

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

DEPARTMENT: Office of the Attorney General

STATE OF MINNESOTA

OFFICE MEMORANDUM

DATE: June 25, 1990

TO: LOUIS HOFFMAN
Special Assistant Attorney General
1100 Bremer Tower (55101)

FROM: MARTHA J. CASSERLY
Special Assistant Attorney General
525 Park Street, Suite 500 (55103) mjc

PHONE: 296-6839

SUBJECT: In the Matter of the Adopted Permanent Rule Relating to Uniform Electrical Violation Citation

The above-referenced permanent rule has been approved as to its legality by the Attorney General on June 21, 1990.

Enclosed is your 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 along with any extra copies of documents which you submitted to the Attorney General.

Your next step is to arrange for publication of the Notice of Adoption in the State Register. In a day or two, you should receive from the Revisor's Office three copies of the notice of adoption of your rule. You should submit two copies of the Notice of Adoption to the State Register for publication. A permanent rule without a hearing does not become effective until five days after a notice of adoption is published 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:bbl
Enclosures
cc: William Brown, Chief Judge (memo only)
MaryAnn Hruby " "

Board of Electricity

Adopted Permanent Rules Relating to Uniform Electrical Violation Citation

Rules as Adopted

3800.2650 UNIFORM ELECTRICAL VIOLATION CITATION.

Subpart 1. **Procedure.** The detailed form of an electrical violation citation as required by Minnesota Statutes, section 326.2461, is described in subpart 2. The citation has the effect of a summons and complaint and may be issued by a representative of the board for a violation of Minnesota Statutes, sections 326.241 to 326.248, parts 3800.0200 to 3800.2600, and ordinances of political subdivisions. The citation comprises four copies, each of a different color. The original and one copy shall be forwarded to the court having jurisdiction, one copy shall be handed or mailed to the defendant, and one copy shall be retained by the person issuing the citation.

Subp. 2. **Form of citation.**

Violations Summons

STATE OF MINNESOTA
ELECTRICITY BOARD
1821 University Avenue
St. Paul, MN 55104
Phone: 612 624-0800

STATE OF MINNESOTA
_____ COUNTY NO._____
DISTRICT COURT

The undersigned, states and informs the court that:

On the _____ day of _____, 19___, at _____o'clock __A.M. __P.M. in _____

Name _____ Address Home _____

Birth Date _____ Age ____ Business _____

Location of Offense _____

Did commit the following offense_____

_____

_____

_____

_____

In violation of (Statute, Rule, or Ordinance)_____

Against the peace and dignity of the State of Minnesota. The undersigned further states that the Board's representative had probable cause to believe, and does believe, that the person named above committed the offense described in this citation.

Court Appearance_____day of_____ 19___, at

_____ __A.M. __P.M. in Division_____

I promise to appear in said Court

at said time and at said place.

_____ _____

Address of Court_____ Signature of Complainant

_____ Area Electrical Representative

AN ARREST WARRANT WILL BE ISSUED IF YOU FAIL TO APPEAR

Date_____

APPROVED AS TO FORM AND LEGALITY

June 21 1990

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY MJ Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

JUN 25 1990

Joan Anderson Growe
Secretary of State

2:15PM

RULE REVIEW CHECKLIST
RESUBMITTED RULE

File No. 1665 Docket No. 05.0009.0138

RESUBMISSION DATE 6-14-90
DATE DUE ~~6-24-90~~ 6-25-90

APPROVED 6-21-90mjc
DISAPPROVED
WITHDRAWN

ADOPTED W/O HEARING ✓
EMERGENCY RULE

REVISOR APPROVED ✓
REVISOR DISAPPROVED
FILED W/SEC. STATE
RETURNED TO AGENCY

NO **Does the revision raise significant new legal issues?**

____ Review date

✓ Rule as adopted (4 copies)

✓ Supplemental Findings of Fact, Conclusions & Order Adopting

✓ Board's Supplemental Resolution Adopting

____ Notice of submission to Attorney General

____ Affidavit of Mailing Notice to Attorney General

new Notice
new affid of mailing

✓ Rule as adopted (4 copies)

___ Notice to Solicit Outside Information/Opinion (if applicable)
___ Date published in State Register
___ Comments

___ Petition for Adoption of a Rule (if applicable)

___ Board's Authorizing Resolution
___ Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

___ Notice of Intent to Adopt Rule
326.241 subd 1 Statutory Authority
NA Small Business Statement
NA Expenditure of public money statement
___ Signature not dated

✓ Statement of Need and Reasonableness (if applicable)
NA Small Business Statement
NA Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
4-12-90 Date (30)/25 days before adoption
✓ Notice attached indicated
___ Copy of rule or summary attached

✓ Publication in State Register
4-16-90 Date (30)/25 days before adoption

___ 180-day deadline from: see Notes
___ Effective date of law requiring rule [redacted]
(14.12) (both rules)
✓ end of comment period (§ 14.26) (rules without hearing)
___ effective date of statutory authority (§ 14.29) (emergency rules)

✓ Resolution Adopting
June 12, 1990 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
~~June 12, 1990~~ Date June 12, 1990

NA Written requests, submissions or comments

___ Declaration of attorney
Lous Hellman Name of SAAG representing agency

___ Notice of Submission to Atty. Gen. (if applicable)

___ Aff. of Mailing Notice to Atty. Gen. (if applicable)

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : **ATTORNEY GENERAL**

DATE : June 13, 1990

TO : **PATRICIA J. NOLTE**
Legal Assistant

FROM : **LOUIS HOFFMAN**
Special Assistant Attorney General LH

rec 6-14-90

PHONE : 6-9418

SUBJECT : **In the Matter of the Adopted Permanent Rules Relating to Uniform Electrical Violation Citation**

Attached are documents related to the above-referenced rule for review and approval.

LH:ew.ol3

Attachments

In the Matter of the Proposed Rule of the State Board of Electricity Relating to Uniform Electrical Violation Citation

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

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Beverly J. Barnick, 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 State Board of Electricity rulemaking mailing list is accurate, complete, and current as of this 12th day of April, 1990.

That on the 12th day of April, 1990, 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 United States mail a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Beverly J. Barnick

Beverly J. Barnick
Assistant Office Manager

Subscribed and sworn to before me this 12th day of April, 1990.

Joanne P. Peterson

JOANNE P. PETERSON
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES SEPTEMBER 18, 1990

RULES MAILING LIST
Rev. 12/1/89
Rules.lst

Building Code Division
408 Metro Square Bldg.
St. Paul, MN 55101
ATTN: Elroy Berdahl

R. K. Larson
Outdoor Amusement Bus.
4600 W. 77th Street
Mpls, MN 55435

Dennis R. Johnson
3837 24th Ave. S.
Mpls, MN 55406

Wolverton Engineering
3953 N.E. Arthur Street
Columbia Hgts, MN 55421

Jim Grant
Jim's Elec. Co., Inc.
1250 Industrial Park Rd.
Baxter, MN 56401

Assoc. Builders & Cont.
6989 Washington Ave. So.
Edina, MN 55435

Jean Dawson, Editor
Minnesota Govnmt. Report
B-12 Press Rm. St. Cap'l
St. Paul, MN 55155

Robert Buescher
Bomar Elec. Co., Inc.
7026 13th Ave. So.
Mpls, MN 55423

Mr. Glenn Strub, Mgr.
Minn. Electrical Assoc.
3100 Humboldt Ave. So.
Mpls, MN 55408

Assoc. Bldrs & Contrs.
Dan Foth, Exec. Dir.
6989 Washington Ave. S.
Edina, MN 55435

L.C. Brethorst,
Isenberg Electric
Lafayette, MN 56054-0365

MN School of Elec. Inc.
Mr. Wm. Polta
8053 E. Bloomington Fwy
Bloomington, MN 55420

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

Terry Korthof
Wright Electric, Inc.
15080 23rd Ave. No.
Plymouth, MN 55447

Mankato State University
Mr. Steve Olinger,
Elect. Foreman
Mankato, MN 56001

Antitrust Div., Atty Gen
~~Mr. Tom Catania~~
117 University
St. Paul, MN 55155

Ken L. Javens
Javens Electric
Route 3, Box 20A
Mankato, MN 56001

Frundt, Frundt & Johnson
117 W. 5th Street
Blue Earth, MN 56013

Mpls. Tribune
425 Portland Ave.
Mpls, MN 55488

Walt Passe
717 W. 5th Street
Wabasha, MN 55981

POST Board
333 Sibley St., Ste 495
St. Paul, MN 55101

Fredrik M. Christiansen
Capitol Square Bldg.
Room 911
St. Paul, MN 55101

James Neil
Neil Electric Co.
Box 724
St. Cloud, MN 56302

Lowell Torseth
Bd of Architecture,
500 Metro Square Bldg.
St. Paul, MN 55101

Sam Ruhle
Off of Adm. Hearings
310 S. 4th Ave. Ste 400
Mpls, MN 55415

Sherlan J. Baker
Baker Electric, Inc.
340 45th Street NW
Willmar, MN 56201

Building Code Division
408 Metro Square Bldg.
St. Paul, MN 55101
ATTN: Peggi Opalinski

Kathleen Burek
L.C.R.A.R.
Rm. 510 State Off Bldg.
St. Paul, MN 55155

David Hanson
Hanson Electric
908 E. 1st St.
Park Rapids, MN 56470

Building Code Division
408 Metro Square Bldg.
St. Paul, MN 55101
ATTN: Dick Brooks

Bulletin Publ. Corp.
Eldon R. Anderson
7163 E. Pt. Douglas Rd.
Cottage Grove, MN 55016

Mr. Loren Halder
Loran's Electric Serv.
360 S. 4th Street
Bird Island, MN 55310

Proposed Rules

Pursuant to Minn. Stat. §§ 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.

