; .5400; .5410; .5420; .5430; .5440; .5450; .5460; .5470; .5480; .5490 (proposed) 982

Dentistry Board

3100.2000 (adopted) 952

Jobs & Training Department

3310.2901-.2928 (proposed) 795
3310.2900; .3500; .3600; .4100; .4200; .4300; .4400; .4900; .5300 (proposed repealer) 795

Education Department

3445.3000-.3024 (adopted) 1107
3500.0710 (proposed) 614
3500.0700 (proposed repealer) 614
3510.9100 (adopted) 1065

Vocational Technical Education Board

3515.5051-.5056; .5058-.5062; .5064-.5066 (emergency extended) 1106

Electricity Board

3800.1000 (adopted) 1147

Ethical Practices Board

4500.1200; .1500; .2500; 4505.0300; 4510.1200; 4515.0300; 4525.0200; .0500 (proposed) 1207
4500.0500; .1800; .4100; .4200; .4300 s.3 (proposed repealer) 1207

Health Department

4610.2800 (adopted) 846
4670.1200; .1320; .4200; .4210; .4220; .4230; .4240 (proposed) 777
4670.1200 s.2,4,6 (proposed repealer) 777
4705.0100; .0300; .0900 (adopted) 846

4715.3150; .3170; .5900 (adopted) 624
4717.0310 (proposed) 747

Higher Education Coordinating Board

4830.1560-.1565 (adopted emergency) 826

Housing Finance Agency

4900.0010 (proposed) 994
4900.0010 (proposed) 995
4900.1900-.1915 (adopted) 1147

Labor & Industry Department

5200.0280 (proposed) 825
5205.0010 (proposed) 1209
5205.0116; .0401; .0675; .0710; .0755; .0865; .0880; .1000; .1010; .1030; .1040; 5207.0300; .0310; .0610; .0620; .0720 (proposed) 616
5205.0010; .0015; .0040; .0050; .0065; .0070; .0100; .0105; .0110; .0115; .0140; .0200; .0400; .0410; .0420; .0430; .0450; .0460; .0490; .0650; .0660; .0665; .0675; .0680; .0685; .0686; .0690; .0700; .0750; .0755; .0760; .0765; .0770; .0860; .0865; .0870; .0880; .0890; .1000; .1010; .1020; .1030; .1040; .1200; .1210; .1220; .1230; .1240; .1250; .1260; .1270; .1280; .1290; .1300; 5207.0010; .0020; .0030; .0035; .0040; .0050; .0060; .0100; .0200; .0210; .0220; .0250; .0260; .0300; .0310; .0320; .0400; .0410; .0500; .0510; .0520; .0530; .0540; .0600; .0610; .0620; .0630; .0700; .0710; .0720; .0730; .0740; .0800; .0810; .0900; .0910 (adopted) 634
5205.0160; .0170; .0180; .0210; .0220; .0230; .0240; .0250; .0260; .0270; .0280; .0290; .0300; .0310; .0320; .0460 s.15,19; .0900; .0910; .0920; .0930; .0940; .0950 (repealed) 634
5219.0010; .0020; .0030 (withdrawn) 1066
5219.0010; .0020; .0030 (proposed emergency amended) 1066
5220.2690; .2840 (proposed) 1182
5221.1100; .1200; .1300; .1400; .1500; .1700; .1800; .1900; .2000; .2100; .2200; .2250; .2300; .2400; .2500; .2700; .2800; .2900; .3000; .3100; .3200 (adopted) 662
5221.1600 (repealed) 662
5225.0300; .8600; 5230.0100 (adopted) 1148

Mediation Services Bureau

5510.2310; .2910 (proposed) 1184
5510.2310 s.3 (proposed repealer) 1184
5510.3210 (proposed repealer) 1184

Medical Examiners Board

5600.2500 (adopted) 846

Optometry Board

6500.1800; .1900; .2100; .2700 (proposed) 1146
6500.2800; .2900 (proposed) 744

Pollution Control Agency

7001.0560; .0580; .0650; 7045.0020; .0075; .0120; .0219; .0292; .0452; .0478; .0490; .0498; .0528; .0556; .0564; .0584; .0600; .0608; .0628; .0629 (proposed) 1038
7045.0528 s.9 (proposed repealer) 1038
7002.0100 (proposed) 1036
7035.6500-.7600 (repealed) 847
7045.0020; .0125; .0135; .0139; .0219; .0296; .0302; .0375; .0381 (proposed) 802
7075.0409; .0411; .0428; .1010; .1020; .1030; .1040; .1050; .1060; .1070; .1080; .1090; .1095 (proposed emergency) 1138

Hazardous Substance Injury Compensation Board

7190.0100-.0108 (adopted) 846
7190.0020 (withdrawn) 1034
7190.0020 (proposed) 1035
7190.1000; .1005; .1010; .1015; .1020; .1025; .1026 (proposed) 936

Public Safety Department

7503.0800 (withdrawn) 939
7520.0620; .0650; .1000; .1100 (proposed) 809
7520.0620 s.2,4,6 (proposed repealer) 809

Public Service Department

7680.0100-.0200 (adopted) 1065

Public Utilities Commission

7817.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .1000 (proposed) 814

Secretary of State

8220.0650; .0800 (proposed) 940
8210.3000; .3005; .3010; .3015 (proposed) 942
8220.0650 (proposed) 1094

Public Service Department: Energy Division

8300.2500-.2509 (adopted) 750
8300.2501 s.2,3 (repealed) 750

Water & Soil Resources Board

8400.3000; .3100; .3150; .3200; .3300; .3400; .3500; .3600; .3700; .3800; .3900; .4100; .4200; .4300; .4400; .4500; .4600; .4700; .4800; .4900; .5000; .5100; .5200; .5300; .5400; .5500; .5600 (adopted emergency) 949
8400.3100 s.34, 36 (repealed emergency) 953

Transportation Department

8870.0100-.1100 (proposed) 1101

Veterans Affairs Department

9050.0100-.3900 (withdrawn) 1064

Waste Management Board

9200.6000; .6001; .6002; .6003; .6004; .6007; .6008; .6010 (proposed) 819
9200.6200; .6300; .6500; .6600; .6700; .6800; .8220; .8300; .8500; .8600; .9000; .9100 (adopted) 847
9200.6900-.6906 (adopted) 846
9200.9501; .9502; .9503; .9506; .9508 (proposed) 822

Human Services Department

9500.1070; 9505.0065; 9515.0500; 9525.0180; .0185; .0190; 9540.1200 (adopted) 1148
9500.1100 (proposed) 1212
9500.1206; .1232; .1257; .1262; .1266 (proposed emergency) 953
9500.2890 (proposed emergency) 956
9505.0170; .0175; .0180; .0185; .0190; .0195; .0200; .0205; .0210; .0215; .0220; .0221; .0225; .0235; .0240; .0245; .0250; .0255; .0270; .0275; .0280; .0285; .0290; .0295; .0300; .0305; .0310; .0315; .0320; .0325; .0330; .0335; .0340; .0345; .0350; .0353; .0355; .0360; .0365; .0380; .0395; .0405; .0415; .0420; .0425; .0430; .0440; .0445; .0450; .0455; .0460; .0465; .0470; .0475; 9500.1070 (adopted) 624
9500.0900; .0930; .0960; .0970; .0990; .1000; .1060; .1070 s.2,3,5,7,8,9,10,11,16,17,18,19,20,21,22,24; 9505.1080 (repealed) 624
9505.0420 s.2 (correction) 953

9525.1210; .1250 (proposed) 1178
9525.1500-.1690 (adopted) 997
9550.0300; .0310; .0320; .0330; .0340; .0350; .0360; .0370 (adopted) 827
9553.0020; .0030; .0035; .0040; .0050; .0075 (proposed) 1134
9575.0320; .0350; .1500 (proposed) 783
9575.0320 s.2,4,6 (proposed repealer) 783

Resolve Bargaining Disputes and Grievances

Public Employment Labor Relations Act 1987. The collective bargaining rights and responsibilities of public employers and public employees. Details employees' right to organize and the legislature's authority. Code #2-90, $5.00 plus tax.

Public Sector Labor Relations in Minnesota. A practical resource and training guide analyzing public sector labor relations in Minnesota. A special emphasis on contract administration, grievance handling and the arbitration process. 286 pages, paperbound. Code #10-51, $12.00.

Minnesota Guidebook to State Agency Services 1987-1990. A treasure of helpful, useful, and interesting information about Minnesota state government. This important resource guides you through applications, fees, licenses, reports, history and travel highlights. Describes agencies in detail, giving addresses, phones and contact people. Code #1-4, $15.00 plus tax.



Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

The Rules of the Game–a Wise Investment

Securities Laws, 1987. Governs the activities of broker/dealers, agents and investment advisors. *Minnesota Statutes* Chapter 80A. Code #2-12, $6.00 plus tax.

Securities Rules, 1987. Rules implementing the legislative mandate. Subjects include equity securities and investment companies. *Minnesota Rules* Chapter 2875. Code #3-5, $13.00 plus tax.

Minnesota Guidebook to State Agency Services, 1987-1990. Packed with information to help you, this 640-page resource guides you through license requirements, forms, fees, reports, services, grants, and more. Its listing of addresses, phones, and agency descriptions cut red tape for easy and fast service from state agencies. Code #1-4, $15.00 plus tax.



Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

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 Permanent Rules Relating to Ethics in Government

Notice of Intent to Adopt a Rule Without a Public Hearing

Notice is hereby given that the State Ethical Practices Board proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes*, section 10A.02, subd. 13.

All persons 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. The 30-day period ends January 14, 1988. 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 the request in writing. Any person requesting a public hearing should state the person's 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 Board will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing should be submitted to Mary Ann McCoy, Executive Director, Ethical Practices Board, 625 North Robert Street, St. Paul, MN 55101-2520.

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

A copy of the proposed rule is attached to this notice.

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

Please be advised that *Minnesota Statutes*, Ch. 10A requires each lobbyist to register with the Ethical Practices Board within five days after the lobbyist commences lobbying. A lobbyist is defined in *Minnesota Statutes*, 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 the individual's 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; or (b) who spends more than $250, not including the individual's 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.

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.

Minnesota Statutes, 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 lobbyist may disclose information on her or his registration 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 rule, the rule and the supporting documents will be submitted 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 Ceil Gerlach, at the Board Office address listed above.

Dated: 30 November 1987

Mary Ann McCoy
Executive Director

Rules as Proposed

4500.1200 CHANGE OF OFFICE SOUGHT BY CANDIDATE.

Subpart 1. and 2. [Unchanged.]

Subp. 3. ~~**Tax credit and**~~ **Public financing** ~~**agreements**~~ agreement. ~~A candidate may sign a tax credit agreement for the calendar year for each office sought until December 31.~~ A candidate may sign a public financing agreement for each office sought until September 1 of the general election year. Signing a public financing agreement by September 1 automatically rescinds a previously filed agreement for another office.

4500.1500 JUDICIAL CANDIDATE.

Subpart 1. **Aggregate contributions.** Contributions to a candidate for district court or county court which in aggregate exceed ~~$50~~ $100 shall be disclosed in accordance with requirements set forth in Minnesota Statutes, section 10A.20, subdivision 3, clause (b).

Subp. 2. **Contributions from one source.** Contributions to a candidate for district court or county court from any one source totaling ~~$200 or~~ more than $400 received between the last day covered in the last report prior to an election and the election shall be reported to the board in person ~~or~~, by telegram or mailgram, or by certified mail sent within 48 hours after receipt and also in the next required report.

4500.2500 JOINT LIMITS FOR GOVERNOR AND LIEUTENANT GOVERNOR.

Subpart 1. **Public financing** ~~**or tax credit agreements**~~ agreement. ~~A candidate seeking the endorsement for lieutenant governor who signs a tax credit agreement does not bind either the candidate for governor or his own candidacy to campaign expenditure limits following their joining of candidacies.~~ Following their joint endorsement or filing for office, ~~the~~ candidates for governor and lieutenant governor must jointly sign ~~either~~ the public financing agreement ~~or the tax credit agreement or both agreements~~ if they wish to participate in public financing.

Subp. 2. [Unchanged.]

4505.0300 LATE FILING FEES.

The board shall send a delinquency notice by certified mail to a public official or candidate within ten business days after a filing date. A certified letter returned by the post office to the board as refused is considered received by the addressee on the date refused. The late filing fee begins accumulating on the eighth day after refusal. A certified letter returned to the board as undelivered or refused must be forwarded by first class mail to the public official or candidate. An undelivered notice of late filing is considered received by the recipient five business days after the first class mailing. ~~The late filing fee for an undelivered notice begins accumulating on the eighth day after the notice is deposited in first class mail.~~ A late filing fee must be charged through the business day preceding the day of filing of a late statement. A late filing fee may not be assessed for Saturday, Sunday, or legal holidays.

4510.1200 LATE FILING FEES.

The late filing fee shall commence the eighth day following receipt of a late filing notice, unless the eighth day falls on Saturday, Sunday, or a legal holiday. The late filing fee shall then commence the next business day. A late filing fee shall not be assessed for Saturday, Sunday, or legal holidays.

A certified letter returned to the board by the United States Post Office marked "refused" shall be deemed to have been received by the addressee on the date of refusal.

Except as provided in the preceding paragraph, a certified letter returned to the board by the United States Post Office undelivered

for any reason shall be forwarded by first class mail to the lobbyist, addressed to the lobbyist at the address shown on his latest registration statement or disbursement report. ~~The late filing fee shall then commence the first business day following the seventh day after deposit in first class United States mail~~ An undelivered notice of late filing is considered received by the recipient five business days after the first class mailing.

A late filing fee shall be charged through the business day preceding the day of filing of a late statement or late periodic report.

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~~ an associated business, 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.

4525.0200 COMPLAINTS OF VIOLATIONS.

Subpart 1. to 5. [Unchanged.]

Subp. 6. **Hearings.** At any time during an investigation of a complaint, the board ~~in its discretion,~~ may hold a contested case hearing before making a finding on the complaint.

4525.0500 INVESTIGATIONS AND AUDITS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Contested case hearing.** At any time during an investigation or audit, the board ~~in its discretion~~ may hold a contested case hearing before making a finding on any investigation or audit.

