

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

file

DEPARTMENT: Office of the Attorney General

STATE OF MINNESOTA

OFFICE MEMORANDUM

DATE: April 19, 1990

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

FROM: CHARLENE W. HATCHER
Special Assistant Attorney General
525 Park Street, Suite 500 (55103)

PHONE: 296-9422

SUBJECT: In the Matter of the Adopted Rule Relating to Campaign Financing

The above-referenced rule has been approved as to its legality by the Attorney General on April 17, 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 tne 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.

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

RULE REVIEW CHECKLIST

File No. 1691 Docket No. 05000900428

DATE RECEIVED April 5, 1990 ADOPTED W/O HEARING ✓

REVIEW DATE 4-13-90 EMERGENCY RULE _____

DUE DATE 4-19-90 Taken to Revisor 4-8-90

REVISOR APPROVED 4-8-90

APPROVED 4-17-90 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WITHDRAWN _____ RETURNED TO AGENCY _____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
- Oct 26, 1989 Date adopted

✓ Proposed Rule
- ✓ Revisor's Certificate

_____ Notice of Intent to Adopt Rule
- 10A.02 subd 3 Statutory Authority
- NA Small Business Statement
- _____ Expenditure of public money statement
- Nov 27, 1989 Signature

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

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
- Nov 29, 1989 Date 30/25 days before adoption
- ✓ Notice attached
- _____ Copy of rule or summary attached

✓ Publication in State Register
- Dec 11, 1989 Date 30/25 days before adoption

✓ 180-day deadline from:
- NA Effective date of law requiring rule amendment (14.12) (both rules)
- ✓ end of comment period (§ 14.26) (rules without hearing)
- _____ effective date of statutory authority (§ 14.29) (emergency rules)

✓ Resolution Adopting
- March 30, 1990 Date adopted

_____ Findings of Fact, Conclusions & Order Adopting
- _____ Date

_____ Written requests, submissions or comments

_____ Declaration of attorney
- Martha Cassetty Name of SAAG representing agency

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

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

Ethical Practices Board

Adopted Permanent Rules Relating to Campaign Financing

Rules as Adopted

4500.0100 DEFINITIONS.

[For text of subps 1 and 1a, see M.R. 1989]

Subp. 1b. **Anonymous contribution.** "Anonymous contribution" means money received by a candidate, political committee, or political fund without specifying the name and address of the donor.

[For text of subps 2 to 7, see M.R. 1989]

Subp. 7a. **Statewide election.** "Statewide election" means an election for a statewide office, appeals court or supreme court office, or question or proposition on the ballot that can be voted on by all voters of the state.

[For text of subp 8, see M.R. 1989]

4500.0600 ANONYMOUS CONTRIBUTIONS.

A single contribution in excess of $20 for which the name and address of the donor cannot be determined by the committee or fund must be forwarded in its entirety to the board within 14 days after its receipt. When forwarding an anonymous contribution, the treasurer of the committee or fund must report to the board the amount of the contribution and the date on which it was received.

4500.1200 CHANGE OF OFFICE SOUGHT BY CANDIDATE.

[For text of subps 1 and 2, see M.R. 1989]

Subp. 3. **Public financing agreement.** A candidate may sign a public financing agreement for the office for which the candidate files an affidavit of candidacy in the general election year, as provided in part 4500.3500.

4500.1600 CONTRIBUTIONS FROM ASSOCIATIONS.

Subpart 1. **Optional disclosure.** An association that contributes more than $100 in a calendar year to a political

committee or political fund may, in lieu of registration with the board, provide the recipient political committee or political fund with a report of receipts and expenditures containing all information required by Minnesota Statutes, section 10A.20. If an association uses this option, the disclosure must include the association's transactions from the beginning of the reporting period through the end of the business day on which the contribution is made.

[For text of subps 2 and 3, see M.R. 1989]

4500.2500 JOINT LIMITS FOR GOVERNOR AND LIEUTENANT GOVERNOR.

[For text of subps 1 and 2, see M.R. 1989]

Subp. 3. **Registration of joint committee.** A joint committee established under subpart 2, shall amend the statement of organization of the remaining committee within ten days after the combination of the committees and within ten days after the lieutenant governor candidate establishes a separate committee under subpart 4.