Board of Electricity

Proposed Permanent Rules Relating to Uniform Electrical Violation Citation

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Board of Electricity ("Board") proposes to adopt the above-entitled rule without a public hearing. The Board has determined that the proposed adoption of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes* § 14.22 to 14.28. Authority for the adopting of this rule is contained in *Minnesota Statutes* § 326.241, subd. 6. Additionally a statement of need and reasonableness that describes the need for and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Mr. Quinn upon request.

This rule has been withdrawn from consideration for approval by the Attorney General and the 30 day comment period is re-opened. 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. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes* §§ 14.13 to 14.20. If no hearing is requested, the agency will adopt the proposed rule effective five working days after final publication in the *State Register.*

Persons who wish to submit comment or a written request for a public hearing should submit such comments or request to:

MR. JOHN D. QUINN
Executive Secretary
State Board of Electricity
S-173 University Avenue
St. Paul, Minnesota 55104
Telephone: (612) 642-0800

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule noticed. The proposed rule was published at pages 1414 and 1415 of the *State Register* on Monday, December 18, 1989. Additional copies may be obtained by contacting Mr. Quinn.

You are hereby advised, pursuant to *Minnesota Statutes* § 14.115 (1986), "Small business considerations in rulemaking," that the proposed rule amendments will have no adverse effect on small businesses in that all licenses will be affected uniformly.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General's Office for review as to the legality and form to the extent the form relates to legality. Any person may request notification

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.

of the date of submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit a written request to the State Board of Electricity.

John D. Quinn
Executive Secretary
State Board of Electricity

Board of Medical Examiners

Proposed Permanent Rules Relating to Examinations

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Medical Examiners (hereinafter "Board") intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* §§ 14.22 to 14.28 (1988). The statutory authority to adopt the rules is *Minnesota Statutes* §§ 147.01, subd. 3, 147.02, subd. 1.(c), and 147.03(c) (1988).

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the Board will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1988).

Comments or written requests for a public hearing must be submitted to:

H. Leonard Boche, Executive Director
Minnesota Board of Medical Examiners
2700 University Avenue West
Suite 106
St. Paul, MN 55114
(612) 642-0528

The proposed rules 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 rules as noticed.

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

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from H. Leonard Boche upon request.

Pursuant to *Minnesota Statutes* § 14.115 the Board's Statement of Need and Reasonableness addresses the effect these rules may have on small businesses.

If no hearing is required, upon adoption of the rules, the rules and the required 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 rules must submit the written request to H. Leonard Boche.

Dated: 2 April 1990

H. Leonard Boche
Executive Director

Rules as Proposed

5600.0400 ~~GRADES~~ EXAMINATION RETAKING, PASSING SCORES, AND SITTINGS.

~~A weighted average grade of 75 shall be the passing grade on all examinations prepared and graded by the Federation of State Medical Boards of the United States. If an applicant falls below a weighted average grade of 75, it shall constitute a failure. In order to be eligible for licensure, the applicant may repeat those parts of the examination on which he received a grade less than 75 or may repeat the entire examination. The latest grade received shall be the only one considered by the board.~~

In violation of (Statute, Rule, or Ordinance) _____

Against the peace and dignity of the State of Minnesota. The undersigned further states that the Board's representative had probable cause to believe, and does believe, that the person named above committed the offense described in this citation.

Court Appearance _____ day of _____ 19____, at _____ ____A.M. ____ P.M. in Division _____

I promise to appear in said Court at said time and at said place.

Address of Court _____

Signature of Complainant
Area Electrical
Representative

Date _____

AN ARREST WARRANT WILL BE ISSUED IF YOU FAIL TO APPEAR

Minnesota Housing Finance Agency

Proposed Permanent Rules Relating to Home Equity Conversion Counseling Program

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Housing Finance Agency intends 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* 462A.06, Subd. 4 and 11.

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. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any changes proposed.

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

Comments or written requests for a public hearing must be submitted to:

Susan K. Noren
Legal Division
Minnesota Housing Finance Agency
Suite 300
400 Sibley Street
St. Paul, Minnesota 55101
Telephone: (612) 296-9794

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.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, section 14.13 to 14.20. If no hearing is requested, the agency will adopt the proposed rule effective five working days after final publication in the *State Register*.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Mr. John Quinn
Executive Secretary
State Board of Electricity
S-173 University Avenue
St. Paul, Minnesota 55104
Telephone: 612/642-0800

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

A copy of the proposed rule is attached to this notice. Additional copies may be obtained by contacting Mr. Quinn.

You are hereby advised, pursuant to *Minnesota Statutes* § 14.115 (1986), "Small business considerations in rulemaking," that the proposed rule amendments will have no adverse effect on small businesses.

Minnesota Statutes, Chapter 10A, requires each lobbyist to register with the Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes*, section 10A.10, Subdivision 11, as an 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 $250.00, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislation or administrative action by communicating or urging others to communicate with public officials; or,

(b) Who spends more than $250.00, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101, (612) 296-5148.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General's Office 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 of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit a written request to the State Board of Electricity.

John Quinn, Executive Secretary
State Board of Electricity

Rules as Proposed (all new material)

3800.2650 UNIFORM ELECTRICAL VIOLATION CITATION.

Subpart 1. **Procedure.** The detailed form of an electrical violation citation as required by *Minnesota Statutes*, section 326.2461, is described in subpart 2. The citation has the effect of a summons and complaint and may be issued by a representative of the board for a violation of *Minnesota Statutes*, sections 326.241 to 326.248, parts 3800.0200 to 3800.2600, and ordinances of political subdivisions. The citation comprises four copies, each of a different color. The original and one copy shall be forwarded to the court having jurisdiction, one copy shall be handed or mailed to the defendant, and one copy shall be retained by the person issuing the citation.

Subp. 2. **Form of citation.**

Violations Summons

STATE OF MINNESOTA
ELECTRICITY BOARD
1821 University Avenue
St. Paul, MN 55104
Phone: 612 624-0800

STATE OF MINNESOTA
_____COUNTY
DISTRICT COURT

NO. _____

The undersigned, states and informs the court that:

Board of Electricity

Adopted Permanent Rules Relating to Uniform Electrical Violation Citation

Rules as Adopted

3800.2650 UNIFORM ELECTRICAL VIOLATION CITATION.

Subpart 1. **Procedure.** The detailed form of an electrical violation citation as required by Minnesota Statutes, section 326.2461, is described in subpart 2. The citation has the effect of a summons and complaint and may be issued by a representative of the board for a violation of Minnesota Statutes, sections 326.241 to 326.248, parts 3800.0200 to 3800.2600, and ordinances of political subdivisions. The citation comprises four copies, each of a different color. The original and one copy shall be forwarded to the court having jurisdiction, one copy shall be handed or mailed to the defendant, and one copy shall be retained by the person issuing the citation.

Subp. 2. **Form of citation.**

Violations Summons

STATE OF MINNESOTA
ELECTRICITY BOARD
1821 University Avenue
St. Paul, MN 55104
Phone: 612 624-0800

STATE OF MINNESOTA
_____ COUNTY
DISTRICT COURT

NO._____

The undersigned, states and informs the court that:

On the _____ day of _____, 19___, at _____o'clock __A.M. __P.M. in _____

Name _____ Address Home _____

Birth Date _____ Age ____ Business _____

Location of Offense _____

Did commit the following offense_____

_____

_____

_____

_____

In violation of (Statute, Rule, or Ordinance)_____

Against the peace and dignity of the State of Minnesota. The undersigned further states that the Board's representative had probable cause to believe, and does believe, that the person named above committed the offense described in this citation.

Court Appearance_____day of_____ 19___, at

_____ __A.M. __P.M. in Division_____

I promise to appear in said Court

at said time and at said place.