Subp. 4. and 5. [Unchanged.]

REPEALER. Minnesota Rules, parts 4500.0500; 4500.1800; 4500.4100; 4500.4200; and 4500.4300, subpart 3, are repealed.

Department of Labor and Industry

Occupational Safety and Health Division

Proposed Revisions to the Occupational Safety and Health Standards

Request for Comments

Notice is hereby given that the Department of Labor and Industry, Occupational Safety and Health Division (Minnesota OSHA) proposes to adopt the following revisions to the Minnesota Occupational Safety and Health Standards, as authorized under *Minnesota Statutes* § 182.655 (1986) amending the Occupational Safety and Health Standards that have already been proposed and adopted by the federal Occupational Safety and Health Administration (Federal OSHA).

Complete copies of the specific revisions are available by writing: Occupational Safety and Health Division, Department of Labor and Industry, 444 Lafayette Road, St. Paul, Minnesota 55101; or by calling (612) 297-3254.

Interested persons are hereby afforded a period of 30 days to submit written data or comments on the described standards. Any interested person may file with the Commissioner written objections to the proposed standards stating the grounds for those objections. Such person may request a public hearing on those objections.

Ray Bohn
Commissioner of Labor and Industry

Standards as Proposed

5205.0010 ADOPTION OF FEDERAL OCCUPATIONAL SAFETY AND HEALTH STANDARDS BY REFERENCE. The Minnesota Department of Labor and Industry, Occupational Safety and Health standards and rules are amended by incorporating

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.

and adopting by reference, and thereby making a part thereof, Title 29, of the Code of Federal Regulations as follows:

Part 1910—Occupational Safety and Health Standards, as published in Volume 43, No. 206 of the *Federal Register* on October 24, 1978 and corrected in Volume 43, No. 216 on November 7, 1978 which incorporates changes, additions, deletions, and corrections made up to November 7, 1978; and subsequent changes made prior to ~~June 1, 1987~~ December 1, 1987.

Federal Register, Vol. 52, No. 176, dated September 11, 1987; "Occupational Exposure to Benzene, Final Rule—1910.1028."

Federal Register, Vol. 52, No. 186, dated September 25, 1987; "Servicing of Single Piece and Multi-Piece Rim Wheels at Marine Terminals, Final Rule—1917.44."

Federal Register, Vol. 52, No. 187, dated September 28, 1987; "Revision of Telecommunications Training Records, Final Rule—1910.268."

Federal Register, Vol. 52, No. 187, dated September 28, 1987; "Revision of Construction Industry Test and Inspection Records, Final Rule—1926.550, 1926.552, and 1926.903."

Summary of Standards: The following summary of the proposed standards is very brief; persons interested in reviewing any of these standards in their entirety may obtain a copy as noted above.

A) "Occupational Exposure to Benzene, Final Rule." On September 11, 1987, Federal OSHA amended its existing standard for occupational exposure to benzene. The revised standard lowers the 8-hour time-weighted average (TWA) for occupational exposures to benzene from 10 parts per million (10 ppm) to 1 ppm and the short-term exposure limit (STEL) from 25 ppm to 5 ppm. The standard will result in a substantial reduction in the workers' risk of developing leukemia and other diseases of the blood and blood-forming organs. The standard incorporates an action level of 0.5 ppm below which many industrial hygiene and medical surveillance provisions are not required. Many employers having workplaces in which such reductions are feasible will reduce employee exposures below 0.5 ppm in order to have a high degree of confidence that they are protecting their employees, to avoid the costs of the industrial hygiene and medical surveillance provisions, and to have an adequate margin for exposure variability when there is an inspection.

This standard applies to all industries covered by the Occupational Safety and Health Act including general industry locations, construction and maritime industries. Some subsegments of industry where exposures are consistently under the action level are exempt or partially exempt. These include distribution and sale of fuels, sealed containers and pipelines, coke production, oil and gas drilling and production, natural gas processing and the percentage exclusion for liquid mixtures. Exemption from methods of compliance and some monitoring provisions are included for barge cleaning and repair.

This standard also provides for methods of compliance, personal protective equipment, employee monitoring, medical surveillance, medical removal protection, communication of hazards to employees, regulated areas, and recordkeeping. When the action level is exceeded, employers must initiate certain compliance activities, such as monitoring and medical surveillance. Employers with exposures above the action level are required to implement a variety of industrial hygiene provisions which will increase employee protection. The monitoring provisions increase the probability that overexposures will be detected and reduced. The medical surveillance provisions will aid in the early detection of employees with abnormal blood counts. Where the employer can demonstrate, by means of exposure monitoring results or historical data, that the exposures of his or her employees do not exceed the action level, the employer is not obligated to comply with many of the requirements of this standard. The 1 ppm 8-hour TWA substantially reduces significant risk from exposure and is considered by OSHA, based upon substantial evidence in the record, to be the lowest level feasible.

The standard requires employers to set up regulated areas where exposures are over 1 ppm or the STEL to warn employees of the need to wear respirators and discourage employees who have no need to do so, from entering those areas.

The standard requires initial monitoring, semi-annual monitoring if exposures are over 1 ppm, and annual monitoring if exposures are between 0.5 and 1 ppm. Periodic monitoring is not required when exposures are under 0.5 ppm, but remonitoring is required if products or processes change which might lead to increase exposures.

The standard places a preference on engineering and work practice controls for production activities or where exposures to benzene over 1 ppm are more frequent than intermittent. However, the employer may choose a compliance strategy including use of respirators in maintenance and repair activities, when exposures are intermittent in nature and limited in duration, during the time before engineering controls can be installed or where they are not feasible, and when benzene will be present in the area less than 30 days a year.

The standard requires employers with 8-hour TWA exposure over 1 ppm or 15 minute short-term exposures of over 5 ppm to have a compliance program to indicate a schedule for and the methods to be used to reduce exposure below the limits. No program is required if exposures are under the limits.

The standard sets forth requirements for selection of proper respirators, their use, proper fit-testing, and other elements of a good respirator program. Protective clothing and equipment must be worn to prevent eye exposure and limit skin exposure to benzene since benzene is absorbed through the skin.

A medical surveillance program is required for employees exposed over the action level. This requires an initial medical examination to establish a baseline, subsequent yearly examinations and also examinations after exposures resulting from emergency situations. A complete blood count is required to determine if the blood elements remain normal. Since abnormal blood levels are a possible indicator of the development of a benzene-related blood disease, an additional examination by a hematologist or internist is required if an abnormal blood count persists.

If the physician believes it medically justified, employees will be removed from benzene exposure in order to improve the chance that blood disease will not progress. To encourage employees to participate in medical surveillance, employers are to provide alternate jobs in areas where the benzene exposure does not exceed the action level. Certain medical removal protection provisions are included for a short period of time or until it is determined whether the condition is permanent.

A medical evaluation also is required to determine if an employee who must, can safely wear a respirator. Appropriate provisions are also included for signs and labels, training, communication of benzene hazards to employees, and observation of monitoring. They are necessary so that employees are aware of the risks of benzene, will be better able to take precautions to protect themselves, and will understand the need for the standard's provisions. Requirements are also included to keep and make available medical and exposure monitoring records.

The Federal OSHA standard will become effective on December 10, 1987. When adopted by Minnesota, the standard will become effective 30 days after publication of the adoption notice in the *State Register*. All provisions, except for engineering controls, must be completed 60 days after the effective date. This three-month period should be adequate time for Minnesota employers to complete initial monitoring and medical surveillance, purchase respirators, etc., especially since the standard will have been in effect, and well-publicized, at the Federal level before that time. Completion of the installation of engineering controls is not required until December 10, 1989; an extended compliance period of five years (or until December 1992) is allowed for installation of engineering controls by-product plants and BTX units at coke facilities.

By this notice, Minnesota OSHA proposes to adopt the final rule for Occupational Exposure to Benzene, 1910.1028, as published in the *Federal Register* on September 11, 1987.

B) "Servicing of Single Piece and Multi-Piece Rim Wheels at Marine Terminals, Final Rule." On September 25, 1987, Federal OSHA published an amendment to rules for the servicing of rim wheels at marine terminals to include safety measures to be taken for the servicing of both single piece and multi-piece rim wheels. Prior to this regulatory action, only multi-piece rim wheel servicing was addressed in OSHA's rules for marine terminals. This action adopts by reference the General Industry Standard, 1910.177, that is specific to the servicing of both single piece and multi-piece rim wheels, for application within the marine terminal environment. This action deletes the current multi-piece rim wheel servicing requirements in 1917.44(o) and replaces it with a reference to the General Industry Standard, 1910.177, making that standard applicable to marine terminals. A reference to 1910.177 is also inserted in 1917.1 and 1910.16 which contain lists of those Part 1910 provisions having application at marine terminals. In addition, paragraph (a)(2) of 1910.177, which previously indicated that the General Industry Standard did not apply to any maritime employments covered by Parts 1915 to 1919 to reflect that marine terminals covered by Part 1917 are now covered by 1910.177.

By this notice, Minnesota OSHA proposes to adopt the amendments to 1910.16(b)(2)(ix), 1910.177(a)(2), 1917.1(a)(2)(ix), and 1917.44(o) as published in the *Federal Register* on September 25, 1987.

C) "Revision of Telecommunications Training Records, Final Rule." Federal OSHA published a final rule revising the record-keeping requirements in the training provisions of the Telecommunications Standards, 1910.268(c), in order to minimize the paperwork burdens imposed on employers and to clarify what information is required. The existing provisions of 1910.268(c) require the employer to train employees in the precautions and safe practices required by the standard before the employer assigns employees to perform work covered by the standard. To demonstrate compliance, employers are currently required to prepare a written description of their training program, including a list of subject courses and the types of personnel to be trained. The final rule eliminates that requirement. It also revises the requirement that the employer maintain a record of employees trained, substituting a requirement that the employer prepare a certification record to demonstrate compliance with the training requirements. This certification record will be prepared at the time the training is completed and will include the identity of the employee trained, the signature of the employer or the person who conducted the training, and the date the training was completed. This change is intended to minimize the paperwork burden on employers as required by the Paperwork Reduction Act of 1980, without reducing protection of employee safety and health because the existing requirement that employers train their employees before they engage in activities covered by 1910.268 has not been revised.

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.

By this notice, Minnesota OSHA proposes to adopt the amendments to 1910.268 described above as published in the *Federal Register* dated September 25, 1987.

D) "Revision of Construction Industry Test and Inspection Records, Final Rule." On September 28, 1987, Federal OSHA revised three construction industry recordkeeping requirements to minimize the paperwork burdens imposed on employers and to clarify what information is required. The final rule eliminates certain requirements under which an employer must prepare and maintain written records. The revised provisions require, instead, that the employer simply prepare a certification record at the time the required work (inspection or test) is done, which includes the date the inspection or test was performed; the signature of the person who performed the work; and the identity of the equipment or machinery that was inspected or tested. Implementation of this revision is intended to minimize the paperwork burden on employers as required by the Paperwork Reduction Act of 1980, without reducing the protection of employee safety and health.

The three construction standards revised by this notice are:

- **1926.550(b)(2)**—Crawler, locomotive and truck cranes
- **1926.552(c)(15)**—Material hoists, personnel hoists and elevators
- **1926.903(e)**—Underground transportation of explosives

In each case, the amendments revise the recordkeeping portions of the above standards by replacing that requirement with provisions requiring the employer to prepare a "certification record." The certification record for cranes under 1926.550(b)(2) must contain the date the inspection was performed, the signature of the person performing the inspection, and the identity of the crane inspected. The rule does not alter the existing requirements to comply with the crane inspection procedures outlined in ANSI B30.5-1968, which has been adopted by reference. ANSI B30.5 requires that written, dated, and signed inspection reports and records be prepared monthly on critical items such as brakes, crane hooks and ropes. The ANSI standard does not, however, specify the information to be included in the record or report. Employee protection is not reduced because the existing inspection requirements are retained and employers are still required to correct any defects found at the time of inspection.

The recordkeeping provisions of 1926.552(c)(15) for material hoists, personnel hoists and elevators has been revised to eliminate unnecessary recordkeeping burdens and clarify what information is to be recorded. The certification record for this type of equipment must contain the date the work was performed, the signature of the person who performed the inspection and test, and the identity of the hoist. This revision does not alter the inspection and test requirements. The revised standard will not reduce the protection of employee safety and health because the existing testing and inspection requirements are retained. Employers are still required to detect, and correct, any defects in hoist functions or safety devices during these tests and inspections.

The recordkeeping requirements of 1926.903(e) covering underground transportation of explosives have also been revised to require the employer to prepare a certification record. The revised standard clarifies what information the employer must record; i.e., the certification record must contain the date the inspection was performed, the signature of the person who checked the electrical system, and the identity of the truck inspected. Inspection requirements are not altered in this revision to the standard. The existing standard requires employers to conduct a weekly check of the electrical systems of trucks used to transport explosives underground to detect failure which may constitute electrical hazards and further provides that a written record of the inspection must be kept, but does not specify what information this written record must contain. Revisions made here will not reduce employee safety and health because it retains the requirement that employers conduct the weekly check of covered electrical systems.

By this notice, Minnesota OSHA proposes to adopt the amendments to 1926.550(b)(2), 1926.552(c)(15), and 1926.903(e) as published in the *Federal Register* on September 28, 1987.

Department of Human Services

Proposed Permanent Rules Relating to Diagnostic Categories

Notice to Adopt Rule Amendments 30 Days After Publication

The proposed amendments to *Minnesota Rules* 9500.1100 result from the implementation of the Consolidated Chemical Dependency Treatment Fund and are published under authority of *Minnesota Statutes*, 256.969, subdivision 2. These changes are to be effective 30 days after publication for hospital in-patient reimbursement under the General Assistance Medical Care and Medical Assistance (MA) Programs. However, the proposed amendments will be effective for MA only if federal waivers that have been applied for under *Minnesota Statutes*, 254B.08 are approved. Information regarding the waiver will be provided prior to implementation. Hospital specific rates, relative values and other rate setting information that change as a result of the proposed amendments will be sent to all hospitals and, upon request, other interested parties. Admissions are assigned to a diagnostic related group (DRG) using version 4 of the Health Systems International, Inc. DRG assignment.