Subp. 4. **Candidate for lieutenant governor.** A candidate for lieutenant governor named in a joint committee established under subpart 2, who raises or spends more than $100 from any source other than himself or herself for the purpose of seeking endorsement in the next following election for the office of lieutenant governor, shall establish a separate principal campaign committee for that office under Minnesota Statutes, section 10A.14.

4505.0100 DEFINITIONS.

[For text of subps 1 and 1a, see M.R. 1989]

Subp. 2. **Compensation; earned income.** "Compensation" or "earned income" includes every kind of payment for labor or personal services from private or public employment. It does not include alimony or child support payments or payments of social security, unemployment compensation, or workers' compensation.

[For text of subps 3 and 4, see M.R. 1989]

Subp. 5. [See Repealer.]

Subp. 6. **Accepting employment as a public official.** "Accepting employment as a public official" means the effective date of the appointment to the position, as stated in the appointing authority's notice to the board.

4505.0600 OCCUPATION AND PRINCIPAL PLACE OF BUSINESS.

When asked to give a statement of occupation, an individual shall state his or her principal occupation.

"Principal occupation" means the occupation at which an individual spends the most working hours or which provides the individual's major source of compensation. "Source of compensation" means the corporation, partnership, or other entity from which the individual receives compensation. A self-employed individual is required to list only a description of the occupation in which the individual is self-employed, for example, farming or practice of law, and is not required to list the names of corporations, partnerships, or other entities which pay compensation to the public official or candidate as a self-employed individual.

"Principal place of business" means the name of the entity providing the individual's principal occupation.

4505.0800 SECURITIES.

Subpart 1. **Securities, defined.** "Securities" includes any stock, share, bond, warrant, option, pledge, note, mortgage, debenture, lease, or commercial paper in any corporation, partnership, trust, or other association. "Securities" does not include deposits in a savings account, certificates of deposit, money market certificates, treasury bills, bonds, or notes, dividends from securities or shares in a pension fund.

[For text of subps 2 to 5, see M.R. 1989]

4505.0900 FILING.

[For text of subpart 1, see M.R. 1989]

Subp. 2. **Filing of more than one statement in any year.** An individual who has filed a statement of economic interest within the calendar year shall file a supplementary statement

within 14 days after filing an affidavit of candidacy or accepting employment or appointment to an office requiring the advice and consent of the senate.

[For text of subp 3, see M.R. 1989]

Subp. 4. **Termination as a public official.** An individual shall file a statement of economic interest to cover the period for which the individual served as a public official even though at the time the statement is filed, the individual is no longer holding that office as a public official.

Subp. 5. **Option.** An individual whose term as a public official has ended after April 1 and before March 31 shall file either a supplementary statement on the next following April 15 through the last date of service or file a statement of termination as a public official through the last date of service. The latter statement may be filed at any time after the term ends and before the next following April 15.

Subp. 6. **Change of public official position.** A public official who leaves one public official position and is appointed to another public official position within the year between the time when the individual filed either an original statement or a supplementary statement and April 15 of the following year shall file a termination statement for the former office within ten days after leaving that office. The individual shall file an original statement relative to the new office within the time imposed by Minnesota Statutes, section 10A.09, subdivision 1.

REPEALER. Minnesota Rules, part 4505.0100, subpart 5 is repealed.

APPROVED AS TO LEGALITY

April 17, 1990

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Charlene M. Hatcher
SPECIAL ASSISTANT ATTORNEY GENERAL

Stat Auth

10A.02 Subd 13

The Board may promulgate rules to carry out the purposes of sections 10A.01 to 10A.34.

Notice of Intent

Indicates 30 day comment period ends Jan 12, 19

published in State Reg Dec 11 } 30 days

Rules -4505.0900

Subd 5 Optum page 4

ended after April 1 and before March 31

they must mean the next year because it couldn't happen in the same year.