_____ _____

Address of Court_____ Signature of Complainant

_____ Area Electrical Representative

AN ARREST WARRANT WILL BE ISSUED IF YOU FAIL TO APPEAR

Date_____

Board of Electricity

Adopted Permanent Rules Relating to Uniform Electrical Violation Citation

Rules as Adopted

3800.2650 UNIFORM ELECTRICAL VIOLATION CITATION.

Subpart 1. **Procedure.** The detailed form of an electrical violation citation as required by Minnesota Statutes, section 326.2461, is described in subpart 2. The citation has the effect of a summons and complaint and may be issued by a representative of the board for a violation of Minnesota Statutes, sections 326.241 to 326.248, parts 3800.0200 to 3800.2600, and ordinances of political subdivisions. The citation comprises four copies, each of a different color. The original and one copy shall be forwarded to the court having jurisdiction, one copy shall be handed or mailed to the defendant, and one copy shall be retained by the person issuing the citation.

Subp. 2. **Form of citation.**

Violations Summons

STATE OF MINNESOTA
ELECTRICITY BOARD
1821 University Avenue
St. Paul, MN 55104
Phone: 612 624-0800

STATE OF MINNESOTA
_____COUNTY
DISTRICT COURT

NO._____

The undersigned, states and informs the court that:

On the _____ day of _____, 19___, at _____o'clock __A.M. __P.M. in _____

Name _____ Address Home _____

Birth Date _____ Age ____ Business _____

Location of Offense _____

Did commit the following offense_____

_____

_____

_____

_____

In violation of (Statute, Rule, or Ordinance)_____

Against the peace and dignity of the State of Minnesota. The undersigned further states that the Board's representative had probable cause to believe, and does believe, that the person named above committed the offense described in this citation.

Court Appearance_____day of_____ 19___, at

_____ __A.M. __P.M. in Division_____

I promise to appear in said Court

at said time and at said place.

_____ _____

Address of Court_____ Signature of Complainant

_____ Area Electrical Representative

AN ARREST WARRANT WILL BE ISSUED IF YOU FAIL TO APPEAR

Date_____

BOARD OF ELECTRICITY

**In the Matter of the
Proposed Permanent Rules Relating
to An Uniform Electrical Violation
Citation Form**

CERTIFICATE OF BOARD'S

RESOLUTION ADOPTING THE RULE

I, Shirlee Puelston, do hereby certify that I am a member and the President of the State Board of Electricity, 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 Electricity duly and properly called and held on the 12th day of June, 1990, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

"Resolved, that the Board of Electricity has examined all the documents and has not received any written request for a public hearing, and the Rules Relating to an Uniform Electrical Violation Citation published in the State Register on December 18, 1989 on page 1413 through 1415 and April 16, 1990 on pages 2451 and 2452, are hereby adopted as published effective five working days after final publication in the State Register. John Quinn, Executive Secretary of the Board of Electricity is hereby authorized to take all steps necessary for the final adoption of these rules.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 12th day of June, 1990.

Shirlee Puelston, President
State Board of Electricity

George Meyer, Secretary
State Board of Electricity

STATE OF MINNESOTA
DEPARTMENT OF ADMINISTRATION
BOARD OF ELECTRICITY

In the Matter of the Proposed Rule of the State Board of Electricity Relating to Uniform Electrical Violation Citation

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

(1) Notice of the Board's intent to adopt the above-entitled rule was published in the State Register on December 18, 1989 and April 16, 1990, 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 14, 1989 and April 12, 1990. (2) 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 list and published in the State Register and was available to the public.

(4) All persons were given the opportunity to submit comment on the rule for 30 days after the notice of proposed rulemaking.

(5) No request for public hearing was received by the agency. (7) 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, we find the following:

(8) The above-captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as Uniform Electrical Violation Citation be adopted this (7) 12th day of June, 1990, pursuant to the authority vested in the Board.

Shirlee Puelston

SHIRLEE PUELSTON, PRESIDENT
State Board of Electricity

STATE OF MINNESOTA
DEPARTMENT OF ADMINISTRATION
BOARD OF ELECTRICITY

In the Matter of the Proposed
Adoption of the Permanent Rules
of the State Board of Electricity
Relating to An Uniform Electrical
Violation of Citation Form

DECLARATION
OF COUNSEL

I, Louis Hoffman, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rules, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedures 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 0138.

LOUIS HOFFMAN
Special Assistant
Attorney General

Dated: 12 June 1990

hoff.ME2

INDEX

1. Certificate of Board of Electricity's Authorizing Resolution, Minn. Rules pt. 2010.0300C.

2. Copy of proposed rule with a Certificate of Approval as to Form by the Revisor of Statutes, Minn. Rules pt. 2010.0300D. .

3. Notice of Intent to Adopt Rules Without a Public Hearing, as Mailed, Minn. Rules pt. 2010.0300E.

4. Statement of Need and Reasonableness, Minn. Rules pt. 2010.0300F.

5. Affidavit of Mailing Notice of Intent to Adopt Rules Without a Public Hearing plus mailing list. Minn. Rules pt. 2010.0300G.

6. Copy of the Notice of Intent to Adopt Rules Without a Public Hearing as published in the State Register, Minn. Rules pt. 2010.0300H.

7. Four copies of the Rules as adopted, Minn. Rules pt. 2010.0300I.

8. Certificate of Board of Electricity's Resolution Adopting the Rule, Minn. Rules pt. 2010.0300J.

9. Findings of Fact, Conclusions, and Order Adopting Rule Without Public Hearing, Minn. Rules pt. 2010.0300K.

10. Declaration of Counsel, Minn. Rules pt. 2010.0300M.

BOARD OF ELECTRICITY

**In the Matter of the
Proposed Permanent Rules Relating to
An Uniform Electrical Violation
Citation Form**

CERTIFICATE OF BOARD'S

AUTHORIZING RESOLUTION

I, Shirlee Puelston, do hereby certify that I am a member and the President of the State Board of Electricity, 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 Electricity duly and properly called and held on the 14th day of November, 1989, 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 John Quinn, Executive Secretary of the State Board of Electricity, is hereby granted the authority and directed to take all the steps necessary to adopt rules without a public hearing governing an uniform electrical violation citation form, upon receiving from the Revisor of Statutes an approved form to submit to the State Register."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 14th day of November, 1989.

Shirlee Puelston, President
State Board of Electricity

Robert Seanger, Vice President
State Board of Electricity

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Uniform Electrical Violation Citation

AGENCY: Board of Electricity

MINNESOTA RULES: Chapter 3800

The attached rules are approved for publication
in the State Register

Carla M. Riehle

Carla M. Riehle
Assistant Revisor

Board of Electricity

Proposed Permanent Rules Relating to Uniform Electrical Violation Citation

Rules as Proposed (all new material)

3800.2650 UNIFORM ELECTRICAL VIOLATION CITATION.

Subpart 1. **Procedure.** The detailed form of an electrical violation citation as required by Minnesota Statutes, section 326.2461, is described in subpart 2. The citation has the effect of a summons and complaint and may be issued by a representative of the board for a violation of Minnesota Statutes, sections 326.241 to 326.248, parts 3800.0200 to 3800.2600, and ordinances of political subdivisions. The citation comprises four copies, each of a different color. The original and one copy shall be forwarded to the court having jurisdiction, one copy shall be handed or mailed to the defendant, and one copy shall be retained by the person issuing the citation.

Subp. 2. **Form of citation.**

Violations Summons

STATE OF MINNESOTA
ELECTRICITY BOARD
1821 University Avenue
St. Paul, MN 55104
Phone: 612 624-0800

STATE OF MINNESOTA
_____ COUNTY
DISTRICT COURT

NO._____

The undersigned, states and informs the court that:

On the _____ day of _____, 19___, at _____o'clock __A.M. __P.M. in _____

Name _____ Address Home _____

Birth Date _____ Age ____ Business _____

Location of Offense _____

Did commit the following offense_____

_____

_____

_____

_____

Approved by Revisor _____

In violation of (Statute, Rule, or Ordinance)_____

Against the peace and dignity of the State of Minnesota. The undersigned further states that the Board's representative had probable cause to believe, and does believe, that the person named above committed the offense described in this citation.

Court Appearance_____day of_____ 19___, at

_____ __A.M. __P.M. in Division_____

I promise to appear in said Court

at said time and at said place.

_____ _____

Address of Court_____ Signature of Complainant

_____ Area Electrical Representative

AN ARREST WARRANT WILL BE ISSUED IF YOU FAIL TO APPEAR

Date_____

Approved by Revisor _____

Stat. Authority 326.241 sub 6
The board shall have power to adopt reasonable rules to carry out its duties under sections 326.241 to 326.248

Resubmitting - Rules were withdrawn

~~Authority~~

Authorizing Res. - dated Nov 14, 1989
Resolution states John Quinn ... directed to take all steps necessary to adopt rules without a public hearing - should be authority to sign and give the Notice of Intent to Adopt a rule

OK - using last year's

Notice of Intent
2010.0300
E (11) no statement that rule is attached or summary of rule however they do state where the proposed rule was published in the State Register

~~E (12)~~
Statement of Need - Weak
It is better than the 1 st one submitted but it doesn't go into detail why the parts of the citation are reasonable

180 days
14.12 - board shall ~~adopt~~ have power to adopt rules - all new mat.

authority in 1988 statutes
326.241 sub 6

180' con't
Statement of need indicates MN Stat 326.2461 was enacted in 1989 and mandated the board issue a citation. Even if this was the authority they didn't do it within 180 days.