Written comments should be forwarded to following address by Wednesday, January 13, 1988.

Paul Olson
Hospital Reimbursement Section
Audit Division
520 Lafayette Road
St. Paul, MN 55101

Rules as Proposed.

9500.1100 DEFINITIONS.

Subpart 1. to 19. [Unchanged.]

Subp. 20. **Diagnostic categories.** "Diagnostic categories" means the classification of inpatient hospital services according to the diagnostic related groups (DRGs) under medicare with adjustments as follows:

Diagnostic Categories	DRG Numbers Within the Diagnostic Category
A. to S. [Unchanged.]	
T. Substance Use and Substance Induced Organic Mental Disorders (Ages 0-20)	(433-~~438~~, 434, 435)
U. Substance Use and Substance Induced Organic Mental Disorders (Ages over 21)	(433-~~438~~, 434, 435)
V. to JJ. [Unchanged.]	

Subp. 21. to 52. [Unchanged.]

Official Notices

Pursuant to the provisions of Minnesota Statutes § 14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Ethical Practices Board

Request for Advisory Opinion Re: Hennepin County Disclosure Law

The Ethical Practices Board solicits comments regarding the following request for an advisory opinion received from James Johnson, treasurer, John Sarna Volunteer Committee. Written comments should arrive at the Board office, 625 N. Robert St., St. Paul, MN 55101 prior to January 5, 1988, for consideration at the Board's meeting of January 21, 1988. **November 23, 1987**—I wish to obtain your advice relative to the applicability of *Minnesota Statutes* 383B.046 to the John Sarna Volunteer Committee (the "Committee"). *Minnesota Statutes* 383B.046 is, of course, special legislation relating to local Hennepin County elections. The Committee is subject to *Minnesota Statutes* 10A governing reporting by all committees, political funds, etc. in general elections for state office.

The Committee is the principal campaign committee of Representative John J. Sarna. The Committee has been in existence since 1972 and became registered with the State Ethical Practices Board upon adoption of the Ethics in Government Act, *Minnesota Statutes* 10A. In accordance with said law, the Committee annually files detailed reports of receipts and expenditures. The major purpose of the Committee is and has been the elections of Representative Sarna since 1972.

This year, the Committee made incidental contributions to candidates for elections, held or to be held in Hennepin County, including contributions to the campaign committee of one state representative whose district lies within Hennepin County and to several Minneapolis school board candidates. Each of the campaign funds which received a contribution from the Committee was required

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.

to report the fact and the amount of the Committee contribution. In its own regular filing with the State Ethical Practices Board, the Committee is required to report both the fact and the amount of each of these contributions.

Minnesota Statutes 383B.046, subd. 1 provides: "Every political committee, political fund and principal campaign committee shall register within 14 days after the date by which the committee or fund has received contributions or made expenditures in excess of $100". Under the statutory provision, reporting is required of a principal campaign committee, a political committee, and a political fund. Clearly, the Committee is not a principal campaign committee of anyone but Representative Sarna, and is therefore not required to report under this local statute since it is already reporting under *Minnesota Statutes* 10A.

"Political fund" is defined by *Minnesota Statutes* 383B.042, subd. 14, as: "any accumulation of dues or voluntary contributions by an association other than a political committee, which accumulation is collected or expended for the purpose of influencing the outcome of any election". The Committee clearly is not an "association", such as a PAC or other affiliation whose purpose is to raise and distribute funds to various candidates, and is therefore not required to report under this statute as a political fund. The Committee, as previously stated, is instead the principal campaign committee of one state representative.

"Political committee" is defined by *Minnesota Statutes* 383B.042, subd. 13 as: "any political party, association, or person other than an individual that seeks as its major purpose to influence the outcome of any election". Under this statutory language the question whether the Committee is a "political committee" for purposes of reporting under this statute (in addition to the extensive reports already filed) is answered by a definition of the words "seeks as its major purpose to influence the outcome of any election".

At first reading, it would seem that the words "any election" means every election and would therefore require the Committee to report under this statute. Such a conclusion, however, is not logical because it would require in the Committee's own case reporting of its legislative election under both the State Ethical Practices Act and under this statute. Duplicative reporting of this kind is certainly not the intent of the act. Moreover, literally applied, *Minnesota Statutes* 383B.048 would require continual and repeated filings by the Committee under this local statute. Each time an election occurred in Hennepin County regardless of whether the Committee had or had not made any contribution to any candidate in that particular election.

Certainly the limiting words "major purpose" in the definition of "political committee" is intended to limit the applicability of the otherwise duplicative and unnecessary reporting requirements when applied to a campaign committee already reporting under *Minnesota Statutes* Sec. 10A. The words "major purpose" are clearly intended to have some limiting effect on this broad definition. In addition to the logic precluding duplicative reporting and in addition to the plain language ("major purpose") limiting the applicability of this local statute, the public policy underlying the disclosure statutes is not harmed by adopting this position.

The conclusion that the Committee is not required to report under this statute because it is not a principal campaign committee, a political fund or a political committee for purposes of this statute is consistent with the public purpose underlying this law. The public purpose is, of course, full disclosure of campaign receipts and expenditures. In the Committee's case, all of its receipts and expenditures are already reported and are already public records. In the case of each recipient of the Committee's contribution (the previously mentioned state representative and several school board candidates), each such contribution is again reported. The sole issue then is whether these same receipts and expenditures must be reported again a third time under this local statute.

We respectfully request you to render us your opinion that the Committee is not required to file as separate report under *Minnesota Statutes* Sections 383B.041 to 383B.058 because *Minnesota Statutes* 383B.046 does not apply to incidental contributions by a principal campaign committee already filing with the Minnesota Ethical Practices Board.

Department of Human Services

Health Care Programs Division

Public Notice Regarding Changes in Minnesota's Medical Assistance Program

Notice is hereby given to all providers and recipients of Minnesota Medical Assistance, and to the public, of changes in the reimbursement procedures for Medical Assistance and General Assistance Medical Care Chemical Dependency rehabilitative services. This notice is published pursuant to the federal regulations which govern the administration of the Medical Assistance program, 42 CFR 447.205 (1986). The purpose of this notice is to inform the public of changes in Minnesota Medical Assistance and General Assistance Medical Care reimbursement pursuant to the implementation of the Consolidated Chemical Dependency Treatment Fund program, January 1, 1987.

Information on implementation of these changes will be sent as needed to local welfare agencies and health care providers enrolled in the program via provider manual.

Written comments and questions may be addressed to:

Larry Woods
Department of Human Services
Health Care Management Division
Medical Assistance Services Section
444 Lafayette Road
6th Floor Space Center
St. Paul, MN 55155

Comments and suggestions from the public may be viewed at the same address during normal working hours. Copies of appropriate rules and manuals may also be viewed at any of the 87 county human services agencies in the State of Minnesota or at the Minnesota Department of Human Services at 444 Lafayette Road, St. Paul, Minnesota.

BACKGROUND

Chemical dependency services are covered under the Medical Assistance Program when a chemical use assessment is done by the county assessor and limitations, prior authorization and certification requirements of the Medical Assistance Program are met. Services may be obtained as an inpatient at a licensed, Medicare certified acute hospital or as an outpatient at a facility approved by the Department of Human Services. Currently the Medical Assistance Program also covers chemical dependency services under RamseyCare (GAMC), the HMO Demonstration Project (MA) and pilot projects in Cook, Hubbard and Beltrami counties (GAMC). Detoxification, unless there is also a medical need, chemical co-dependency, aftercare and halfway houses are not covered services.

In 1986, Legislation was passed to authorize statewide implementation of a Consolidated Chemical Dependency Treatment Fund (CCDTF). The statewide CCDTF will be created by combining existing state appropriations for chemical dependency treatment from the following sources: General Assistance, General Assistance Medical Care, Regional Treatment Centers, and state and federal grants administered by the Department of Human Services.

The State is also seeking a federal waiver which would allow the use of Medical Assistance monies in the CCDTF. Money from the CCDTF will be allocated to counties based on population, income and welfare caseload.

The CCDTF Legislation includes authorization for pilot projects to design and test procedures for statewide implementation of the CCDTF. Pilot projects are currently in place in Cook, Beltrami and Hubbard counties.

Consolidated Chemical Dependency Treatment Fund

Effective January 1, 1988 the provisions of the Consolidated Chemical Dependency Treatment Fund (CCDTF) legislation will be implemented. Each county will be responsible for the assessment and placement of recipients who need chemical dependency treatment services, the establishment of contracts with facilities and/or programs to provide chemical dependency services, and the certification of invoices for forwarding to the Department of Human Services.

Services covered under this new system will include primary rehabilitative services, outpatient rehabilitative services, extended care, and transitional care. Chemical dependency services mandated and funded under the Community Social Services Act (e.g., detox, assessment, aftercare) will not be covered by the CCDTF. All inpatient hospital and rehabilitative programs licensed under *Minnesota Rules* 9530.2500 through 9530.4000 (Rule 35) and outpatient programs licensed under *Minnesota Rules* 9530.5000 through 9530.6500 (Rule 43) will be eligible to receive reimbursements. Counties and Indian reservations will be responsible for negotiating reimbursement rates based on their needs and the services available in their area.

"Assessor" means any person qualified under Rule 25 (9530.6600) to perform an assessment of chemical use. Rule 25 (9530.6600-9530.6655) establishes the criteria for the appropriate level of chemical dependency care for public assistance recipients.

"Chemical dependency" means a pattern of pathological use, accompanied by the physical manifestations of increased tolerance to the chemical or chemicals being used or withdrawal syndrome following cessation of chemical use.

"Chemical dependency services" means a planned program of care for the treatment of chemical dependency or chemical abuse to minimize or prevent further chemical abuse by the person. Diagnostic, evaluation, prevention, referral, detoxification, and aftercare services that are not part of a program of care licensable as a rehabilitative chemical treatment program are not chemical dependency services for purposes of this section.

CHEMICAL USE ASSESSMENT—"Chemical use assessment" means an assessment interview and written listing of the client's specific strengths, and problems related to chemical use which enables the assessor to determine a level of chemical involvement. The following levels are on this rating:

A. Level 0, no apparent problem.

B. Level 1, risk status. While demonstrating no current pattern of pathological use, the individual's behavior suggests that he or she is at risk of developing future problems associated with chemical use as evidenced by two or more of the following:

(1) family or peer group glamorizes substance use or tolerates alcohol or drug related deviance;

(2) time, money, and relationships are predominantly associated with substance use;

(3) at least two instances of blackouts; or

(4) a history of alcoholism in one or more of the biological parents.

C. Level 2, chemical abuse. A pattern of inappropriate and harmful chemical use.

Chemical abuse also means inappropriate and harmful patterns of chemical use that are linked to specific situations in a client's life such as loss of a job, death of a loved one, or sudden change in life circumstances.

Chemical abuse does not involve a pattern of pathological use, but it may progress to pathological use.

D. Level 3, chemical dependency. A pattern of pathological use accompanied by the physical manifestations of increased tolerance to the chemical or chemicals being used or withdrawal syndrome following cessation of chemical use.

"Transitional Rehabilitative services" means a chemical dependency program that is provided in a semi-independent living arrangement and provides at least two hours a week of therapy/counseling, including group, collateral, and individual therapy/counseling.

"Outpatient rehabilitative services" means a treatment program with a defined regimen serving at one time five or more persons experiencing problems related to alcohol or other drugs for the main purpose of providing primary or post-primary treatment care. The regimen must provide a minimum of ten hours of therapy/counseling including group, collateral, and individual therapy/counseling scheduled at a minimum of one hour per week and must provide time-limited therapeutic services to a recipient while the recipient resides in a supervised living facility, board and lodging facility, or his/her own home.

Outpatient (Code X0690) chemical dependency programs must be approved by DHS as eligible for MA/GAMC reimbursement.

"Primary treatment" means a chemical dependency rehabilitative program with 24-hour nursing surveillance and physician availability that provides intensive, primary therapeutic services following detoxification in an acute care facility. At least 30 hours a week per client of chemical dependency service must be provided, including group and individual counseling, lectures, and other services specific to chemical dependency rehabilitation.

Treatment episode extends from the date of admission to the date of discharge. Duration of the episode may be very short, e.g., 3 hours, or longer, many days.

DETOXIFICATION:

Effective January 1, 1988, Detoxification is covered only when inpatient hospitalization is medically necessary because of conditions in addition to or resulting from withdrawal (e.g., conditions resulting from injury or accident or medical complications during detoxification such as delirium which necessitates the constant availability of physicians and/or complex medical equipment found only in hospital settings).

PAYMENT OF PROVIDERS

Effective January 1, 1988, all chemical dependency treatment services will only be paid through the CCDTF invoice and payment system. All clients receiving public monies must be placed for services by the county of financial responsibility. When the county determines that a client is eligible for the CCDTF and places a client for treatment, the county completes a CCDTF "Client Placement Authorization" form which specifies the type and amount of services to be provided and specifies the service provider. Upon receipt of its copy of the "Authorization", DHS sends an appropriate CCDTF "Invoice" to the provider. When the service provider completes the provider portion of the "Invoice", the provider forwards the "Invoice" to the county. The county completes and signs the "Invoice" and returns it to DHS and DHS pays the provider. The "Forms Completion Manual for Providers" contains complete details about provider responsibilities for proper completion of invoices.

No payment for these chemical dependency services will be reimbursable through Medical Assistance or General Assistance Medical Care for treatment begun on or after January 1, 1988. Chemical dependency treatment services begun before January 1, 1988 and completed after January 1, 1988 will be paid through MMIS. MMIS will continue to pay for services for DRG's 434 and 435 (detoxification or other symptomatic treatment with or without complication or comorbidity).

Physicians fees for services provided through the CCDTF must either appear on the CCDTF "Invoice" or be part of an overall rate for services. These fees or rates should be part of the service provider's "Host County Contract". Physicians will not be able to bill MMIS for any treatment services provided through the CCDTF.

