

Minnesota Attorney General: Administrative Rules Proceedings

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August 20, 2018

FILE COPY

SF-00006-05 (4/86)

DEPARTMENT : ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

DATE : March 1, 1990

TO : PETER M. ACKERBERG
Special Assistant Attorney General
525 Park Street, Suite 200 (55103)

FROM : CHRISTIE B. ELLER CBE
Assistant Attorney General
525 Park Street, Suite 500 (55103)

PHONE : 296-9422

SUBJECT : In the Matter of the Adopted Permanent Rule Relating to State Primary Ballot

The above-referenced Permanent rule has been approved as to its legality by the Attorney General on February 28, 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.

CH:bbl
Enclosures
cc: William Brown, Chief Judge (memo only)
MaryAnn Hruby " "

Secretary of State

Adopted Permanent Rules Relating to State Primary Ballot

Rules as Adopted

8250.0350 FORM OF STATE PRIMARY BALLOT.

The state partisan primary paper ballot must be prepared in the same manner as the white ballot, except as provided in this part. Ballot preparation for the state partisan primary ballot used with optical scan voting systems must conform to this part as much as practicable. The columns containing the names of candidates must be 5-1/4 inches wide. If fewer than three major political parties appear on the ballot, the center column containing instructions must be three inches wide.

The statements required by Minnesota Statutes, section 204D.08, subdivision 2, must be printed in upper case in as large as practicable but not smaller than 10-point type. Directly above the statement preceding the party names the words "INSTRUCTIONS TO VOTERS" must be printed in upper case and bold face in as large as practicable but not smaller than 12-point type.

8250.1400 EXAMPLE BALLOT.

At least ~~32~~ 42 days before the state primary and state general election, the secretary of state shall supply each auditor with a copy of an example ballot. The ~~secretary of state shall have printed on the~~ example ballot ~~the names of all candidates for all statewide offices appearing on~~ must illustrate the format required for the state primary and state general election ballots. The state primary and state general election ballots must conform in all respects to the example ballot.

Approved by Revisor

APPROVED AS TO FORM AND LEGALITY

Feb 28 19 90

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Christie B Elle
ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

MAR 01 1990

Joan Anderson Growe

Secretary of State

12:25 pm JSS

STATE OF MINNESOTA
DEPAR

MAR 01 1990

Secretary of State

CH

RULE REVIEW CHECKLIST

File No. 1668 Docket No. 05000900747

DATE RECEIVED 2-15-90 ADOPTED W/O HEARING X

REVIEW DATE ~~2-24-90~~ 2-26-90 EMERGENCY RULE _____

DUE DATE 3-1-90 To Revisor 2-20-90

REVISOR APPROVED 2-28-90

APPROVED 2-28-90 REVISOR DISAPPROVED _____

DISAPPROVED _____ FILED W/SEC. OF STATE _____

WITHDRAWN _____ RETURNED TO AGENCY _____

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4 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
- 2040.08 Statutory Authority
- N/A Small Business Statement
- N/A Expenditure of public money statement
- 11-13-89 Signature

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

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
- Nov 13 89 Date (30)/25 days before adoption
- ✓ Notice attached
- _____ Copy of rule or summary attached

_____ Publication in State Register
- Nov 27, 89 Date (30)/25 days before adoption Nov 27 - Feb 6

✓ 180-day deadline from:
- N/A Effective date of law requiring rule (14.12) (both rules) not new material
- ✓ end of comment period (§ 14.26) (rules without hearing) Dec 27 - Feb 15
- _____ effective date of statutory authority (§ 14.29) (emergency rules)

_____ Resolution Adopting
- _____ Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
- Feb 6 89 Date

_____ Written requests, submissions or comments only submitted 1 comment

_____ Declaration of attorney
- Peter Ackerberg Name of SAAG representing agency

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

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

204D.08

The Secretary of State shall adopt rules for the format and preparation of the State primary ballot.

Reasons for changes contained in the Statement of Need and Reasonableness very weak

Call to see if there are more comments
S of N and R states comments
only 1 comment submitted

2-20-90 Talked to Jeff Diggson from Secretary of State. Jeff indicated that they only received 1 comment - incorrect in Statement of need and Reasonableness where it states comments

STATE OF MINNESOTA

Secretary of State

In the Matter of the Proposed Adoption of the Rules of the Secretary of State Relating to the State Primary Ballot.

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

It is ordered this 13th day of November, 1989 that a Notice of Intent to Adopt Rules Without a Public Hearing in the above-entitled matter be given all persons who have registered their names with the Secretary of State for that purpose and be published in the State Register.