Findings of Fact

2010.0300

K (7) - Doesn't indicate if any comments were received by the agency.

STATE BOARD OF ELECTRICITY

Proposed Permanent Rule Relating to Uniform Electrical Violation Citation

Statement of Need and Reasonableness

MINNESOTA RULE PART 3800.2650

Minnesota Statutes Section 326.2461 was enacted by the 1989 Legislature of the State of Minnesota. The Legislature mandated that the Board of Electricity shall pursuant to chapter 14 prescribe the detailed form of an electrical violation citation and shall revise the citation as the board considers necessary and proper to keep the citation in conformity with the board's rules. This rule and citation form allows the Board to speed up its enforcement process by permitting electrical inspectors to issue citation. This avoids the necessity of electrical inspectors having to file complaints with prosecuting attorneys. The multiple copies permit all entities involved-the court, the defendant and the issuer-to have sufficient copies of the citation. It also provides identifying information about the defendant for aid in enforcement, describes the alleged violation and notes the time and date of the court appearance.

SMALL BUSINESS CONSIDERATIONS IN RULEMAKING

Most of the business regulated by the Board are small business. The Board estimates that 80 percent of all licensed electrical contractors are small businesses within the meaning of Minn. Stat. § 14.115 (1988). The Board has framed this rule considering the needs of small business by making this rule easy to understand and comply with.

(a), (b) and (e) Because this rule provides a form for citing violators of the electrical act, it would run counter to the purpose of the rule to have less stringent compliance or reporting requirements or exemptions for small business;

(c) There are no compliance or reporting requirements in these rules;

(d) Not applicable

Thus, this rule will have no adverse effect on small businesses since the rule is meant only to improve the Board's enforcement mechanism.

.mb1

Department of Administration

Board of Electricity

Proposed Permanent Rules Relating to Uniform Electrical Violation Citation

Notice of Intent to Adopt Rules Without a Public Hearing

(1) Notice is hereby given that the State Board of Electricity ("Board") proposes to adopt the above-entitled rule without a public hearing. The Board has determined that the proposed adoption of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 14.22 to 14.28. Authority for the adopting of this rule is contained in Minn. Stat. § 326.241, subd. 6. (8) Additionally a statement of need and reasonableness that describes the need for and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Mr. Quinn upon request.

This rule has been withdrawn from consideration for approval by the Attorney General and the 30 day comment period is re-opened. (2) 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. Comment is encouraged. (3) 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. (4) If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. (6) Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. (7) If a public hearing is required, the agency will proceed pursuant to Minn. Stat. §§ 14.13 to 14.20. If no hearing is requested, the agency will adopt the proposed rule effective five working days after final publication in the State Register.

(5) Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

MR. JOHN D. QUINN
Executive Secretary
State Board of Electricity
S-173 University Avenue
St. Paul, Minnesota 55104
Telephone: (612) 642-0800

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

(11) The proposed rule was published at pages 1414 and 1415 of the State Register on Monday, December 18, 1989. Additional copies may be obtained by contacting Mr. Quinn.

(13) You are hereby advised, pursuant to Minn. Stat. § 14.115 (1986), "Small business considerations in rulemaking," that the proposed rule amendments will have no adverse effect on small businesses in that all licenses will be affected uniformly.

(9) If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General's Office for review as to the legality and form to the extent the form relates to legality. Any person may request notification of the date of submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit a written request to the State Board of Electricity.

JOHN D. QUINN
Executive Secretary
State Board of Electricity

H.ml1

Presented to the governor May 12, 1989.

Approved May 16, 1989.

BOARD OF ELECTRICITY—ELECTRICAL VIOLATION CITATIONS

CHAPTER 126

H.F.No. 593

AN ACT relating to occupations and professions; allowing the board of electricity to issue citations for electrical violations; proposing coding for new law in Minnesota Statutes, chapter 326.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[326.2461] UNIFORM ELECTRICAL VIOLATION CITATION.**

Subdivision 1. CITATION AUTHORIZED. The board of electricity may issue a citation for violations of sections 326.241 to 326.248, rules adopted under those sections, and ordinances of political subdivisions. The citation must be in a form as provided by subdivision 2.

Subd. 2. FORM OF CITATION. The board of electricity shall pursuant to chapter 14 prescribe the detailed form of an electrical violation citation and shall revise the citation as the board considers necessary and proper to keep the citation in conformity with the board's rules.

Subd. 3. POLITICAL SUBDIVISION MAY ALTER TICKET. A political subdivision that has made provision for inspection of electrical installations within its jurisdiction under section 326.244, subdivision 4, may use or alter by deletion or addition the electrical violation citation adopted by the board of electricity under subdivision 2.

Presented to the governor May 12, 1989.

Approved May 15, 1989.

CREDIT UNIONS—AMENDMENT OF CERTIFICATES AND BYLAWS, RESERVE FUNDS, INSURANCE

CHAPTER 127

H.F.No. 635

AN ACT relating to credit unions; providing members with written notice regarding proposed bylaw amendments; clarifying requirements for credit unions to maintain reserve funds; allowing private insurance of member share and deposit accounts; amending Minnesota Statutes 1988, sections 52.02, subdivision 1; 52.17, subdivision 1; and 52.24, subdivisions 1 and 2.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1988, section 52.02, subdivision 1, is amended to read:

Subdivision 1. AMENDMENTS BY MEMBERS. (a) To amend the certificate of organization or bylaws, proposed amendments shall be set forth as follows:

(1) if balloting by
statement of intent t
in the notice of the

(2) if balloting by
exclusive means of v
amend which identifi
all members eligible
Any amendments to
two-thirds vote of the
a quorum.

(b) A member rec
subdivision may requ
must be made no late
for the meeting. Th
proposed bylaw amen
inform the member o
shall be posted in the
balloting by mail or t

Sec. 2. Minnesota

Subdivision 1. PR
reserve fund, which
investments, and othe
otherwise distributed,
ing period the gross i
aside, as a statutory
other losses as may
sums in accordance w

(a) A credit union in
or more shall set asid
equal four percent of
of gross income unti
outstanding loans and

(b) A credit union
$500,000 shall set asid
equal seven percent of
of gross income until
ing loans and risk ass

Whenever the statu
loans and risk assets
provided by clause (a)
The commissioner ma
clause (2), based on a
levels of total reserve
soundness. The comm
of members either by

The following shall
pursuant to clauses (a)
secured by a pledge of
least the amount of th
liquidating or merging
ant to section 52.24; l
Minnesota, any agency
to the amount of the in

Sec. 3. Minnesota S

Subdivision 1. INSU
of the commissioner o

ATTORNEY GENERAL/PUBLIC FINANCE

April 10, 1990

LOUIS HOFFMAN
Special Assistant
Attorney General

PATRICIA NOLTE
Legal Assistant

IN THE MATTER OF THE PROPOSED RULES RELATING TO A UNIFORM ELECTRICAL BOARD

Due to the fact that the original Statement of Need and Reasonableness was distributed to someone, I recommend the following after consulting with other Public Finance staff members:

I. Draft a new Notice of Intent:

1. State that the rule was withdrawn; Minn. Stat. 14.05, subd. 3

2. Give a new 30 day comment period;

3. State that a new Statement of Reasonableness is on file and can be obtained upon request to Mr. Quinn; and

4. Instead of printing the rule again, reference where in the State Register it was printed, e.g., State Register, Monday, December 18, 1989, pp. 1414-15.

II. Mail New Notice to Persons on the Mailing List:

1. Attach a copy of the proposed rule; or

2. Describe the proposed rule.

III. Draft New Resolutions Adopting the Rule.

IV. Draft New Findings Adopting Rule.

If you have any questions, please call.