CONSEQUENCES OF INAPPROPRIATE PLACEMENT

Payment shall not be made for chemical dependency services provided to eligible persons who have not been assessed by the county as being in need of that level of service.

LEGAL REFERENCES:

Minnesota Rules 9530.6600 (Rule 25), *Minnesota Rules* Subp. (2) 9505.0540 (Rule 48), *Minnesota Rules* 9530.5000 (Rule 43), *Minnesota Statutes*, Chapter 254A.03, *Minnesota Statutes*, Chapter 394, *Minnesota Statutes*, Chapter 254B.

Department of Public Safety

Driver and Vehicle Services

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules of the State Department of Public Safety Governing Alcohol Problem Assessment Reimbursement

Notice is hereby given that the State Department of Public Safety is seeking information or opinions from sources outside the agency in preparing to amend rules governing Alcohol Assessment Reimbursement.

The promulgation of these rules is authorized by *Minnesota Statutes* sections 169.124 Subd. 2, and 169.126, which requires the agency to promulgate rules and standards for reimbursement of county expenses related to Alcohol Problem Screenings and Assessments. The State Department of Public Safety requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements should be addressed to:

Jeff Bruce
Management Analyst
Room 205
Transportation Building
St. Paul, Minnesota 55155

Oral statements will be received during regular business hours over the telephone at (612) 296-9503 and in person at the above address.

All statements of information and comment shall be accepted until January 14, 1988. Any written material received by the State Department of Public Safety shall become part of the rulemaking record in the event that the rules are promulgated.

Paul J. Tschida
Commissioner of Public Safety

Board of Teaching

Notice of Intent to Solicit Outside Opinion Concerning Proposed Amendments Relating to *Minnesota Rules*, Part 8700.7600 Approval of Minnesota Institutions to Prepare Persons for Teacher Licensure and *Minnesota Rules*, Part 8700.7700 Approval of Teacher Licensure Programs in Minnesota Institutions Approved to Prepare Teachers

Notice is hereby given that the Board of Teaching is seeking information or opinions from sources outside the Board in preparing to propose the adoption of amendments to the rules governing the approval of Minnesota institutions to prepare persons for teacher licensure and the approval of teacher licensure programs in Minnesota institutions approved to prepare teachers. Any interested persons may submit data or views on this submit in writing or orally to:

Kenneth L. Peatross, Executive Secretary
Minnesota Board of Teaching
608 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
(612) 296-2415

Any written material received by the Board shall become part of the hearing record in the event that the amendments to the rules governing this subject are promulgated.

Dated: 7 December 1987

Kenneth L. Peatross, Executive Secretary
Minnesota Board of Teaching

State Contracts and Advertised Bids

Pursuant to the provisions of Minn. Stat. § 14.10, an agency must make reasonable effort to publicize the availability of any services contract or professional and technical services contract which has an estimated cost of over $2,000.

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

Commodities contracts with an estimated value of $15,000 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 whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

Department of Administration: Materials Management Division

Contracts and Requisitions Open for Bid

Call 296-2600 for information on a specific bid, or to request a specific bid. Buyer's initials are listed next to each commodity.

Commodity for Bid (and Buyer)	Bid Closing Date at 2 pm	Department or Division	Delivery Point	Requisition #
Copier equipment (BT)	December 16	Attorney General	St. Paul	06000 06756
Copier (BT)	December 16	State University	Bemidji	27152 46487
Traffic marking paint (PA)	December 16	Transportation	Various	79100 03872 thru 900
Laerdal resusci annies & related repair (DK)	December 17	Various	Various	Price Contract
Miscellaneous office supplies (AW)	December 17	Various	Various	Price Contract
Paint brushes (AW)	December 17	Various	Various	Price Contract
Aggregates—annual bid (PA)	December 18	Transportation	Mankato	79700
Washed sand—annual bid (PA)	December 18	Transportation	Crookston	79250
Analysis, transportation, storage and disposal of hazardous waste (JJ)	December 18	Various	Various	Price Contract
Aggregates—annual bid (PA)	December 21	Transportation	Rochester	79600
Ceiling tile (PA)	December 21	Regional Treatment Center	St. Peter	55105 07942
IBM Mini System 36, 38 & Intermediate 43XX & Peripherals	December 22	Various	Various	Price Contract
Fluorescent fixtures—rebid (ES)	December 22	Various	Various	Price Contract
Slide projectors and slide trays (DO)	December 22	Various	Various	Price Contract
AT compatible computers (BV)	December 22	Finance	St. Paul	10 000 03156
Sound reproduction equipment (PA)	December 22	Jobs & Training	St. Paul	21 200 16831

Department of Administration: Printing & Mailing Services

Printing vendors for the following printing contracts must review contract specifications in printing buyers office at 117 University Avenue, Room 134-B, St. Paul, MN.

Commodity for Bid (and Buyer)	Bid Due Date at 2 pm	Department or Division	Delivery Point	Requisition #
College Catalog 1988-89	December 17	Normandale Community College	Bloomington	3531
Div. of Rehab. Services Overview 1987	December 17	Jobs & Training	St. Paul	3539

Bemidji State University

Minnesota State University Board

Notice of Request for Proposals for Developing and Conducting a Set of Focus Group Sessions

Bemidji State University is seeking individuals or organizations that have expertise in the use of a concept called Focus Groups. The purpose of these sessions will be to identify the perceived image of Bemidji State University and to determine the factors and concerns of two adult groups that exercise influence on high school students as they choose a college/university to attend. The Project, which will be provided under contract, is outlined in detail in the Request for Proposals (RFP) Statement of Work.

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

David M. Tiffany
Vice President for Development
Bemidji State University
1500 Birchmont Drive NE
Bemidji, MN 56601

It is anticipated that the activities to accomplish this Project will not exceed a total cost to the State of $10,000. The deadline for the submission of completed proposals will be the close of the working date January 5, 1988. The Project is expected to be completed by April 15, 1988.

Iron Range Resources and Rehabilitation Board

Request for Proposal for a Consultant to Assist in Business Development and Recruitment

The Iron Range Resources and Rehabilitation Board requests proposals from qualified consultants to assist in the identification and attraction of bonafide candidates for industrial and commercial development within the Taconite Tax Relief Area of northeastern Minnesota. The consultant shall concentrate its efforts primarily in the Twin Cities Metro Area.

To this aim, the consultant shall identify specific individuals or groups whose task will be to work directly and singularly with IRRRB staff to attract potential business leads for the Taconite Tax Relief Area.

The IRRRB requests that respondents address the following general areas of consideration, explaining in detail their proposed plans to accomplish stated objectives in each field. Respondents should estimate what percentage of the total time and total cost allotted will be devoted to each area of consideration, correspondingly breaking down each general area of consideration into specific tasks and detailing the respective time and money needed to accomplish each specific task.

General Areas of Consideration

1. Identification and contact of qualified candidates for industrial and commercial development within the Taconite Tax Relief Area.

a. From the noted target sectors or other sectors which the consultant and IRRRB mutually ascertain as viable options for northeastern Minnesota.

b. While IRRRB suggests that this candidate search be limited to the upper Midwest, Minnesota or even the Twin Cities Metro area; the consultant should propose a specific geographic search area, justifying same.

2. Assistance to the IRRRB staff in researching and development proposals necessary to attract and secure such industrial and commercial development.

3. Formulation of strategies, detailing specific objectives, for same.

4. Coordination of preliminary negotiations with qualified business development candidates.

5. Progress reports covering all of the above.

Statutory Proposal Requirements

In accordance with the provisions of *Minnesota Statutes* § 363.073, for state contracts in excess of $50,000.00, all responders having more than 20 full-time employees at any time during the previous 12 months must have a certificate of compliance issued by the Commissioner of Human Rights before a proposal may be accepted. The proposal will not be accepted unless it includes one of the following:

A. A copy of the firm's current certificate issued by the Commissioner of Human Rights.

B. A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights.

C. A statement certifying that the firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months.

Any questions concerning a Certificate of Compliance may be referred to the Contract Compliance Unit of the Minnesota Department of Human Rights at (612) 296-5663.

The total cost of the contract for all services and for all costs, both direct and indirect, shall not exceed $100,000.

For further information and formal RFP documents, contact Iron Range Resources and Rehabilitation Board, P.O. Box 441, Eveleth, MN 55734, 218-744-2993.

The deadline for receipt of proposals is 4:30 p.m., Monday, January 11, 1988.

Office of the Secretary of State

Request for Proposal on Statewide Computer Database for Voter Registration Records

Description

The Office of the Secretary of State is requesting proposals for the development and implementation of a statewide computer database for Voter Registration Records as required by *Laws of 1987,* Chapter 361. The department seeks expert technical assistance in database design, programming, documentation, testing and implementation of the system based on the detailed design, logical database design and physical database design currently being completed.

This request for proposal does not obligate the state to complete the project and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

I. SCOPE OF PROJECT

The purpose of this project will be to provide the department with computer programs, documentation and procedures, implementation testing, installation assistance and associated project management for the state computerized voter registration system in a manner that permits it to properly operate on installed and ordered Unisys hardware using MAPPER functions.

The required outcome of the development project is the implementation of the basic system by April 1, 1988 with selected pilot counties operational on the system by that date. The system must have, as a minimum, the capabilities which have been identified by the following module names (see Capabilities and Features summary) and, further, **these capabilities must be functional by the date indicated:**

MODULE	COMPLETION DATE
1. System Administration and Audit Modules*	March 1, 1988
2. Registration Records Maintenance	April 1, 1988
3. Public Sector Services	May 15, 1988
4. Election Specific Processing*	June 15, 1988
5. Voting History Maintenance	August 1, 1988
6. Registration Database Annual Purging #	January 1, 1989
7. Street Table Maintenance #	March 1, 1989

*NOTE: Capabilities identified as optional under modules #1 and #4 may be completed later than the required completion date for that module, but must be completed prior to March 1, 1989.

#NOTE: The completion dates reflect the time that these capabilities will be required to be functional. Modules #6 and #7 may be completed at a time earlier than the required completion dates.

II. OBJECTIVE

The objective of the project is to complete all identified tasks in such a manner that the system will meet all system design requirements necessary for the conduct of the 1988 state primary and general elections. The contract duties will be completed in a way that takes maximum advantage of the available and to be installed Unisys hardware and software and provides a soundly developed and fully documented system.

III. PROJECT TASKS

The anticipated tasks to fulfill the requirements and objectives of the department are as follows:

A. Review the detailed design, logical database design, and physical database design to ensure that they take maximum advantage of the installed and to be installed Unisys hardware and software capabilities. Recommend, in writing, any changes necessary to fulfill the system requirements.

B. Review the program specifications which have been prepared; Identify and recommend, in writing, any changes required to ensure maximum effective use of the Unisys hardware and software capabilities; Prepare additional technical materials necessary to make the appropriate program specification changes and additions.

C. Prepare, test, and make any necessary corrections to the computer programs required as a result of the final program specifications and provide full documentation for each computer program in writing and on Sperrylink PC diskette files.

D. Review the telecommunications network design. Identify and recommend, in writing, any changes that may be required or be desirable to ensure maximum effective use of the Unisys hardware and software capabilities in order to provide minimum response time for the system users.

E. Prepare all required systems documentation. Include a final detailed design document that reflects the following: any and all changes, additions and deletions to the system design; manual procedures and controls; central operating procedures; County Auditors user procedures; and public sector services user instructions. Documentation should be provided in writing and on Sperrylink PC diskette files.

F. Prepare a written document that describes in detail all system implementation tests necessary to ensure that all modules and functions of the system operate properly. Conduct implementation tests and demonstrations of the system for the department and County Auditors that show the full operational capabilities of the system and fully document that all capability requirements have been met. Tests should be conducted upon the completion of each module and demonstrations should be conducted upon the completion of modules #2, #4, and #7.

G. Review the data conversion procedures developed as a prior work product. Identify and recommend, in writing, any changes that may be required or desirable to ensure maximum effective use of the Unisys hardware and software capabilities and minimize conversion time and cost.

H. Prepare and maintain a current, complete and accurate detailed project work plan and maintain a schedule and record of assignments for all tasks required to complete and implement the system. Provide technical and operational project management direction and assistance to ensure that the system is properly completed and implemented in the required time.

Responder may propose additional tasks which would substantially improve the results of the project.

IV. DEPARTMENT CONTACTS

Prospective responders having questions regarding this request for proposal or who would like copies of the conceptual design, capabilities and features summary, and/or draft detail design may call or write:

Tom Durand
Room 180, State Office Bldg.
St. Paul, MN 55155
(612) 296-9219

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

V. SUBMISSION OF PROPOSALS

All proposals must be sent to and received by:

Tom Durand (VR-RFP)
Room 180, State Office Bldg.
St. Paul, MN 55155

Not later than 4:00 p.m. January 5, 1988.

Late proposals will not be accepted. Three copies of the proposal are required. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. Each copy of the proposal must be signed in ink by an authorized member of the firm. Prices and terms of the proposal as stated must be valid for the length of the project.

VI. PROJECT COSTS

The department has estimated the cost of this project, to be no more than $200,000.

VII. PROJECT COMPLETION DATE

It is required that the project modules be completed by the dates specified in Article I and that the entire project be completed no later than March 1, 1989 or within 13 months of authorization.

VIII. QUALIFICATIONS

The following qualifications are desired and are believed by the department to be necessary for the successful completion of the project within the required time frame.

*Programmers with a minimum two years MAPPER run writing experience per programmer including a familiarity with MAPPER Level 33 (writing runs using Level 33) plus at least one programmer with COBOL programming experience.

*Project manager(s) who have coordinated at least two medium to large MAPPER development projects. (Medium is defined as a 6-12 person month project and large is defined as a project over 12 person months). In addition, experience in project development in the area of a large scale computerized voter registration system is highly desirable.

*Project team members, with combined background and experience at the following level are, in the department's judgment, very important to the success of the project.