Joan Anderson Growe
Secretary of State

RE[illegible]D

FEB 1[illegible] 1990

Office of the [illegible]
Government S[illegible]ral
Capitol Office Bl[illegible]0
525 Park Street
St. Paul, MN 55103

In the Matter of the Proposed Adoption of the Rule of the Secretary of State Governing The State Primary Ballot

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)

Jeffrey Sigurdson, being sworn says:

I hearby 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 Secretary of States rulemaking mailing list is accurate, complete, and current as of this 13th day of November, 1989.

That on the 13th day of November, 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 State of Minnesota Central Mail System for United States mailing, a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Jeffrey Sigurdson
Election Procedures Assistant

Subscribed and sworn to before me
this 13 day of November, 1989.

Paula Biever

PAULA BIEVER
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My Commission Expires Apr. 10, 1994

Secretary of State

Proposed Permanent Rules Relating to State Primary Ballot

Rules as Proposed

8250.0350 FORM OF STATE PRIMARY BALLOT.

The state partisan primary ballot must be prepared in the same manner as the white ballot, except as provided in this part. The columns containing the names of candidates must be 5-1/4 inches wide. If fewer than three major political parties appear on the ballot, the center column containing instructions must be three inches wide.

The statements required by Minnesota Statutes, section 204D.08, subdivision 2, must be printed in upper case in as large as practicable but not smaller than 10-point type. Directly above the statement preceding the party names the words "INSTRUCTIONS TO VOTERS" must be printed in upper case and bold face in as large as practicable but not smaller than 12-point type.

8250.1400 EXAMPLE BALLOT.

At least 32 days before ~~a~~ the state primary and state general election, the secretary of state shall supply each auditor with a copy of an example ballot. The secretary of state shall have printed on the ballot the names of all candidates for all statewide offices appearing on the ~~white ballot~~ state primary and state general election ballots. The state ~~white ballot shall~~ primary and state general election ballots must conform in all respects to the example ballot.

Approved by Revisor Craig E. Lindeke

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to State Primary Ballot

AGENCY: Secretary of State

MINNESOTA RULES: Chapter 8250

The attached rules are approved for publication in the State Register

Craig E. Lindeke
Senior Assistant Revisor

Office of the Revisor of Statutes

Administrative Rules

Craig E. Lindeke
Senior Assistant Revisor
296-0946

700 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1297

February 1, 1990

Mr. Jeff Sigurdson
Secretary of State
180 State Office Building
St. Paul, MN 55101

RE: File No. 1591

Dear Mr. Sigurdson:

Enclosed are four copies of your rule with the modifications you requested.

Please submit the rules to the Attorney General or the Office of Administrative Hearings, as appropriate.

If you have any questions or need further modifications, please call me.

Very truly yours,

Craig

Craig E. Lindeke

In the Matter of the
Proposed Adoption of the
Rules of the Secretary of
State Relating to the
State Primary Ballot

DECLARATION OF COUNSEL

I, Peter M. Ackerberg, 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 Procedure Act and Minnesota Rules, chapter 2010, have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 0747.

Peter M. Ackerberg

PETER M. ACKERBERG
Special Assistant
Attorney General

Dated: February 15, 1990

RECE
FEB 1
Office ef
Governm
Capitol

Secretary of State

In the Matter of the Proposed Adoption of the Rule of the Secretary of State Governing the State Primary Ballot

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

Notice is hereby given that the Secretary of State 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 204D.08 subd. 1 (supp. 1989).

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 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 Secretary of State will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

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

Joseph Mansky
Director of Elections
180 State Office Building
St. Paul, MN 55155
(612) 296-6011

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 as noticed.

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

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

(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 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 to the Attorney General. Persons who wish to be advised of the submission of this matter to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to the Secretary of State.

11-13-89
Date

Joseph Mansky
Director of Elections

Secretary of State

Proposed Permanent Rules Relating to State Primary Ballot

Rules as Proposed

8250.0350 FORM OF STATE PRIMARY BALLOT.

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Approved by Revisor Craig Finseth

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to State Primary Ballot

AGENCY: Secretary of State

MINNESOTA RULES: Chapter 8250

The attached rules are approved for publication in the State Register

Craig E. Lindeke

Craig E. Lindeke
Senior Assistant Revisor

The utility shall not deny service while a reconnection plan is pending appeal, or until any appeal involving reconnection plans has been determined by the commission. If no appeal is made by the residential customer or designated third party, the utility may deny service.

Subp. 4. **Payment schedule.** Any residential customer disconnected as of October 15 shall have the same rights as provided in part 7820.2100, governing payment schedules.

Secretary of State

Proposed Permanent Rules Relating to State Primary Ballot

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Secretary of State 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* 204D.08 subd. 1 (supp. 1989).

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 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 Secretary of State will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

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

Joseph Mansky
Director of Elections
180 State Office Building
St. Paul, MN 55155
(612) 296-6011

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 as noticed.

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

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

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General 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 to the Attorney General. Persons who wish to be advised of the submission of this matter to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to the Secretary of State.