CH

RULE REVIEW CHECKLIST

File No. 1665 — Docket No. 05-0009-0138

DATE RECEIVED 2-5-90 — ADOPTED W/O HEARING X

REVIEW DATE ~~2-14-90~~ 2-20-90 — EMERGENCY RULE _____

DUE DATE ~~2-19-90~~ — To Revisor on 2-7-90

REVISOR APPROVED 2-12-90

APPROVED _____ — REVISOR DISAPPROVED _____

DISAPPROVED _____ — FILED W/SEC. OF STATE _____

WITHDRAWN ✓ — RETURNED TO AGENCY _____

✓ Rule as adopted (4 copies)

_____ Notice to Solicit Outside Information/Opinion (if applicable)
- _____ Date published in State Register
- _____ Comments

_____ Petition for Adoption of a Rule (if applicable)

✓ Board's Authorizing Resolution
- Dec 14 89 Date adopted

✓ Proposed Rule
- ✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule 326.241 sub 6
- 326.241 sub 6 Statutory Authority
- _____ Small Business Statement Considered it 14.15 subd 4
- ✓ Expenditure of public money statement
- undated Signature

✓ Statement of Need and Reasonableness (if applicable)
- _____ Small Business Statement effects small business did they notify them
- NA Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
- Dec 14, 1989 Date 30/25 days before adoption
- _____ Notice attached - indicates it is attached
- _____ Copy of rule or summary attached

✓ Publication in State Register — not 30 days
- Dec 18, 1989 Date 30/25 days before adoption

_____ 180-day deadline from:
- NA Effective date of law requiring rule (14.12) (both rules) not new material
- ✓ end of comment period (§ 14.26) (rules without hearing)
- _____ effective date of statutory authority (§ 14.29) (emergency rules)

✓ Resolution Adopting
- Jan 9, 1990 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
- Jan 9, 1990 Date

_____ Written requests, submissions or comments

✓ Declaration of attorney
- Louis Hoffman Name of SAAG representing agency

_____ Notice of Submission to Atty. Gen. (if applicable)

_____ Aff. of Mailing Notice to Atty. Gen. (if applicable)

Proposed Rules

Pursuant to Minn. Stat. §§ 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.

Board of Electricity

Proposed Permanent Rules Relating to Uniform Electrical Violation Citation

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Board of Electricity ("Board") proposes to adopt the above-entitled rule without a public hearing. The Board has determined that the proposed adoption of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes* § 14.22 to 14.28. Authority for the adopting of this rule is contained in *Minnesota Statutes* § 326.241, subd. 6. Additionally a statement of need and reasonableness that describes the need for and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Mr. Quinn upon request.

This rule has been withdrawn from consideration for approval by the Attorney General and the 30 day comment period is re-opened. 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. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes* §§ 14.13 to 14.20. If no hearing is requested, the agency will adopt the proposed rule effective five working days after final publication in the *State Register.*

Persons who wish to submit comment or a written request for a public hearing should submit such comments or request to:

MR. JOHN D. QUINN
Executive Secretary
State Board of Electricity
S-173 University Avenue
St. Paul, Minnesota 55104
Telephone: (612) 642-0800

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule noticed. The proposed rule was published at pages 1414 and 1415 of the *State Register* on Monday, December 18, 1989. Additional copies may be obtained by contacting Mr. Quinn.

You are hereby advised, pursuant to *Minnesota Statutes* § 14.115 (1986), "Small business considerations in rulemaking," that the proposed rule amendments will have no adverse effect on small businesses in that all licenses will be affected uniformly.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General's Office for review as to the legality and form to the extent the form relates to legality. Any person may request notification

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.

SF-00006-05 (4/86)

DEPARTMENT : **ATTORNEY GENERAL**

STATE OF MINNESOTA

Office Memorandum

DATE : February 23, 1990

TO : **CHARLENE HATCHER**
Special Assistant
Attorney General

FROM : **LOUIS HOFFMAN**
Special Assistant
Attorney General
LH

PHONE : 6-9418

RECEIVED
FEB 26 1990
Office of the Attorney General
Government Services Section
Capitol Office Bldg., Suite 500
525 Park Street
St. Paul, MN 55103

SUBJECT : **In the Matter of the Adopted Permanent Rules Relating to Uniform Electrical Violations Citation**

Enclosed are a revised Statement of Need and Reasonableness and an Affidavit of John D. Quinn. Please review these as we discussed on Thursday, February 22, 1990 and let me know your comments.

LH:ew.md1

Enclosure

STATE BOARD OF ELECTRICITY

Proposed Permanent Rule Relating to Uniform Electrical Violation Citation

Statement of Need and Reasonableness

MINNESOTA RULE PART 3800.2650

Minnesota Statutes Section 326.2461 was enacted by the 1989 Legislature of the State of Minnesota. The Legislature mandated that the Board of Electricity shall pursuant to chapter 14 prescribe the detailed form of an electrical violation citation and shall revise the citation as the board considers necessary and proper to keep the citation in conformity with the board's rules. This rule and citation form allows the Board to speed up its enforcement process by permitting electrical inspectors to issue citation. This avoids the necessity of electrical inspectors having to file complaints with prosecuting attorneys. The multiple copies permit all entities involved-the court, the defendant and the issuer-to have sufficient copies of the citation. It also provides identifying information about the defendant for aid in enforcement, describes the alleged violation and notes the time and date of the court appearance.

SMALL BUSINESS CONSIDERATIONS IN RULEMAKING

Most of the business regulated by the Board are small business. The Board estimates that 80 percent of all licensed electrical contractors are small businesses within the meaning of Minn. Stat. § 14.115 (1988). The Board has framed this rule considering the needs of small business by making this rule easy to understand and comply with.

(a), (b) and (e) Because this rule provides a form for citing violators of the electrical act, it would run counter to the purpose of the rule to have less stringent compliance or reporting requirements or exemptions for small business;

(c) There are no compliance or reporting requirements in these rules;

(d) Not applicable

Thus, this rule will have no adverse effect on small businesses since the rule is meant only to improve the Board's enforcement mechanism.

.mb1

In the Matter of the Adopted Permanent Rules Relating to Uniform Electrical Violation Citation

AFFIDAVIT OF JOHN D. QUINN

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

YOUR AFFIANT, BEING FIRST DULY SWORN, deposes and states as follows:

1. He is the Executive Secretary of the Board of Electricity of the State of Minnesota ("Board")

2. He has examined the Board's records with respect to the above referenced matter and has determined that the Board has received no requests for the Statement of Need and Reasonableness prepared in connection with this matter.

Further your affiant sayeth not.

_____
JOHN D. QUINN

Subscribed and sworn to before me this ____ day of _____, 1990.

_____
Notary Public

STATE BOARD OF ELECTRICITY

Proposed Permanent Rule Relating to Uniform Electrical Violation Citation

Statement of Need and Reasonableness

MINNESOTA RULE PART 3800.2650

Minnesota Statute § 326.2461 was enacted by the 1989 Legislature of the State of Minnesota. The Legislature mandated that the Board of Electricity shall pursuant to chapter 14 prescribe the detailed form of an electrical violation citation and shall revise the citation as the board considers necessary and proper to keep the citation in conformity with the board's rules.

SMALL BUSINESS CONSIDERATIONS IN RULEMAKING

Most of the businesses regulated by the Board are small business. The Board estimates that 80 percent of all licensed electrical contractors are small businesses within the meaning of Minn. Stat. § 14.115 (1988). The Board has framed this rule considering the needs of small business by making this rule easy to understand and comply with.

(a), (b) and (e) Because this rule provides a form for citing violators of the electrical act, it would run counter to the purpose of the rule to have less stringent compliance or reporting requirements, schedules or deadlines for compliance or reporting requirements or exemptions for small business;

(c) There are no compliance or reporting requirements in these rules;

(d) Not applicable.

Bd of Electricity Rules: Lou Hoffman 6-9418

I Republish in State Register the Notice of Intent

1. give new 30-day comment period
2. instead of printing the rule again, reference where in the State Register it was printed at, e.g., State Register, Monday, December 18, 1989 pp. 1414-15

II. Mail New Notice to Persons on the Mailing List

1. attach a copy of the pprosed rule; or
2. describe the ppd rule

III. Draft New Notice of Intent

1. state rule was w/drawn
2. ~~new~~ comment period has been re-opened (new 30-day prd)
3. new stmt is on file and can be obtained upon request to Mr. Quinn

IV. Draft New Resolutions Adopting the Rule

V. Draft New Findings Adopting Rule

2860.5500 CANCELLATION OF FRANCHISE.

Any provisions regarding cancellation of the franchise agreement shall be governed by items A to C.

[For text of items A and B, see M.R. 1989]

C. ~~Cancellation of the franchise agreement by the supplier shall be preceded by~~ No person may cancel a franchise unless:

(1) that person has given written notice to the dealer in person or by certified mail~~. The notice shall be given~~ setting forth all the reasons for cancellation at least ~~60~~ 90 days ~~prior to the date on which the supplier intends to terminate or cancel the franchise agreement~~ in advance of the cancellation; and

(2) the recipient of the notice fails to correct the reasons for cancellation in the notice within 60 days of receipt, except that the notice shall be effective immediately upon receipt when the cause for termination or cancellation is:

(1) criminal misconduct;

(2) fraud;

(3) abandonment;

(4) bankruptcy or insolvency of the dealer;

(5) adulteration of product; or

(6) the giving of a nonsufficient fund check that remains dishonored for a period of ten days after notice, which notice shall be effective on the fifth day after the date of mailing.

2860.5600 RENEWAL OF FRANCHISE.

Any provisions regarding the renewal of a franchise agreement shall be governed by items A and B.