A. Minimum of one person on the team with at least three years OS-1100 experience. Specific knowledge should include:
- ECL
- Operations
- Recovery
- Booting
- Operating Procedures

B. Minimum of one person that has experience with the Sort/Merge product. This experience should include:
- A minimum of two projects where it has been used
- Building ANSI tapes
- Use of the Sort parameters

C. Minimum of one person that is familiar with:
- 3270 vs. Uniscope MAPPER restrictions
- Experience with 3270 native mode in MAPPER Level 33

D. A minimum of one person that is familiar with loading Telcon and configuring terminals.
- Downline loading procedures
- DCP operations
- DCP keyins

- Telcon generating process
- SNA networking knowledge
- Dynamic terminal allocation

E. A minimum of one person who has used "File Convert" or DTU software packages

- Specifically, experience with creating and retrieving EBCDIC files.

F. A minimum of one person with experience in the following:

- ELT
- Batch Port
- Retrieve Processes within MAPPER/OS-1100
- External MAPPER files
- Experience with data bases requiring multi-indexed retrieval techniques from multiple MAPPER modes and report types
- Experience with the following on-line products

  On-line extract
  On-line disk
  On-line transfer

- Use of terminal emulation software to transfer data (i.e. STEP software)

IX. PROPOSAL CONTENTS

The following will be considered minimum contents of the proposal.

A. Restatement of the objectives to show or demonstrate the responder's view of the nature of the project.

B. Identify and describe the deliverables to be provided by the responder.

C. Outline the responder's background and experience with particular emphasis on local and state government systems development and implementation projects, development and implementation of custom voter registration and election systems, development and programming experience using MAPPER language, experience in the establishment of on-line systems using statewide communications networks and medium to large project management using the full range of Unisys 2200 hardware, OS1100 operating system and MAPPER software. Identify personnel to conduct the project and detail their training and work experience. No change in personnel assigned to the project will be permitted without approval of the state project director or manager.

D. A detailed cost and work plan which will identify the major tasks to be accomplished and date they will be completed. The plan will be used as a scheduling and managing tool as well as the basis for invoicing. The plan must also anticipate the potential need for up to 5% effort for refinement, enhancement or correction of programs after development.

E. Identification of the level of the department's participation in the project and any services provided by the department.

F. The ability of the responder to utilize its own, or commercially available, compatible computer hardware and software capabilities outside the department to prepare and test the computer programs developed prior to the full installation of the department computer(s).

G. Identity of responder's firm(s) and an indication of its legal status (i.e. corporation, partnership, etc). If the response is from a corporation not qualified to do business the responder must indicate that they will become qualified prior to execution of the contract. Further, if the response is from a joint venture, this information must be provided for firms comprising the joint venture.

H. A commitment to begin the work promptly and to strictly adhere to the required completion dates.

I. Pursuant to *Minnesota Statutes*, Section 363.073, for all contracts estimated to be in excess of $50,000.00, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted. The proposal will not be accepted unless it includes one of the following:

a) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or

b) A statement certifying that firm has a current certificate of compliance issued by the Commissioner of Human Rights; or

c) A statement certifying that the firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months; or

d) A statement certifying that the firm has an application pending for a certificate of compliance.

X. EVALUATION

All proposals received by the deadline will be evaluated by representatives of the Office of the Secretary of State. An interview may be a part of the evaluation process. Interviews, if necessary, will be conducted on January 13-January 14, 1988 in the Office of the Secretary of State. Factors upon which proposals will be judged include, but are not limited to:

A. Expressed understanding of project objectives.

B. Project work plan.

C. Project cost detail.

D. Qualifications of both company and personnel.

E. Experience in medium to large systems development using MAPPER functions and experience in the development and implementation of large voter registration systems.

F. The level of resources (hardware/software) the responder is committing to the project.

G. Relative ability, based upon number and qualifications of persons assigned, to complete the task by the scheduled deadlines.

Evaluation and selection will be completed by January 15, 1988. Results will be sent immediately by mail to all responders.

Department of Transportation

Notice to Marketing/Public Relations Agencies

I-94 Reconstruction Project
Phase 1: Conceptual Marketing Plan

The Minnesota Department of Transportation (Mn/DOT) is planning to rebuild Interstate 94 (I-94) from Mounds Boulevard in St. Paul to the Lowry Tunnel in Minneapolis between April 1988 and the fall of 1991.

Mn/DOT is requesting a letter of interest and proposals for an overall, long-range conceptual marketing plan for the I-94 reconstruction project. Implementation of the marketing plan will be addressed as Phase II. Phase II marketing programs for individual I-94 elements will be implemented either by Mn/DOT, or a marketing agency, or a combination of both.

For background information a pre-bid briefing will be held Wednesday, December 16, at 9:30 in the State Office Building, Room 300 South, 100 Constitution Avenue, St. Paul, Minnesota.

Mn/DOT will review the proposals and conduct interviews with the finalists. Questions on the technical nature of this work should be directed to:

Jan Ekern
Communications Director
3485 Hadley Ave. North
Oakdale, Minnesota 55109

The deadline for proposals is 4:00 p.m. Monday, January 4, 1988. Submit to:

J. F. Weingartz
Consultant Agreements Engineer
Room 612C
State Transportation Building
St. Paul, Minnesota 55155

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.

Anoka County

Request for Proposals for Consulting Engineer for Acceptance Testing of RDF Facility

Anoka County is seeking bids from engineers qualified to assist the County in the following activities: (1) to negotiate specific acceptance testing procedures with Northern States Power Company and United Power Association (the owners/operators of a 1500 ton per day refuse derived fuel processing and burn facility to be completed in January 1988); (2) to participate in conducting the negotiated acceptance tests; and, (3) to determine whether the processing and burn facilities meet certain performance standards and construction criteria set forth in Anoka's contracts. Firms interested in bidding should request a complete copy of the Request for Proposals from:

Tim Yantos
Deputy County Administrator
Anoka County
325 East Main Street
Anoka, MN 55303
(612) 421-4760

RESPONSES TO THE RFP ARE DUE ON JANUARY 8, 1988.

Metropolitan Council

Request for Audiovisual Consultant Services

The Metropolitan Council is seeking an audiovisual communication consultant to prepare a system design and coordinate the bidding and installation of audiovisual and video systems. The systems are to be installed in the public meeting room area and conference rooms in office space to be occupied in May of 1988. Copies of this request can be obtained by contacting James E. Barton at 291-6417. All proposals received on or before 4 p.m. on Monday, January 4, 1988, will be considered.

All proposals should be addressed to the Metropolitan Council, 300 Metro Square Bldg., St. Paul, MN 55101, Attention: James E. Barton.

Metropolitan Waste Control Commission

Request for Proposals for Professional Consultant Services for the Development and Delivery of a Training Program on Sexual Harassment

The Metropolitan Waste Control Commission is accepting Bid Proposals for Professional Consultant Services for the development of a training program on Sexual Harassment.

Those persons interested in receiving a detailed copy of the request for proposal may write to the address above or contact Jean Erickson at (612) 222-8423 extension 185.

Copies of the request for proposal will be available by December 10, 1987.

Bid Proposals are due by 4:30 p.m., December 28, 1987.

BY ORDER OF THE METROPOLITAN WASTE CONTROL COMMISSION

Louis J. Breimhurst, Chief Administrator

Supreme Court Decisions

Decisions Filed Friday, 11 December 1987

CX-86-1878 Dennis Brevik, et al., State of Minnesota v. Kite Painting, Inc., petitioner, Appellant. Court of Appeals.

Minnesota Occupational Safety and Health Act, *Minnesota Statutes* ch. 182 (1984), authorizes a private civil action for retaliatory discharge for exercising rights under that act.

Plaintiffs' state law claim for retaliatory discharge is not pre-empted by federal labor law because the claim is independent of the applicable collective bargaining agreement, and resolution of the claim does not require an interpretation of the terms of the agreement.

The doctrine of primary jurisdiction does not require dismissal of plaintiffs' suit because plantiffs' claim is not outside the conventional experience of judges and does not require the exercise of administrative discretion.

Affirmed. Yetka, J.

C9-87-1154 Gladys and Jacob Tackleson v. Abbott-Northwestern Hospital, Inc., Melody LaFrance, Debra Meyer and Sharon Dingmann (Sharon Hapenny), Appellants. Court of Appeals.

The 2-year statute of limitations contained in *Minnesota Statutes* 541.07(1) (1980) applies to a claim of negligent care and supervision against nurses which arose prior to the 1982 amendment which expressly provides coverage to nurses.

Reversed. Yetka, J.

Took no part, Amdahl, C.J.

C7-86-1482 In the Matter of the Petition of Northern States Power Company for Authority to Change its Schedule of Rates for Electric Service in Minnesota. Court of Appeals.

The fair preponderance of the evidence burden in ratemaking substantially differs from the similarly named burden in civil court cases.

In appellate review of ratemaking decisions of the Minnesota Public Utility Commission (MPUC) application of the substantial evidence analysis requires that the court determine whether the agency has adequately explained how it arrived at its conclusion and whether the conclusion is reasonable on the basis of the record.

The MPUC's decision to reject a utility's proposed capital structure in a rate application and to substitute in its stead a hypothetical capital structure is based on the record and in compliance with statutes governing ratemaking.

The MPUC did not err in rejecting a utility's proposed rate of return on common equity, and substituting its own.

The MPUC properly rejected a utility's proposed allocation of its rate base, expenses and revenues among the three states it serves when the proposed allocation would place an unfair burden on Minnesota ratepayers.

The MPUC properly excluded a utility's proposed "delay in payment" recoupment from its rate base.

The MPUC appropriately exercised its judgment in excluding from the proposed rate base carrying charges on the cost of public utility conservation programs in the year in which the ratepayers pay those costs.

Kelley, J.

C2-86-837 Arnold Mervin v. Magney Construction Company, et al., petitioners, Appellants. Court of Appeals.

Absent extrinsic evidence of prior or contemporaneous negotiations bearing on the meaning of a provision in a safety manual incorporated into a construction contract, construction and application of the provision is a question of law.

A safety manual which was not designed as a law or an administrative regulation and has never been subjected to either the legislative process or the rulemaking safeguards of the Administrative Procedure Act does not have the force and effect of law.

Violation of the requirements of a safety manual incorporated by reference into a construction contract is not negligence per se and admission of the manual into evidence is discretionary with the trial court.

The simple tool doctrine does not relieve an employer of liability when a third party is injured; the employer is vicariously liable for his employee's negligence in using a defective tool, whether simple or complex, as well as for the employee's negligent use of a perfect tool.

Where a reasonable return on that portion of a damage award intended to compensate plaintiff for future wage and pension loss would not exceed plaintiff's pre-injury earning capacity, the trial court did not abuse its discretion in permitting the verdict to stand.

Affirmed. Coyne, J.

Took no part, Popovich, J.

Orders

C8-87-2120 In Re Petition for Disciplinary Action Against Geoffrey B. Larson, an Attorney at Law of the State of Minnesota. Supreme Court.

Suspended. Amdahl, C.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.

Tax Court—Regular Division: Docket No. 4127—Dated: November 4, 1987

Norton M. Hatlie and Loretta R. Hatlie, Appellants, vs. Commissioner of Revenue, Appellee.

The above-entitled matter came on for hearing before the Honorable Earl B. Gustafson, Chief Judge of the Minnesota Tax Court, at 1:30 p.m. on October 26, 1987 at the Courtroom of the Tax Court, 520 Lafayette Road in St. Paul, Minnesota. Appellant moved for amended Findings of Fact and Conclusions of Law, or alternatively, for correction of mistake, and for a stay of entry and enforcement of order for judgment herein.

Kent G. Harbison, of Fredrikson & Byron, P.A., appeared on behalf of appellants.

Michele M. Owen, Special Assistant Attorney General, appeared on behalf of appellee.

The Court, having heard and considered the arguments of counsel, and upon all the files and records herein, DOES HEREBY ORDER:

1. This Court's Finding of Fact No. 15 (Item No. 11) contained on page 5 of its Findings of Fact, Conclusions of Law and Order for Judgment dated September 16, 1987, is hereby amended as follows:

"ITEM NO. 11—1982 Bad Debt Expense: $1,000 bad debt expense properly disallowed; $5,000 must be allowed as a deduction."

2. Enforcement of this Court's judgment dated September 16, 1987, is hereby stayed pending commencement of an appeal to the Minnesota Supreme Court or for 30 days following the date of this order, whichever is longer.

IT IS SO ORDERED.

BY THE COURT,

Earl B. Gustafson, Chief Judge
Minnesota Tax Court

Tax Court—Regular Division: Docket No. 4559—Dated: November 30, 1987

Estate of Delmer L. Luttmer, Appellant, vs. Commissioner of Revenue, Appellee.

The above-entitled matter came on for hearing before the Honorable Earl B. Gustafson, Chief Judge of the Minnesota Tax Court, on September 15, 1987 at the Chippewa County Courthouse in Montevideo, Minnesota.

Donald L. Maland, Attorney at Law, appeared for appellant.

James W. Neher, Special Assistant Attorney General, appeared for appellee.

Post-trial letter briefs were filed and the case was submitted to the Court for decision on October 2, 1987.

The Court, having heard and considered the evidence adduced at the hearing and upon all of the files and records herein, now makes the following:

FINDINGS OF FACT

1. The appellant is the Estate of Delmer Luttmer, deceased, who died a Minnesota resident on August 17, 1984.
2. The gross value of decedent's estate was $502,465.69.

3. The executor filed both a United States Estate Tax Return and a Minnesota Estate Tax Return which reported no federal or state tax payable.

4. Under the terms of decedent's Last Will and Testament, the estate was divided into two trusts, Trust A and Trust B, to take maximum advantage of both the federal and state marital deduction which exempted up to one-half of any estate that passed to a surviving spouse.

5. Article Four of the Last Will and Testament contains the following pertinent language:

TRUST A shall consist of property that has a value in excess of the value of property that will be exempt from Federal Estate Tax when the debts and expenses of my estate are deducted and the credits available to my estate are applied against the Federal Estate Tax.

My Personal Representative shall allocate to TRUST A only property that will qualify for the marital deduction. The values used shall be the finally determined Federal Estate Tax values in my estate. Property allocated to "TRUST A" shall have an aggregate market value fairly representative of the net appreciation or depreciation of the available property on the date or dates of distribution. It is my intention that TRUST A shall qualify for the marital deduction allowance under the Federal Estate Tax provisions of the Internal Revenue Code in effect at the time of death. The provisions shall be so construed and questions pertaining to TRUST A shall be resolved accordingly.