Dated: 13 November 1989

Joseph Mansky
Director of Elections

Rules as Proposed

8250.0350 FORM OF STATE PRIMARY BALLOT.

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Commissioners' Orders

Department of Natural Resources

Commissioner's Order No. 2361: Regulations for the Taking of Turkeys During the Spring of 1990

PURSUANT TO AUTHORITY VESTED in me by *Minnesota Statutes* § 97A.045, 97A.435, 97B.711, 97B.723, 97B.725 and other applicable law, I, Joseph N. Alexander, Commissioner of Natural Resources, hereby prescribe the following regulations for the taking of turkeys during the spring of 1990.

Section 1. DEFINITIONS.

(a) Legal firearms: Only shotguns 20 gauge or larger, or muzzleloading shotguns 12 gauge or larger, using fine shot size No. 4, 5 or 6 shall be used.

(b) Legal bow and arrow: Bows must have a pull of no less than 40 pounds at or before full draw. It shall be unlawful to hunt turkeys with any poisoned arrow or arrow with explosive tip. The bow may not be drawn, held, or released by mechanical means, except for permits issued under *Minnesota Statutes* Sec. 97B.106, or except that a person may use a mechanical device attached to the bowstring if the person's own strength draws, holds, and releases the bowstring. Arrowheads must:

(1) be sharp, have a minimum of two metal cutting edges, be of a barbless broadhead design, and have a diameter of at least seven-eighths inch; or

(2) be of a blunthead design.

(c) Legal turkey: Any turkey with a visible beard (feathered appendage protruding from the breast, generally found only on males).

(d) Drawings: Computerized random drawings will be conducted by the Department of Natural Resources to determine those who will be eligible to apply for a turkey license. Beginning with the 1990 spring hunt drawing, preference in the drawings will be given to each applicant based upon the number of times he or she has correctly applied for a permit but has been unsuccessful in the spring hunt drawing.

(e) Agricultural or grazing land means land: (1) that is plowed or tilled; (2) that has standing crops or crop residues; or (3) within a maintained fence for the purpose of enclosing domestic livestock.

(f) Party hunting: While two or more persons are hunting turkey as a party and maintaining unaided visual and vocal contact, a member of the party may take and possess more than one turkey, but the total number of turkey taken and possessed by the party may not exceed the number of persons in the party that may take and possess turkey. Only hunters licensed for the same zone and time period may hunt as a party.

Sec. 2. LICENSE ELIGIBILITY.

A person is not eligible for a turkey license unless the person:

(a) is at least 16 years of age or possesses a valid Minnesota Firearms Safety Certificate prior to April 12, 1990;

(b) has maintained a legal residence in Minnesota for a period of 60 days immediately preceding April 12, 1990; and

(c) has not had any small game hunting privileges revoked within one year prior to February 9, 1990.

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.

STATEMENT OF NEED AND REASONABLENESS

The need arises to adopt Parts 8250.0350 and 8250.1400 from the requirements of Minnesota Statutes 204D.08, subd. 1 (supp. 1989); which requires the Secretary of State to establish rules for the format and preparation of the state primary ballot. The rationale for each individual rule is as follows:

1. Part 8250.0350 is needed to conform the rules on white ballot preparation to the state primary ballot. This is reasonable to provide consistent, easy to understand layout and printing instructions to election officials. The additional requirements on center column width and type size used in the instructions to the voter are reasonable because they provide the voter with a ballot format that is readable and easy to use.

2. Part 8250.1400 is needed to expand the provision for example ballots to include the state primary election. This is reasonable because it insures consistent and correct printing of the state primary ballot through out the state.

Pursuant to Minnesota Statutes, section 14.11 the proposed rule will not have any impact on agricultural land nor will the adoption of this rule result in additional spending by local public bodies in excess of $100,000 per year for the first two years following the adoption of this rule. Also pursuant to Minnesota Statutes, section 14.115, the proposed rule will not have an impact on small business in Minnesota.

STATE OF MINNESOTA
SECRETARY OF STATE

In the Matter of the Proposed Adoption of the Rules of the Secretary of State Relating to the State Primary Ballot.

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

(1) Notice of the Secretary's intent to adopt the above-entitled rule was published in the State Register on November 27, 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, on November 13, 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 notice of proposed rulemaking. (5) No requests for a public hearing on the rule were received by the agency. (7) No requests for notice of submission to the attorney general were received by the agency.

(6) Based upon the comments received changes were made between the proposed rule and the rule as adopted. The modifications do not result in any substantial change in that no new class of people is affected, no new subject matter is introduced, and the purpose of the rule has not been altered.

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

Now, therefore, it is ordered that the rules identified as 8250.0350 and 8250.1400 are adopted this 6th day of February 1990, pursuant to authority vested in me by Minnesota Statutes, section 204D.08 subd. 1.

(9) Joan Anderson Growe
Secretary of State