A. Either party to a franchise agreement may refuse to renew the franchise agreement upon giving the other party written notice of his or her intent not to renew at least ~~90~~ 180 days prior to the expiration of the franchise agreement.

[For text of item B, see M.R. 1989]

REPEALER. *Minnesota Rules*, parts 2860.3400, subpart 2; 2860.6100; 2860.6200; 2860.6300; 2860.6400; and 2860.6500, are repealed.

Board of Electricity

Proposed Permanent Rules Relating to Uniform Electrical Violation Citation

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Board of Electricity ("board") proposes to adopt the above-entitled rule without a public hearing. The Board has determined that the proposed adoption of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes* § 14.22 to 14.28. Authority for the adopting of this rule is contained in *Minnesota Statutes* § 326.241, subd. 6. Additionally, a statement of need and reasonableness that describes the need for and identifies the data and information relied upon to support the proposed rule, has been prepared and is available from Mr. Quinn upon request.

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. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

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.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, section 14.13 to 14.20. If no hearing is requested, the agency will adopt the proposed rule effective five working days after final publication in the *State Register*.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Mr. John Quinn
Executive Secretary
State Board of Electricity
S-173 University Avenue
St. Paul, Minnesota 55104
Telephone: 612/642-0800

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

A copy of the proposed rule is attached to this notice. Additional copies may be obtained by contacting Mr. Quinn.

You are hereby advised, pursuant to *Minnesota Statutes* § 14.115 (1986), "Small business considerations in rulemaking," that the proposed rule amendments will have no adverse effect on small businesses.

Minnesota Statutes, Chapter 10A, requires each lobbyist to register with the Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes*, section 10A.10, Subdivision 11, as an 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 $250.00, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislation or administrative action by communicating or urging others to communicate with public officials; or,

(b) Who spends more than $250.00, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101, (612) 296-5148.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General's Office 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 of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit a written request to the State Board of Electricity.

John Quinn, Executive Secretary
State Board of Electricity

Rules as Proposed (all new material)

3800.2650 UNIFORM ELECTRICAL VIOLATION CITATION.

Subpart 1. **Procedure.** The detailed form of an electrical violation citation as required by *Minnesota Statutes*, section 326.2461, is described in subpart 2. The citation has the effect of a summons and complaint and may be issued by a representative of the board for a violation of *Minnesota Statutes*, sections 326.241 to 326.248, parts 3800.0200 to 3800.2600, and ordinances of political subdivisions. The citation comprises four copies, each of a different color. The original and one copy shall be forwarded to the court having jurisdiction, one copy shall be handed or mailed to the defendant, and one copy shall be retained by the person issuing the citation.

Subp. 2. **Form of citation.**

Violations Summons

STATE OF MINNESOTA
ELECTRICITY BOARD
1821 University Avenue
St. Paul, MN 55104
Phone: 612 624-0800

STATE OF MINNESOTA
_____COUNTY
DISTRICT COURT

NO. _____

The undersigned, states and informs the court that:

In violation of (Statute, Rule, or Ordinance) _____

Against the peace and dignity of the State of Minnesota. The undersigned further states that the Board's representative had probable cause to believe, and does believe, that the person named above committed the offense described in this citation.

Court Appearance _____ day of _____ 19____, at _____ ____A.M. ____ P.M. in Division _____

I promise to appear in said Court at said time and at said place.

Address of Court _____

Signature of Complainant
Area Electrical
Representative

Date _____

AN ARREST WARRANT WILL BE ISSUED IF YOU FAIL TO APPEAR

Minnesota Housing Finance Agency

Proposed Permanent Rules Relating to Home Equity Conversion Counseling Program

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Housing Finance Agency intends 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* 462A.06, Subd. 4 and 11.

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. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any changes proposed.

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

Comments or written requests for a public hearing must be submitted to:

Susan K. Noren
Legal Division
Minnesota Housing Finance Agency
Suite 300
400 Sibley Street
St. Paul, Minnesota 55101
Telephone: (612) 296-9794

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.

PASSWORD CHARLENE H

6-9418

described the rule in

Wldraw / Reject

(1.) The Bd of Electricity needs to have another mtg to adopt the rules because the public w/n given 30 days to comment

Published: December 18, 1989

Adopted: January 9, 1990

2 Things
(1) small businesses stmt

(2) substantive "why" answers re para. 1 and why the specific info is needed (name, address dte of birth, etc.)

(2.) The Statement of Need and Reasonableness is inconsistent w/ the Notice

Notice says that the ppd rule amendments w/n have an adverse effect on small business

Stmt says that most of the businesses regulated by the Bd are small businesses (80% of all licensed electrical contractors are small businesses w/i the meaning of Minn. Stat [14.115 (1988)].

Suggestion

Why: The Stmt is supposed to be available for public to rvw for 30 days

1. If no one asked for a/cc of the Stmt, ~~the Bd can draft a n~~ and the Stmt can be modified to state why small businesses are not effected by the rules the Bd can
   1. draft new Stmt that states why small businesses are not affected
   2. draft an affidavit that specifically states why no one was harmed by the revised stmt (w/o re-publishing in State Register) and submit it to us here

2. If someone did ask for a cc of the Stmt then the Bd needs to publish ~~the~~ a Notice in the State Register saying

1) rule was w/drawn & comment period is reopened
sending the standard notice
2) a new Stmt ~~was~~ has been

do a new Stmt of Need of Need



STATE OF MINNESOTA
OFFICE MEMORANDUM

DEPARTMENT: State Board of Electricity

DATE: February 26, 1990

TO: Christie B. Eller
Assistant Attorney General

FROM: John D. Quinn

PHONE: 642-0804

SUBJECT: In the Matter of the Adopted Permanent Rules Relating to Uniform Electrical Violation Citation

Enclosed is the signed Order in the above matter.

STATE OF MINNESOTA

BOARD OF ELECTRICITY

In the Matter of the Proposed
Permanent Rules Relating to a
Uniform Electrical Violation Form

ORDER

WHEREAS, the Board of Electricity ("Board") has been informed that certain deficiencies have been found in the above-captioned matter;

WHEREAS, the Board desires to correct these deficiencies;

NOW THEREFORE, IT IS HEREBY ORDERED that the above-captioned rules are withdrawn from consideration by the Attorney General.

Dated: 2-26-90

JOHN D. QUINN
Executive Secretary
Board of Electricity

h.mc9

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

STATE OF MINNESOTA
OFFICE OF THE ATTORNEY GENERAL
ST. PAUL 55155

ADDRESS REPLY TO:
1100 BREMER TOWER
SEVENTH PL. AND MINNESC
ST. PAUL, MN 55101
TELEPHONE: (612) 296-9412

MINNESOTA ATTORNEY GENERAL'S OFFICE
1100 BREMER TOWER

TO: Charlene Hatcher
525 Park, Suite 500

FROM: Louis Hoffman
1100 Bremer

NUMBER OF PAGES (including this page): 2

* * * * * * * * * * * * * * * * * * *

OUR FAX MACHINE: (612) 296-7438
(AUTOMATIC)

* * * * * * * * * * * * * * * * * * *

IF THERE ARE PROBLEMS RECEIVING THIS TRANSMISSION

PLEASE CALL: Louis Hoffman
AT (612) 296-9418

DATE: 2-20-90

SF-00006 05 (4/86)

DEPARTMENT : **ATTORNEY GENERAL**

STATE OF MINNESOTA

Office Memorandum

DATE : **February 20, 1990**

TO : **CHARLENE HATCHER**
Special Assistant
Attorney General

FROM : **LOUIS HOFFMAN**
Special Assistant LH
Attorney General

PHONE : **6-9418**

SUBJECT : **IN THE MATTER OF THE ADOPTED PERMANENT RULES RELATING TO UNIFORM ELECTRICAL VIOLATION CITATION**

Pursuant to our conversation today, I withdraw the above-referenced rule from your consideration. Please return to me the materials I submitted on February 1, 1990 at your earliest convenience.

As we discussed, this rule will be adopted by the Board at its next meeting on Tuesday, March 13, 1990 after which it will be submitted to you along with supporting materials, a revised Statement of Need and Reasonableness and the affidavit of John D. Quinn, Executive Secretary of the Board of Electricity.

LH:ew.lz1

SF-00006-05 (4/86)

DEPARTMENT : **ATTORNEY GENERAL**

STATE OF MINNESOTA

Office Memorandum

DATE : February 20, 1990

TO : **CHARLENE HATCHER**
Special Assistant
Attorney General

FROM : **LOUIS HOFFMAN**
Special Assistant LH
Attorney General

PHONE : 6-9418

SUBJECT : **IN THE MATTER OF THE ADOPTED PERMANENT RULES RELATING TO UNIFORM ELECTRICAL VIOLATION CITATION**

Pursuant to our conversation today, I withdraw the above-referenced rule from your consideration. Please return to me the materials I submitted on February 1, 1990 at your earliest convenience.