TRUST B shall consist of all property not allocated to TRUST A.

6. The testator intended that federal and state estate taxes upon his death be minimized.

CONCLUSIONS OF LAW

1. Minnesota estate tax credit should not be applied against the federal estate tax unless it is necessary to eliminate the federal tax.

2. The Minnesota Estate Tax under *Minnesota Statutes*, § 291.03 resulted from an erroneous application of state tax credits by the Internal Revenue Service.

3. The Order of the Commissioner of Revenue dated February 12, 1986, relating to estate tax liability, is hereby reversed.

LET JUDGMENT BE ENTERED ACCORDINGLY. A STAY OF 15 DAYS IS HEREBY ORDERED.

BY THE COURT,

Earl B. Gustafson, Chief Judge
Minnesota Tax Court

Tax Court—Regular Division: Docket No. 4615—Dated: December 7, 1987

Fridlund Securities Co. and Scott Fridlund, Appellant, vs. Commissioner of Revenue, Appellee.

The above-entitled matter was submitted to the Tax Court on the basis of a written Stipulation of Facts, testimony by oral deposition, and briefs. Oral arguments were also presented before the Honorable Earl B. Gustafson, Chief Judge of the Minnesota Tax Court, on November 6, 1987 at the Courtroom of the Tax Court in St. Paul, Minnesota.

Steven T. Hetland, of Holmes and Graven, Attorneys at Law, appeared for appellant.

James W. Neher, Special Assistant Attorney General, appeared for appellee.

The Court, having heard and considered the arguments of counsel and upon all of the files and records herein, now makes the following:

FINDINGS OF FACT

1. Fridlund Securities Company (hereinafter "Fridlund") is a Minnesota corporation and a licensed securities broker-dealer under Minnesota and federal laws.

2. Scott Fridlund is President and sole shareholder of Fridlund.

3. At all times relevant herein Fridlund maintained an office in Moorhead, Minnesota.

4. The taxable periods with respect to the sales tax issues in this case are 12/79, 1/80, 3/80 through 7/80, 9/80 through 3/81, 5/81 through 3/82, and 7/82 through 10/83.

5. Sales tax for these periods has been assessed by the Commissioner against both Fridlund and Scott Fridlund, individually, in the amount of $65,480.18, plus penalty and interest in the respective amounts of $25,591.43 and $46,221.46.

6. As part of its business, Fridlund regularly conducted precious metal transactions, including the transactions on which the sales tax assessment is based.

7. The following steps took place with respect to each precious metal transaction in question:

(a) A customer contacted Fridlund to inquire about purchasing a certain type of precious metal.

(b) Fridlund contacted A-Mark Precious Metals Incorporated ("A-Mark"), a precious metals supplier located in Beverly Hills, California, to inquire about the current price of the precious metal.

(c) Fridlund informed the prospective customer as to the current price of the precious metal.

(d) If satisfied with the price, the customer ordered the precious metal and paid a specific amount to Fridlund consisting of the base cost of the precious metal, the shipping cost, and an additional amount ultimately retained by Fridlund. Payment was made either in cash or by check payable to Fridlund.

(e) Fridlund contacted A-Mark and placed the customer's precious metal order.

(f) The customer's full payment was deposited in an account at a bank located in Moorhead, Minnesota, the account's title being "Special Account for the Exclusive Benefit of Customers; Fridlund Securities Co." At all times relevant herein, Scott Fridlund had deposit and withdrawal privileges with respect to this account.

(g) Fridlund paid to A-Mark both the base cost and the shipping cost referred to in subparagraph (d) by check or wire transfer drawn on the bank account.

(h) Fridlund paid itself the additional amount referred to in subparagraph (d) by a check drawn on the bank account.

(i) A-Mark shipped the precious metal either to the bank in Moorhead or to Fridlund's post office box at the Moorhead post office.

(j) Upon arrival of the precious metal in Moorhead, a Fridlund employee picked it up at either the bank or the post office. The customer was then informed that his order had arrived, and he either picked it up at Fridlund's office in Moorhead, or it was delivered to him by a Fridlund employee.

(k) In some cases A-Mark commenced shipment of precious metals prior to payment therefor by Fridlund. In other cases A-Mark commenced shipment of precious metals subsequent to payment therefor.

8. In an undetermined number of the transactions in question herein, more than 20 days elapsed from the date of purchase of the precious metal by the customer and the date when the precious metal was delivered either to the bank in Moorhead or to Fridlund's post office box in Moorhead.

9. The attached Memorandum is hereby made a part of these Findings of Fact.

CONCLUSIONS OF LAW

1. None of the sales at issue constitute sales of an investment metal contract as defined in *Minnesota Statutes*, § 80A.14, subd. 12 (ii) (1986).

2. All of the sales at issue are taxable sales at retail made by Fridlund in the regular course of its business.

3. The Order of the Commissioner of Revenue dated March 26, 1986, assessing sales tax liability in the amount of $65,480.18 [plus penalty and interest], is hereby affirmed.

LET JUDGMENT BE ENTERED ACCORDINGLY. A STAY OF 15 DAYS IS HEREBY ORDERED.

BY THE COURT,
Earl B. Gustafson, Chief Judge
Minnesota Tax Court

Tax Court—Regular Division: Docket No. 4706—Dated: December 7, 1987

Landon B. Swyningan, Appellant, vs. Commissioner of Revenue, Appellee.

The above-entitled matter came on for trial before the Honorable M. Jean Stepan, Judge of the Minnesota Tax Court, on July 13 and 20, 1987, at the Courtroom of the Tax Court in St. Paul, Minnesota.

Harold L. Stolpestad, Attorney at Law, appeared on behalf of the appellant.

Neil F. Scott, Special Assistant Attorney General, appeared on behalf of appellee.

Post-trial briefs were filed and the case was submitted to the Court for decision on September 15, 1987.

The Court, having heard and considered the evidence adduced at the hearing and upon all of the files and records herein, now makes the following:

FINDINGS OF FACT

1. The appellant, Landon B. Swyningan, is a cash basis, calendar year taxpayer who was a resident of St. Paul, Minnesota during 1983 through 1985, the time period here at issue.

2. On or about July 25, 1986, a tax examiner from the Minnesota Department of Revenue received a telephone call from the St. Paul Police Department informing the Department of Revenue that a large amount of cash (over $10,000) had been seized from the appellant pursuant to search warrants executed upon his person and his residence for the purpose of finding evidence of narcotic sales.

3. The tax examiner reviewed the appellant's records and found that he had filed no income tax returns for the years 1983 through 1985. The examiner then made a "jeopardy assessment" pursuant to *Minnesota Statutes*, § 290.48, subd. 4, for each of those three years, notifying the appellant of the amount due.

4. On August 6, 1986, the appellant filed his own returns for 1983 through 1985. On August 18, 1986, Mr. Swyningan also filed an amended return for 1983 with the Department for review.

5. On September 30, 1986 this appeal from the original jeopardy assessment was brought by Mr. Swyningan.

6. The Department of Revenue has accepted, for purposes of this appeal, certain parts of the returns filed by the appellant. The issues remaining in dispute and this Court's rulings on them are as follows:

1983:

a) The appellant owned a commercial building on the corner of Selby Avenue and Dale Street in St. Paul which was sold by condemnation in 1983: The basis in the building for tax purposes in 1983 is zero dollars.

b) The legal expenses in the amount of $7,250 and the appraisal fee of $904 incurred in the condemnation process are capital items which may be used to reduce the capital gain on the sale of the building. They are not deductible as ordinary business expenses.

1984:

a) The bank deposits method of arriving at income may be used to determine gross income. By that method the appellant had $33,014 of gross income in 1984.

1985:

a) The bank deposits method of arriving at income may be used to determine gross income. By that method the appellant's gross income in 1985 was $27,995. The Commissioner has failed to prove that there was additional income from the sale of drugs in 1985.

7. The attached Memorandum is hereby made a part of these Findings of Fact.

CONCLUSIONS OF LAW

1. The assessment of income taxes against appellant by authority of *Minnesota Statutes* § 290.48, subd. 4 for the years 1983 through 1985 was lawful.

2. The Order of the Commissioner of Revenue making that assessment on August 1, 1986 is hereby affirmed as modified by the portions of appellant's filed returns which the Commissioner has agreed to accept and in accordance with the items specifically ruled on herein which differ therefrom.

LET JUDGMENT BE ENTERED ACCORDINGLY. A STAY OF 15 DAYS IS HEREBY ORDERED.

BY THE COURT,
M. Jean Stepan, Judge
Minnesota Tax Court

Announcements

Minnesota Grown Directory in Planning Stage: Grower, producer and farmers market participation is now being solicited for the 1988 Directory of Roadside Stands, Orchards, Pick Your Own Farms and Farmers Markets. This publication, produced by the Minnesota Department of Agriculture and the Minnesota Grown Promotion Group, is a county-by-county guide to direct retail sellers of agricultural products such as fruit, vegetables, maple syrup, honey, meat, poultry, eggs, dried flowers and Christmas trees. The group expects to publish 60,000 directories available for distribution in April. To be listed in the directory, persons should contact Kevin Edberg, Marketing Division, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, 612-296-6382. The response deadline is February 1, 1988.

Tobacco Use Prevention Grants for 1988-89 Announced: Sister Mary Madonna Ashton, Minnesota Commissioner of Health, has approved $500,000 in grants for programs to prevent tobacco use in the state. The two-year grants will be used to fund a statewide program encouraging the adoption of a "smoke-free" policy at hospitals and chemical dependency treatment facilities—as well as community-based programs at five local public health agencies in the state. The grant monies will become available on January 1. Each of the community-based programs will attempt to prevent tobacco use in one or more of three groups: 1) those adolescents, aged 10-15, who are most likely to take up the smoking habit; 2) women 18-30 who already smoke, or are likely to begin; and 3) boys 9-15 who are likely to become users of chewing tobacco. The statewide program will be run by the Minnesota Coalition for a Smoke-Free Society 2000, which also received a tobacco use prevention grant for 1985-86. Also chosen to receive grants for the second time were the Aitkin-Itasca-Koochiching Community Health Services Board, Grand Rapids, and the Clay-Wilkin Community Health Services Agency, Moorhead.

Oglebay Norton Company North Mine Extension Announced in Environmental Assessment Worksheet: The Minnesota Department of Natural Resources (DNR) has published an Environmental Assessment Worksheet (EAW) for the expansion of the existing taconite mine known as Eveleth Mines' North Mine near the cities of Eveleth and Virginia in St. Louis County. The project is proposed by the Oglebay Norton Company. The project will create approximately 400 acres of additional open-pit mine areas. Surface overburden and rock moved in the course of mining will be stockpiled by creating three new stockpile areas and expanding the use of four other stockpile areas. The project will produce 210 million tons of crude taconite ore over a 50-year mine life. The EAW provides a detailed description of the proposed project and identifies expected noise impacts from blasting and impacts on surface water, groundwater, and wildlife resources. The public is invited to review the EAW and submit written comments on the project. Copies of the EAW are available for inspection at the city offices of Eveleth and Virginia, MN. Comments should be sent to: Minnesota Department of Natural Resources, Office of Planning, Box 10, Attn: Donald Buckhout, 500 Lafayette Road, St. Paul, MN 55155-4010, (612) 296-8212.

Fish Management Guide is Here: The Section of Fisheries has recently published a guide on the management of game fish in Minnesota. "Managing Minnesota's Fish," is the first of eight new color brochures available to the public from the DNR. It explains how fisheries management in our state has changed over the past 50 years and points to the benefits of sound scientific management that pays particular attention to natural fish habitat. Discussion on habitat, the food chain and management are complemented by an illustrated chart of Minnesota's game fish. The other eight publications to be released in 1988, will explain the habits and management of individual fish species. For more information contact the Section of Fisheries, Department of Natural Resources, 500 Lafayette Road, St. Paul, MN 55155-4012; (612) 296-3325, or 296-0793.

December Metro Goose Hunt Deadline Passed: DNR wildlife officials this week reminded waterfowl hunters that it is too late to obtain a permit for the special Dec. 18-27 Metro Goose Hunt. It was announced earlier that the final deadline to apply for a permit for the hunt was Oct. 23. Therefore, hunters who did not meet the deadline for this permit need not contact the Department.

Minnesota: national leader in education

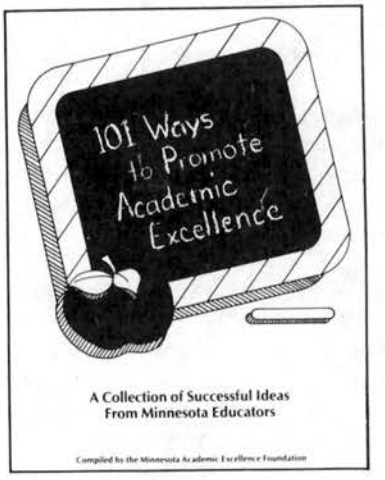
101 Ways to Promote Academic Excellence

A collection of nuts-and-bolts methods educators have successfully used to foster academic achievement. These are techniques that directly help students, can be replicated easily, are cost-effective, and that work in meeting public education's great challenge: helping every single child learn. Code #5-1, $4.50.

Education Directory, 1987-88

This popular comprehensive directory contains Minnesota school districts, superintendents, principals, addresses, phone numbers, and enrollment. 128 pages, paperbound. Code #1-93, $6.00.

TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and $1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.



Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Buying Or Selling?

In either case, **The Medical Alley Directory** can help you do your job better. Double your business; the 1986 edition is nearly twice as large as last year's. Reach the decision-makers without delay at more than 300 medical and bio-tech companies and healthcare delivery organizations.

Entries include major products and/or services, company background, special interests, trade name(s), major activities, and addresses and phone numbers. Code # 40-7, $49.95.

Mailing Lists. We have a large variety of mailing lists, in many formats. A new catalog is being developed. Call or write if you wish to receive a copy when it is updated.



TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and $1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

MAILING LISTS GALORE

Successful business means successful sales

The Minnesota Documents Division has a variety of mailing lists of licensed professionals and permit holders that will enable you to focus your marketing efforts on a targeted audience.