As we discussed, this rule will be adopted by the Board at its next meeting on Tuesday, March 13, 1990 after which it will be submitted to you along with supporting materials, a revised Statement of Need and Reasonableness and the affidavit of John D. Quinn, Executive Secretary of the Board of Electricity.

LH:ew.lz1

RECEIVED

FEB 21 1990

Office of the Attorney General
Government Services Section
Capitol Office Bldg., Suite 500
525 Park Street
St. Paul, MN 55103

STATE OF MINNESOTA
DEPARTMENT OF ADMINISTRATION
BOARD OF ELECTRICITY

In the Matter of the Proposed Adoption of the Permanent Rules of the State Board of Electricity Relating to An Uniform Electrical Violation Citation Form

DECLARATION OF COUNSEL

I, Louis Hoffman, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rules, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedures 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 0138.

Louis Hoffman

LOUIS HOFFMAN
Special Assistant Attorney General

Dated: January 12, 1990

Board of Electricity Rules

Notice — says that it d/n ~~would~~ adversely affect small bus-

Bd mtg to adopt rules (another)

W/draw or Reject

avail

1). bd mtg to adopt the rules (not 30 days)

2) Stmt is inconsistant w/ Notice so one or other must be fixed ,

: if stmt is the one you chose to fix

needed for i.d. of individual (location purposes) Can merge together

(1) (why info needed dte of birth, etc

(2) explain substantive paragraph (No. 1)

(3)

if someone asked for the Stmt

Affidavit : no one asked for the Stmt; ∴ no one was harmed & redo the Stmt.

if someone

STATE OF MINNESOTA

OFFICE MEMORANDUM

DEPARTMENT: State Board of Electricity

DATE: February 26, 1990

TO: Christie B. Eller
Assistant Attorney General

FROM: John D. Quinn

PHONE: 642-0804

SUBJECT: In the Matter of the Adopted Permanent Rules Relating to Uniform Electrical Violation Citation

Enclosed is the signed Order in the above matter.

RECEIVED

FEB 28 1990

Office of the Attorney General
Government Services Section
Capitol Office Bldg., Suite 500
525 Park Street
St. Paul, MN 55103

STATE OF MINNESOTA

BOARD OF ELECTRICITY

In the Matter of the Proposed
Permanent Rules Relating to a
Uniform Electrical Violation Form

ORDER

WHEREAS, the Board of Electricity ("Board") has been informed that certain deficiencies have been found in the above-captioned matter;

WHEREAS, the Board desires to correct these deficiencies;

NOW THEREFORE, IT IS HEREBY ORDERED that the above-captioned rules are withdrawn from consideration by the Attorney General.

Dated: 2-26-90

JOHN D. QUINN
Executive Secretary
Board of Electricity

h.mc9

RECEIVED
FEB 28 1990
Office of the Attorney General
Government Services Section
525 Park Street
Capitol Office Bldg., Suite 500
St. Paul, MN 55103

BOARD OF ELECTRICITY

**In the Matter of the
Proposed Permanent Rules Relating to
An Uniform Electrical Violation
Citation Form**

CERTIFICATE OF BOARD'S

AUTHORIZING RESOLUTION

I, Shirlee Puelston, do hereby certify that I am a member and the President of the State Board of Electricity, 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 Electricity duly and properly called and held on the 9th day of January, 1990, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

"Resolved, that the Board of Electricity has examined all the documents and has not received any written request for a public hearing, and the Rules Relating to an Uniform Electrical Violation Citation published in the State Register on December 18, 1989 on page 1413 through 1415 are hereby adopted as published effective five working days after final publication in the State Register. John Quinn, Executive Secretary of the Board of Electricity is hereby authorized to take all steps necessary for the final adoption of these rules after the expiration of the comment period, provided that no public comments are received prior to the end of the comment period or that if such comments are received, they raise no substantial issues not already considered by the Board."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 9th day of January, 1990.

Shirlee Puelston, President
State Board of Electricity

George Meyer, Secretary
State Board of Electricity

Stat Auth
326.241 subd 6

Adopt reasonable rules to carry out its duties under sections 326.241 to 326.248 and to provide for the amount and collection of fees for inspection and other services. All rules shall be adopted in accordance with chapter 14.

State of need of Reasonableness
very poor - need is MN 326.246 (error in cite) which mandated the Board of Electrical shall prescribe a distable form of electrical violation citation no statement why they are reasonable

published in State Reg = Dec 18 - 1989 & not
Adopted Jan 9 - 1990 30 days
reject

Rules
Birthdate on citation form

Small Business 14.115
State of need and Reason states that the board has framed this rule considering the needs of small business by making this rule easy to understand.

They show no record of complying with 14.115 subd 4 Small business participation

STATE OF MINNESOTA
DEPARTMENT OF ADMINISTRATION
BOARD OF ELECTRICITY

In the Matter of the Proposed Rule of the State Board of Electricity Relating to Uniform Electrical Violation Citation

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

(1) Notice of the Board's intent to adopt the above-entitled rule was published in the State Register on December 18, 1989 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 14, 1989. (2) 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 list and published in the State Register and was available to the public.

(4) All persons were given the opportunity to submit comment on the rule for 30 days after the notice of proposed rulemaking.

(5) No request for public hearing was received by the agency. (7) 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, we find the following:

(8) The above-captioned rule is needed and reasonable.

(8) NOW, THEREFORE, IT IS ORDERED that the rule identified as Uniform Electrical Violation Citation be adopted this 9th day of January, 1990, (9) pursuant to the authority vested in the Board.

(9)

SHIRLEE PUELSTON, PRESIDENT
State Board of Electricity

SF-00006-05 (4/86)

DEPARTMENT : **ATTORNEY GENERAL - BREMER**

STATE OF MINNESOTA

Office Memorandum

DATE : **FEBRUARY 1, 1990**

TO : **PATRICIA J. NOLTE**
LEGAL ASSISTANT
PUBLIC FINANCE DIVISION

FROM : **LOUIS HOFFMAN**
SPECIAL ASSISTANT
ATTORNEY GENERAL LH

PHONE : **296-9418**

SUBJECT : **IN THE MATTER OF THE PROPOSED PERMANENT RULES RELATING TO AN UNIFORM ELECTRICAL VIOLATION FORM**

Enclosed please find materials relating to the above-referenced matter. Please let me know if you have any questions or if you require any additional information.

LH:kmh.lp8

cc: John D. Quinn
Executive Secretary
Board of Electricity

Rec 2-5-90

INDEX

1. Certificate of Board of Electricity's Authorizing Resolution, Minn. Rules pt. 2010.0300C.

2. Copy of proposed rule with a Certificate of Approval as to Form by the Revisor of Statutes, Minn. Rules pt. 2010.0300D.

3. Notice of Intent to Adopt Rules Without a Public Hearing, as Mailed, Minn. Rules pt. 2010.0300E.

4. Statement of Need and Reasonableness, Minn. Rules pt. 2010.0300F.

5. Affidavit of Mailing Notice of Intent to Adopt Rules Without a Public Hearing plus mailing list. Minn. Rules pt. 2010.0300G.

6. Copy of the Notice of Intent to Adopt Rules Without a Public Hearing as published in the State Register, Minn. Rules pt. 2010.0300H.

7. Four copies of the Rules as adopted, Minn. Rules pt. 2010.0300I.

8. Certificate of Board of Electricity's Resolution Adopting the Rule, Minn. Rules pt. 2010.0300J.

9. Findings of Fact, Conclusions, and Order Adopting Rule Without Public Hearing, Minn. Rules pt. 2010.0300K.

10. Declaration of Counsel, Minn. Rules pt. 2010.0300M.

BOARD OF ELECTRICITY

**In the Matter of the
Proposed Permanent Rules Relating to
An Uniform Electrical Violation
Citation Form**

CERTIFICATE OF BOARD'S

AUTHORIZING RESOLUTION

I, Shirlee Puelston, do hereby certify that I am a member and the President of the State Board of Electricity, 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 Electricity duly and properly called and held on the 14th day of November, 1989, 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 John Quinn, Executive Secretary of the State Board of Electricity, is hereby granted the authority and directed to take all the steps necessary to adopt rules without a public hearing governing an uniform electrical violation citation form, upon receiving from the Revisor of Statutes an approved form to submit to the State Register."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 14th day of November, 1989.

Shirlee Puelston, President
State Board of Electricity

Robert Seanger, Vice President
State Board of Electricity

Board of Electricity

Proposed Permanent Rules Relating to Uniform Electrical Violation Citation

Rules as Proposed (all new material)

3800.2650 UNIFORM ELECTRICAL VIOLATION CITATION.

Subpart 1. **Procedure.** The detailed form of an electrical violation citation as required by Minnesota Statutes, section 326.2461, is described in subpart 2. The citation has the effect of a summons and complaint and may be issued by a representative of the board for a violation of Minnesota Statutes, sections 326.241 to 326.248, parts 3800.0200 to 3800.2600, and ordinances of political subdivisions. The citation comprises four copies, each of a different color. The original and one copy shall be forwarded to the court having jurisdiction, one copy shall be handed or mailed to the defendant, and one copy shall be retained by the person issuing the citation.