Types of lists available are: registered nurses, real estate agents, physicians, insurance agents, boatowners, hunters, cosmetologists, teachers, and many more! And you can get them on printouts, cheshire/pressure sensitive labels, as well as 9-track magnetic tapes.

What's more, you can choose from several selection capabilities. You will find our selections most helpful and beneficial to your business when you learn that you can acquire names and addresses of individuals in the areas you need to target most.

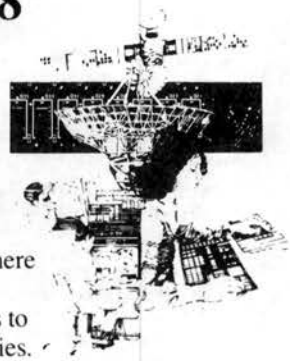
Find out more about our mailing lists by writing for our free mailing list catalog. In a hurry? Call (612) 297-2552 for more information. Requests can be sent to: Minnesota Documents Division, Mailing List Operation, 117 University Avenue, St. Paul, MN 55155.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Minnesota Manufacturer's Directory 1987-88



NEW: In the directory this year are two titles (where applicable) Chief Engineer and Data Processing Manager.



UPDATED: Name, address, phone number, staff size, sales volume, market area, year of establishment, type of firm, C.E.O., Sales or Marketing Manager, Purchasing Manager and four major manufactured products. Code #40-2, $73.00.



REVISED: There are more than 7,000 changes to the 7,068 entries.

TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and $1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Voices of the Loon



Its voice severs the bonds to the world of cities, traffic, crowds, lights and noise. The lyrical magic of the loon, sometimes hauntingly eerie, makes the skin tingle, and the hair on the back of the neck stand on edge, awakening a primitive response. Its solitary wail turns the shadowy wilderness into a mysterious path into eternity.

Voices of the Loon, cassette tape, includes introduction and loon call identification, chorus from a distant lake, tremolo duet, wail duet, border confrontation, wails with morning songbird chorus, tremolos while running, wails during a thunderstorm, and coyotes calling with loons. Code #19-73, $12.00.

The Loon: Voice of the Wilderness, hardbound with color plates and illustrations, 143 pages. Code #19-54, $15.95.

Loon Calendar 1988, beautiful photographs and scenes. Code #15-40, $6.95.

Loon Lapel Pin. Code #15-30, $2.49.

Loon Windsock, 56 inches long in full color. Code #15-29, $19.95.

Loon Nature Print, full-color poster 16″ × 22″, Code #15-18, $3.00.

TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and $1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

Publication editors: As a public service, please reprint this ad in your publication, either as is, reduced, or redesigned to suit your format.

Minnesota's future environment



The issue of environmental protection is of continuing interest to both Minnesota business and the general public. Stay abreast of changes in state government regulations with these publications.

1986 Pollution Control Laws
Laws dealing with water pollution, disposal facilities, solid waste management, the MN Environmental Rights Act, recycling, and more. Code No. 2-21. $15.00.

1986 Hazardous Waste Rules
Governs the production, storage, transportation and disposal of hazardous waste. MN Rules Chapter 7045 and 7046. Code No. 3-71. $13.50.

TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and $1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Subscription Services

The Minnesota Documents Division offers several subscription services of activities, awards, decisions and special bulletins of various Minnesota state agencies.

Use the handy order form on the back of the *State Register* to order. Simply fill in the subscription code number, include your name, address and zip and your check made out to the State of Minnesota (PREPAYMENT IS REQUIRED) and send it in. We'll start your subscription as soon as we receive your order, or whenever you like.

SUBSCRIPTION	COST	CODE NO.
Career Opportunity Bulletin, 1 year	$ 25.00	90-3
Career Opportunity Bulletin, 6 mos.	$ 20.00	90-4
Human Services Informational and Instructional Bulletin	$100.00	90-6
Human Services Bulletin List	$ 30.00	90-7
PERB (Public Employee Relations Board) Awards	$285.00	90-9
PERB (Public Employee Relations Board) Decisions	$ 60.00	90-10
Minnesota Statutes Subscription Includes the complete 10-volume set of Minnesota Statutes 1986 and the 1987 Supplement	[Out of Stock]	18-8
State Register, 1 year	$130.00	90-1
State Register, 3 mos. trial can be converted to a full subscription for $90 at end of trial	$ 40.00	90-2
Tax Court/Property Decisions	$210.00	90-11
Workers Compensation Decisions, unpublished subs run Jan-Dec; can be prorated	$320.00	90-12
Workers Compensation Decisions		
Vol. 38 (limited quantity)	$ 89.50	
Vol. 39	$ 95.00	90-13
Vol. 40	$105.00	90-14

TO ORDER: Prepayment required to start your subscription. Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000 VISA/MasterCard orders accepted. Please include daytime phone.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Selling business and financial services to physicians?



Physicians Directory 1985

Names and addresses of licensed chiropractors, doctors of medicine, and osteopaths, optometrists, podiatrists and registered physical therapists in alphabetical order by discipline. Includes members of all the state medical profession boards. Code #1-1, $15.00.

Medical Alley Directory 1986

A guide to more than 300 high-tech medical, bio-tech and health care companies, institutions and organizations and their products and services. Code #40-7, $49.95.

TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and $1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

For Real Estate Professionals:



REAL ESTATE RULES 1987

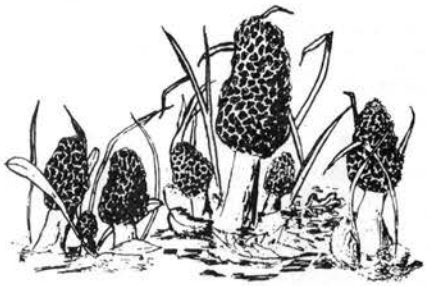
Chapters 2800, 2805, and 2810 from the Minnesota Rules. *Essential* for both students and established brokers and salespersons. It contains all education and licensing requirements. Code No. 3-99. $8.00

REAL ESTATE LAWS 1987

Includes all the changes made by the 1986 State Legislature. Complete and up-to-date. Code No. 2-92. $6.00.

TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and $1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.



Morel: Minnesota's mushroom

ROON: A Tribute to Morel Mushrooms, this delightful treatise on the "filet mignon" of mushrooms will help the stalker of this elusive prey find, and prepare in a variety of ways, its mouth-watering madness. Code #19-55, $12.00.

Edible Mushrooms, a classic guide to safe mushrooms, describes 60 species in detail, with photographs (many in color) to show each in its natural habitat. Advice to amateur mushroom hunters. Paperbound, 118 pp. Code #19-11, $9.95.

Malfred Ferndock's Morel Cookbook, brim full of morel lore, interesting and tall tales, recounts of the hunt, and many savory recipes. Spiral bound, 117 pgs., black & white photos and drawings. Code #19-83, $8.50.

Northland Wildflowers, the perfect mushroomers companion. An excellent guide for identification and enjoyment of wildflowers, with 308 color photographs and descriptions of 300 species. Paperbound. 236 pp. Code #19-9, $12.95.

TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and $1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

NOTARY PUBLIC LAWS

Statutory requirements regarding the oath of office, necessary bond, and taking of depositions. Includes an explanation of the term of office and procedures for removal from office. Code No. 2-13. $4.00.

Jane Smith
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Commission Expires January 1, 1994

U.S. SMALL BUSINESS ADMINISTRATION PUBLICATIONS:

Insurance and Risk Management for Small Business	Code No. 16-50. $3.00.
Small Business Finance	Code No. 16-42. $2.00.
Starting and Managing a Small Business of Your Own	Code No. 16-40. $4.75.

TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and $1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Catching criminals is only one part of law enforcement. Here's the rest of it.



Police Report Writing Style Manual 1986 – A common framework for report writing throughout the state. Discusses the general purpose of police reports, reviews field notetaking, offers instructions on completing common report forms, and introduces the Data Practices Law. Code No. 14-13. $12.50.

Background Investigation Manual 1986 – A guide to conducting effective thorough background investigations of peace officer candidates. Included are various criteria for use in the selection process: experience, education, and past behavior. Sample forms. Code No. 14-15. $10.00.

Motor Vehicle Traffic Laws 1986 – Includes laws governing motor carriers, motor vehicle registration and no-fault auto insurance. Code No. 2-85. $12.50.

Criminal Code & Selected Statutes 1986 – Governs the conduct of peace officers. Includes continuing education requirements, sentencing standards, and more. Code No. 2-68. $12.00.

Blue Binder – 3 ring. 2" capacity. Criminal Code and Motor Vehicle Traffic Laws require 1 binder each. Code No. 10-21. $4.25.

TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax and $1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Murder: Minnesota style

Murder in Minnesota is a treasury of vintage crimes. Characters, some famous, some obscure, come to life in all their cleverness or murderous madness. Minnesota cases from 1858-1917. 253 pp. photos, index. Code 17-35, $5.95.

Robber and Hero On September 7, 1876 six members of the James-Younger gang blasted their way out of Northfield, Minnesota. George Huntington's classic account of the Northfield Bank raid is as fascinating today as it was when first published 19 years after the attempted robbery. 125 pp., charts, maps, photos, with index. Code 17-40, $5.95.

Secrets of the Congdon Mansion The prosecutor called it a crime of greed. A complex, intriguing murder case, set in one of Minnesota's most spectacular mansions, and now a top Minnesota tourist attraction on Duluth's famous Lake Superior North Shore Drive. By Joe Kimball, 64 pp., drawings. Code 19-56, $4.95.

TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155, (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and $1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Human Services Laws and Rules



Human Services Laws 1986
An extract from the statutes. Includes legislative amendments and additions from the most recent session. Code No. 2-56. $20.00

Human Services Rules as in effect July 7, 1986
Rules governing assistance programs, eligibility grant amounts, AFDC and residence requirements. MN Rules Chapter 9500-9580. Code No. 3-95. $24.95.

Human Services Rules Supplement 1987. Includes recent changes to many rules in effect from July 1986 through January 1987. Code #3-95s1, $14.00.

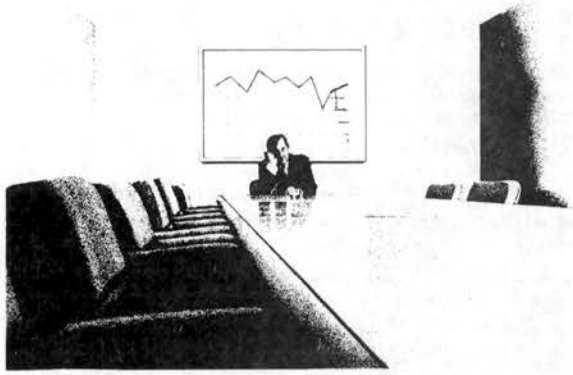
3 ring binder. 2″ capacity. 1 required for each of above listed publications. Code No. 10-21. $4.25.

TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and $1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Business and NonProfit Corporation Act

Laws governing establishment and conduct of for-profit and non-profit businesses and corporations. Covers incorporation, bylaws, mergers, dissolution, franchises, and definitions. Contains Minnesota Statutes Chapters 80B. 302A, and 317. Paperbound, 102 papers, Code # 2-87, $10.00.



TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and $1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.



Woodworking for Wildlife

Woodworking for Wildlife, delightfully written and carefully illustrated with a variety of game bird and mammal box designs. Includes important information on the placement of nests in proper habitat areas and maintenance requirements. Diagrams, 48 pp. Code #9-14, $6.00.

Help Minnesota's Wildlife, feed the birds and give to the Nongame Wildlife Checkoff on your Minnesota Tax Forms. Poster. 22" x 17", full color. Code #9-2, $4.00.

Fifty Birds of Town and City, describes the activities and habitats of these birds commonly seen today through full color paintings, Hardbound. 50 pp. Code #16-23, $7.50.

Mammals of Minnesota, discusses wild mammals that inhabit Minnesota today, or in the recent past. Tells how to identify them, their distribution in the state, and their natural history. U of M Press, 1977, illustrated, index, bibliography, paperbound, 290 pp. Code #19-35, $15.95.

Bird Portraits in Color, a total of 295 species of birds are depicted through magnificent illustrations, reproduced in seven-color lithography, accompanied by authoritative information about birds' activities, habitats, songs, and other characteristcs, U of M Press, 1980, index, 92 color plates, hardbound. Code #19-41, $12.95.

TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and $1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.



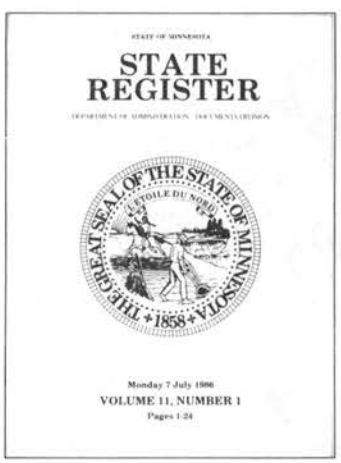
Charitable Gambling Directory

A complete listing in alphabetical order of organizations licensed for charitable gambling in the state. Includes the name, address, zip code and name of contact person. 64 pages. Code #1-11. $20.00.

CHARITABLE GAMBLING RULES, governing the conduct of charitable gambling events like bingo. Code #3-3, $5.00.

TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and $1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.



We want you to have our business—$1 billion annually

Each year over $1 billion in state contracts are awarded. About $20 million in state contracts per week are advertised in the **State Register,** the most complete listing of state contracts available. Just a *sampling* of contracts includes, consulting services, professional services, technical services, commodities, equipment, supplies, and a wide variety of special services.

For 50¢ a day, the price of a **Wall Street Journal,** we will deliver to your office the most effective and economical means of tracking state contracts. The smart way to stay in the know, and land the business of state government, is with the **State Register.**

Come blizzard, tornado, flood or earthquake—you'll find important and valuable information for your business you won't find anywhere else. Every Monday, 52 times a year, the **State Register** publishes the most thorough listing of state contracts, and is the only source of state agency rulemaking activity, plus important tax court decisions, official notices, executive orders of the governor, supreme court decisions, and a calendar of scheduled cases to which you can add your "friend of the court" questions.