Subp. 2. **Form of citation.**

Violations Summons

STATE OF MINNESOTA
ELECTRICITY BOARD
1821 University Avenue
St. Paul, MN 55104
Phone: 612 624-0800

STATE OF MINNESOTA
_____COUNTY
DISTRICT COURT

NO._____

The undersigned, states and informs the court that:

On the _____ day of _____, 19___, at _____o'clock __A.M. __P.M. in _____

Name _____ Address Home _____

Birth Date _____ Age ____ Business _____

Location of Offense _____

Did commit the following offense_____

_____

_____

_____

_____

Approved by Revisor _____

In violation of (Statute, Rule, or Ordinance)_____

Against the peace and dignity of the State of Minnesota. The undersigned further states that the Board's representative had probable cause to believe, and does believe, that the person named above committed the offense described in this citation.

Court Appearance_____day of_____ 19___, at

_____ __A.M. __P.M. in Division_____

I promise to appear in said Court

at said time and at said place.

_____

Address of Court_____

_____

_____
Signature of Complainant
Area Electrical
Representative

AN ARREST WARRANT WILL BE ISSUED IF YOU FAIL TO APPEAR

Date_____

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Uniform Electrical Violation Citation

AGENCY: Board of Electricity

MINNESOTA RULES: Chapter 3800

The attached rules are approved for publication in the State Register

Carla M. Riehle

Carla M. Riehle
Assistant Revisor

Department of Administration

Adopted Permanent Rules Relating to State Building Code

Rules as Adopted

1315.0200 SCOPE.

Subpart 1. **Electrical code.** All new electrical wiring, apparatus, and equipment for electric light, heat, power, and alarm and communication systems must comply with the regulations contained in the 1990 edition of the National Electrical Code (NEC) as approved by the American National Standards Institute (ANSI/NFPA 70-1990), Minnesota Statutes, section 326.243, and the Minnesota State Building Code as promulgated by the commissioner of administration.

Office of the Revisor of Statutes

Administrative Rules

TITLE: Adopted Permanent Rules Relating to State Building Code

AGENCY: Department of Administration

MINNESOTA RULES: Chapter 1315

The attached rules are approved for filing with the Secretary of State

Craig E. Lindeke
Senior Assistant Revisor

Department of Administration

Adopted Permanent Rules Relating to State Building Code

Rules as Adopted

1315.0200 SCOPE.

Subpart 1. **Electrical code.** All new electrical wiring, apparatus, and equipment for electric light, heat, power, and alarm and communication systems must comply with the regulations contained in the 1990 edition of the National Electrical Code (NEC) as approved by the American National Standards Institute (ANSI/NFPA 70-1990), Minnesota Statutes, section 326.243, and the Minnesota State Building Code as promulgated by the commissioner of administration.

Office of the Revisor of Statutes

Administrative Rules

TITLE: Adopted Permanent Rules Relating to State Building Code

AGENCY: Department of Administration

MINNESOTA RULES: Chapter 1315

The attached rules are approved for filing with the Secretary of State

Craig E. Lindeke
Senior Assistant Revisor

In the Matter of the Proposed Rule of the State Board of Electricity Relating to Uniform Electrical Violation Citation

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

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Beverly J. Barnick, 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 State Board of Electricity rulemaking mailing list is accurate, complete, and current as of this 14th day of December, 1989.

That on the 14th day of December, 1989, 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 United States mail a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Beverly J. Barnick
Beverly J. Barnick
Assistant Office Manager

Subscribed and sworn to before me this 14th day of December, 1989.

Joanne P. Peterson

JOANNE P. PETERSON
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES SEPTEMBER 18, 1990

RULES MAILING LIST
Rev. 12/1/89
Rules.lst

Building Code Division
408 Metro Square Bldg.
St. Paul, MN 55101
ATTN: Elroy Berdahl

R. K. Larson
Outdoor Amusement Bus.
4600 W. 77th Street
Mpls, MN 55435

Dennis R. Johnson
3837 24th Ave. S.
Mpls, MN 55406

Wolverton Engineering
3953 N.E. Arthur Street
Columbia Hgts, MN 55421

Jim Grant
Jim's Elec. Co., Inc.
1250 Industrial Park Rd.
Baxter, MN 56401

Assoc. Builders & Cont.
6989 Washington Ave. So.
Edina, MN 55435

Jean Dawson, Editor
Minnesota Govnmt. Report
B-12 Press Rm. St. Cap'l
St. Paul, MN 55155

Robert Buescher
Bomar Elec. Co., Inc.
7026 13th Ave. So.
Mpls, MN 55423

Mr. Glenn Strub, Mgr.
Minn. Electrical Assoc.
3100 Humboldt Ave. So.
Mpls, MN 55408

Assoc. Bldrs & Contrs.
Dan Foth, Exec. Dir.
6989 Washington Ave. S.
Edina, MN 55435

L.C. Brethorst,
Isenberg Electric
Lafayette, MN 56054-0365

MN School of Elec. Inc.
Mr. Wm. Polta
8053 E. Bloomington Fwy
Bloomington, MN 55420

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

Terry Korthof
Wright Electric, Inc.
15080 23rd Ave. No.
Plymouth, MN 55447

Mankato State University
Mr. Steve Olinger,
Elect. Foreman
Mankato, MN 56001

Antitrust Div., Atty Gen
Mr. Tom Catania
117 University
St. Paul, MN 55155

Ken L. Javens
Javens Electric
Route 3, Box 20A
Mankato, MN 56001

Frundt, Frundt & Johnson
117 W. 5th Street
Blue Earth, MN 56013

Mpls. Tribune
425 Portland Ave.
Mpls, MN 55488

Walt Passe
717 W. 5th Street
Wabasha, MN 55981

POST Board
333 Sibley St., Ste 495
St. Paul, MN 55101

Fredrik M. Christiansen
Capitol Square Bldg.
Room 911
St. Paul, MN 55101

James Neil
Neil Electric Co.
Box 724
St. Cloud, MN 56302

Lowell Torseth
Bd of Architecture,
500 Metro Square Bldg.
St. Paul, MN 55101

Sam Ruhle
Off of Adm. Hearings
310 S. 4th Ave. Ste 400
Mpls, MN 55415

Sherlan J. Baker
Baker Electric, Inc.
340 45th Street NW
Willmar, MN 56201

Building Code Division
408 Metro Square Bldg.
St. Paul, MN 55101
ATTN: Peggi Opalinski

Kathleen Burek
L.C.R.A.R.
Rm. 510 State Off Bldg.
St. Paul, MN 55155

David Hanson
Hanson Electric
908 E. 1st St.
Park Rapids, MN 56470

Building Code Division
408 Metro Square Bldg.
St. Paul, MN 55101
ATTN: Dick Brooks

Bulletin Publ. Corp.
Eldon R. Anderson
7163 E. Pt. Douglas Rd.
Cottage Grove, MN 55016

Mr. Loren Halder
Loran's Electric Serv.
360 S. 4th Street
Bird Island, MN 55310

Department of Administration

Board of Electricity

Proposed Permanent Rules Relating to Uniform Electrical Violation Citation

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the State Board of Electricity ("board") proposes to adopt the above-entitled rule without a public hearing. The Board has determined that the proposed adoption of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. §14.22 to 142.8. Authority for the adopting of this rule is contained in Minn. Stat. §326.241, subd. 6. Additionally, a statement of need and reasonableness that describes the need for and identifies the data and information relied upon to support the proposed rule, has been prepared and is available from Mr. Quinn upon request.

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. 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 withdrew their requests in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, section 14.13 to 14.20. If no hearing is requested, the agency will adopt the proposed rule effective five working days after final publication in the State Register.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Mr. John Quinn
Executive Secretary
State Board of Electricity
S-173 University Avenue
St. Paul, Minnesota 55104
Telephone: 612/642-0800

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

A copy of the proposed rule is attached to this notice. Additional copies may be obtained by contacting Mr. Quinn.

(14) You are hereby advised, pursuant to Minn. Stat. § 14.115 (1986), "Small business considerations in rulemaking," that the proposed rule amendments will have no adverse effect on small businesses.

Minnesota Statutes, Chapter 10A, requires each lobbyist to register with the Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minnesota Statutes, section 10A.10, Subdivision 11, as an 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 $250.00, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislation or administrative action by communicating or urging others to communicate with public officials; or,

(b) Who spends more than $250.00, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101, (612) 296-5148.

(9) If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General's Office 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 of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit a written request to the State Board of Electricity.

John Quinn, Executive Secretary
State Board of Electricity