Could you hire someone to bring all this information to you and your company for so little money? Let us bring you the business of state government. Subscribe to the **State Register** today, or call 296-4273 for more information.

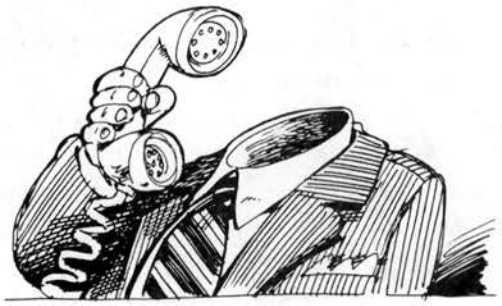
An annual subscription is $130 and a 13-week trial subscription is $40. MasterCard/VISA orders can be taken over the phone, otherwise prepayment is required. Send your orders to the Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Ever called and been transferred to this guy?

1987 & 1988 State of Minnesota Telephone Directory. Get a direct line to the persons you want to speak to. Contains names, numbers, and agencies in the executive, legislative and judicial branches of state government. Four sections give listings alphabetically name, agency, Minnesota region, plus an index for cross referencing. Over 250 pages, paperback, 8½"x11". Code #1-87, $10.95

U.S. Government Manual 1986-87. Contains comprehensive information on federal agencies of the legislative, judicial and executive branches of government. Each agency description includes address, phone number, a list of principal officials, a summary of each agency's purpose and programs and activities. Paperback 940 pages with appendices and index. Code #16-46. $19.00



TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "Documents." Make checks payable to the State of Minnesota. Please include 6% sales tax, and $1.50 for postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Department of Commerce Regulated Profession Publications

Banking Laws 1986. Complete text of state law governing banks, trust companies and other financial institutions. Code #2-76 $29.95

Business and Nonprofit Corporation Act 1987. Laws governing establishment and conduct of for-profit and non-profit corporations in Minnesota. Chapters 80B, 302A, 317. Code #2-87 $10.00

Fair Labor Standards Act 1987. Minimum wage and overtime compensation standards for employers. Chapter 177. Code #2-75 $5.00

Insurance Laws 1987. A compendium of laws applicable to the insurance business. Includes chapters on company and individual agents licensing requirements. Code #2-1, $20.00

Insurance Rules 1986. Essential licensing information for businesses and agents. Includes standards on policies, practices, marketing and continuing education. Code #3-1 $14.00

Notary Public Laws 1987. Statutory requirements regarding the oath of office, necessary bond, and taking of depositions. Includes an explanation of the term of the office and procedures for removal from office. Code #2-13 $4.00

Real Estate Laws 1987. Complete and up-to-date extract from the 1986 Minnesota Statutes. Code #2-92 $6.00

Real Estate Rules 1987. Contains all education and licensing requirements for agents. Chapters 2800.2805, and 2810. Code #3-99 $8.00

Securities Laws 1987. Governs the activities of broker/dealers, agents or investment advisors. Chapter 80A. Code #2-12 $6.00

Securities Rules 1987. Subjects include standards of conduct, equity securities, investment companies and more. Chapter 2875. Code #3-5 $13.00

Banking Rules 1987. New rules are expected in early fall '87. Call then for more information.

Uniform Commercial Code 1986. Chapter 336, U.S. laws governing trade, including contracts, title, payment, warranties, performance and liability. Code #2-2 $10.00

Mailing Lists. All kinds available. A catalog will be available in late summer '87. Call to receive a copy. (612) 297-2552 or 296-0930.

TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and $1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Pheasants in Minnesota

Pheasants in Minnesota, focusing exclusively on the ringneck pheasant, this DNR booklet tells of this popular game bird's origin, introduction and development in Minnesota. Through many full-color photos the book shows the pheasant in various settings, tells how to maintain wildlife habitat and explains the wise management of the hunt. A great gift for each member of your hunting party, or as a memento to a special Minnesota hunting vacation. Quantity discounts available. Code #9-13, $5.95.

Woodworking for Wildlife, delightfully written and carefully illustrated with a variety of game bird and mammal box designs. Includes important information on the placement of nests in proper habitat areas and maintenance requirements. Diagrams, 48 pp. Code #9-14, $6.00.



TO ORDER: Send to Minnesota Documents Division, 117 University Avenue, St. Paul, MN 55155. (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747 and ask for "DOCUMENTS." Please include 6% sales tax, and $1.50 postage and handling. Prepayment required. Please include daytime phone. VISA/MasterCard orders accepted over phone.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Documents Division

Publications, Services, Subscriptions

Order Form on Back—For Information, Call 297-3000

NEW PUBLICATIONS:

Building Code 1987. Regulates design, construction, quality of materials, use and occupancy of all buildings and structures. Includes adoption by reference of Uniform Building Code, National Electrical Code and others. Code #3-65s3, $10.00.

Plumbing Code 1987. Rules concerning public safety and health in regard to: materials, joints, traps, fixtures, water supply, drainage, inspection and water conditioning. Code #3-6, $11.00.

Health Care Facilities Directory 1987. A list of hospitals and related institutions licensed and/or certified to deliver various levels of care. The list is alphabetical by county, town and facility name. Code #1-89, $15.00.

Human Services Rules Supplement 1987. The 1987 Supplement to the Department's rule book includes recent changes to many rules in effect from July 1986 through January 1987. Code #3-95s1, $14.00.

Human Services Rules 1986. Governs assistance programs, eligibility, grant amounts, AFDC and residence requirements. *Minnesota Rules* 9500-9580. Code #3-95, $24.95.

OTHER PUBLICATIONS

1987 Laws of Minnesota: Laws of the 1987 legislative session, $42.50 per set.

1987 Minnesota Rules: Rules of the 75 state agencies authorized to establish rules of conduct and procedure. Code 18-300. $160 plus $9.60 sales tax per 10-volume set.

Motor Vehicle Traffic Laws. Includes laws governing motor carriers, motor vehicle registration and no-fault auto insurance. Code #2-85, $13.00 plus tax.

Criminal Code and Selected Statutes 1986. Governs the conduct of peace officers, continuing education requirements for officers, prison sentences and more. Code #2-68, $12.00 plus tax.

Education Rules 1986. Rules of the State Board of Education governing state aid, vocational education, handicapped students, teacher certificates and much more. Code #3-28, $14.50 plus tax.

Woodworking for Wildlife. Carefully illustrated with a variety of game bird and mammal box designs, including maintenance requirements and important information on the placement of nests in proper habitat areas. Diagrams. Code #9-14. $6.00 plus tax.

Walleye. A unique blend of modern fishing strategies and never-before-published biological facts about this popular gamefish. Packed with full-color photographs. Code No. 19-70. $12.95, plus tax.

Crappie Fishing. Fishing tips from a game warden and angling enthusiast. Written in an easy-to-read style to appeal to anglers of every experience level. Many full-color photographs. Code No. 19-75. $9.95, plus tax.

Fishes of the Minnesota Region: An authoritative guide to the 148 kinds of fish found in Minnesota's waters, the book is a resource for identification and distribution of fish, and features color photographs. Code #19-44, $12.95, plus tax.

American Flag. Perfect for home or office. 3′ x 5′ with embroidered stars. Heavy nylon bunting. Code No. 6-1. $21.04, plus tax.

The Living White House (revised edition). A history of the White House that focuses on its life in the flow of American history, its symbolic place in the continuing life of the country, and the Presidents and their families who have changed it and been changed by it. Many photographs, some full-color. Code No. 16-30. $7.50, plus tax.

SUBSCRIPTIONS:

State Register. Minnesota's official weekly publication for agency rules and notices, executive orders of the Governor, state contracts, Supreme Court Calendar, Supreme Court and Tax Court Decisions. Annual subscription $130; Trial Subscription (13 weeks) $40.00; Single copies $3.50.

Workers Compensation Decisions. Volume 39. Selected landmark decisions of the Worker's Compensation Court of Appeals. Annual subscription. $95.00.

SERVICES:

Mailing Lists. Lists of Minnesota licensed professionals and permit holders. Write or call (612) 297-2552 for a free mailing list catalog which contains available lists, selections, formats, pricing and ordering information.

1987 Lake Map Index. Listing over 4,000 lake maps. Free.

Minnesota State Documents Center 1987 Catalog. Lists publications available through Minnesota Documents Center. Free.

State Register Binder. Durable 3½ inches, forest green binders imprinted with the *State Register* logo. $6.50 plus 39¢ tax.

STATE OF MINNESOTA

Department of Administration

Minnesota Documents Division

117 University Avenue • St. Paul, Minnesota 55155

Metro area 612-297-3000
In Minnesota, toll free 1-800-652-9747

Second Class
U.S. Postage
Paid
Permit No.
326630
St. Paul, MN

Please notify us of any address changes so that we can continue to give you our best service. Include your old mailing label to speed your service.

For Your Convenience, photocopy this order blank

Code No.	Quantity	Description	Item Price	Total

Name or Company			**Subtotal**	
Attention			Plus 6% tax MN Residents Only	
Address				
City	State	Zip	Postage/Handling (per order)	**$1.50**
VISA/Master Card No. or Cust. Deposit No.			**TOTAL**	
Signature	Expiration Date	Telephone (During Day)		

TO ORDER:

Complete attached order blank. Include either your VISA/Mastercard number with the expiration date, or a check/money order made out to the State of Minnesota. Orders by phone are accepted when purchasing with your VISA/Mastercard or if you have a customer deposit account. Please include a phone number where you can be reached during the day in case we have questions about your order.

Please include 6% sales tax and $1.50 postage and handling.

PREPAYMENT REQUIRED.

Merchandise may be returned if it is in resalable condition.

NOTE:

State Register and other subscriptions do not require sales tax or postage and handling fees.

MasterCard VISA

Metro area (612) 297-3000
In Minnesota toll-free 1-800-652-9747

Prices subject to change without notice.

Please allow about 6 weeks for delivery. In a hurry? Stop by our Bookstore. Bookstore Hours 8:00-4:30 M-F

STATE OF MINNESOTA
STATE ETHICAL PRACTICES BOARD
625 NORTH ROBERT STREET, SUITE 102
ST. PAUL, MINNESOTA 55101-2520
PHONE: (612) 296-5148

CERTIFICATE OF BOARD'S RESOLUTION

ADOPTING RULE WITHOUT A PUBLIC HEARING

I, Ellen G. Sampson, do hereby certify that I am a member and the Chair 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, duly and properly called and held on the 21st day of January, 1988, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

"RESOLVED, that the rule relating to Campaign Financing, Economic Interest Disclosure, Lobbyist Registration and Reporting, Conflicts of Interest, and Hearings is approved and adopted, pursuant to authority vested in Board by Minnesota Statutes, section 10A.02, subd. 13. 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 rule and further is authorized to modify the rule if necessary to obtain the approval of the rule by the attorney general and to perform the necessary acts to provide that the rule shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 21 day of January, 1988.

Attested by

Mary Ann McCoy

Ellen G. Sampson

Ellen G. Sampson

STATE OF MINNESOTA

ETHICAL PRACTICES BOARD

In the matter of the Proposed Adoption of the Rule of the State Ethical Practices Board Governing Campaign Financing (Minnesota Rules parts 4500.0100-4500.4400); 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 Hearings (Minnesota Rules parts 4525.0100-4525.1000)

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT PUBLIC HEARING

Notice of the Board's intent to adopt the above-entitled rule was published in the **State Register** on December 14, 1987, 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 1a and 14.22 on December 4, 1987. The statement of need and reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the rulemaking mailing list and published in the **State Register** and was available to the public.

All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. No requests for a public hearing on the rule were received by the agency. No 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, the Board finds the following:

Minn. Rules pt. 4500.1500, subpart 1. The words "or county court" should be deleted.

Minn. Rules pt. 4500.1500, subpart 2. The words "or county court" should be deleted.

The need to delete references to "county court" in the rule arises because the voluntary unification of each district court was completed as of September 8, 1987, under Minn. Stat. §487.191. This unification eliminates the application of Minn. Stat. Ch. 10A campaign finance provisions to candidates for "county court", since all these courts are now consolidated as "district courts". The amendment is non-controversial and does not change the substance of the rule as proposed.

The above captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as modified is adopted this 21st day of January, 1988, pursuant to authority vested in the Board by Minnesota Statutes, section 10A.02, subd. 13.

Mary Ann McCoy
Executive Director

In the Matter of the Adoption of the
Rule of the Ethical Practices Board

DECLARATION
OF COUNSEL

I, Julie Leppink, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule and the supporting rulemaking record, and that, based on my examination, the Adminstrative Procedure Act and Minnesota Rules, Chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 0428.

Julie A. Leppink

JULIE A. LEPPINK
Special Assistant
Attorney General

Date: January 25, 1988

Rec'd 1/25

Rev. by [illegible]

ETHICAL PRACTICES BOARD . 625 N. ROBERT ST. . ST. PAUL, MN 55101-2520

DATE: January 25, 1988

TO: Julie A. Leppink
Special Assistant Attorney General

FROM: Mary Ann McCoy
Executive Director

SUBJECT: Counsel's Review of Rules Adopted without a Public Hearing (rules proposed and published in State Register, December 14, 1987)

As directed by the Ethical Practices Board on January 21, 1988, I am pleased to forward the following documents for your review, prior to submission to the Attorney General, under the Rules of the Attorney General:

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. Statement of need and reasonableness;

6. Affidavit of mailing notice of proposed adoption and certificate of mailing list (combined);

7. Copy of the notice of intent to adopt rules without a public hearing as published in the State Register (Volume 12, Number 24, December 14, 1987);

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; and

11. All written requests, submissions, or comments received by the agency.

12. Declaration of Counsel

The Board received no request for notification of the date of submission of the rules to the Attorney General. I understand that after you review the enclosed documents, you will prepare a declaration, as the attorney in the Attorney General's office who represents the agency, to accompany your forwarding of these documents to the Attorney General. Please send me a copy of your declaration, for the Board files, showing the date on which you forwarded these documents to the Attorney General.

In the meantime, if you have questions about this memorandum or the enclosures, please call me at 296-1720. Thank you.

Mary Ann McCoy

enclosures