STATE OF MINNESOTA
COUNTY OF RAMSEY

ETHICAL PRACTICES BOARD

- -

In the matter of Proposed Rules governing Campaign Financing (Minnesota Rules parts 4500.0100-4500.4400); and Economic Interest Disclosure (Minnesota Rules parts 4505.0100 -4505.1000)

STATEMENT OF NEED AND REASONABLENESS

- -

The Ethics in Government Act, Minn. Stat. §10A.02, subd.13, enacted in 1974, authorized the Ethical Practices Board to promulgate rules to carry out the purposes of the Act. Rules have been adopted governing Campaign Financing (Minnesota Rules parts 4500.0100-4500.4400) - adopted 1974; amended 1976, 1978, 1979, 1982, 1986, 1988); Economic Interest Disclosure (Minnesota Rules parts 4505.0100-4505.1000) - adopted 1974; amended 1976, 1978, 1979, 1982, 1985, 1986, 1988.

The need to amend these rules arises in order to implement registration and reporting requirements of Minn. Stat. Ch. 10A and to enable the Board to provide direction to individuals and associations required to register and file statements and reports with the Board; guide the Board in providing forms and monitoring compliance; provide the public with information regarding the data collected by Minn. Stat. §§10A.01-10A.34; and remove obsolete provisions and language from existing rules.

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

Minnesota Rules chapter 4500: CAMPAIGN FINANCING

4500.0100 DEFINITIONS

Subpart 1b. **Anonymous contribution.** The rule is needed to clarify the application of Sec. 10A.15, subd. 1, and Pt. 4500.0600 to certain money received by a candidate or the treasurer of a committee or fund by defining "anonymous" as not being able to determine the name and address of a donor. The rule assists a committee or fund to comply with Sec. 10A.15, subd. 1, which requires the committee or fund to forward an anonymous contribution to the Board for deposit in the general account of the State Elections Campaign Fund.

Subpart 7b. **Statewide election.** The rule is needed to clarify that the term "statewide election" appearing in Sec. 10A.20, subd. 5, applies to the timely disclosure of a large contribution received just before an election by committees or funds organized to promote or defeat a state constitutional amendment as well as to principal campaign committees established by candidates for statewide executive and judicial offices.

4500.0600 ANONYMOUS CONTRIBUTIONS.
This rule is needed to clarify the application of Sec. 10A.15, subd. 1, to certain money received by a candidate or the treasurer of a committee or fund by defining "anonymous" as not being able to determine the name and address of a donor. The rule assists a committee or fund to comply with Sec. 10A.15, subd. 1, which requires the committee or fund to forward an anonymous contribution to the Board for deposit in the general account of the State Elections Campaign Fund.

4500.1200 CHANGE OF OFFICE SOUGHT BY CANDIDATE.
Subpart 3. **Public financing agreement.** This rule is needed to clarify that a candidate who has established principal campaign committees for more than one office, as provided in Secs. 10A.14 and 10A.19, is entitled to sign a pubic financing agreement for only the office for which the candidate files an affidavit of candidacy in the election year for the office sought or held, under Sec. 10A.32, subd. 3.

4500.1600 CONTRIBUTIONS FROM ASSOCIATIONS.
Subpart 1a. **Reporting period** This rule is needed to clarify that the disclosure by an unregistered association contributing more than $100 to a registered political committee or fund cannot be limited to a matter of minutes or hours on the first day of a reporting period. The option provided in this rule is offered to assist an unregistered association that desires to make an occasional contribution to a candidate, political committee, or political fund, as defined in Minn. Stat. Ch. 10A. However, for the purpose of Sec. 10A.22, subd. 7, the proposed rule seeks to provide disclosure required by Sec. 10A.20 that is comparable to disclosure required of registered committees or funds, so that the public is informed about where the money comes from and where the money goes to influence Minnesota state elections.

4500.2500 JOINT LIMITS FOR GOVERNOR AND LIEUTENANT GOVERNOR
Subpart 3. **Registration of joint committee.** This rule is needed to ensure that when a governor candidate's committee joins with the committee established by the lieutenant governor candidate who jointly filed affidavits of candidacy, the joint committee provides a disclosure about the establishment of the candidates' joint committee.

Subpart 4. **Candidate for lieutenant governor.** This rule is needed to clarify the application of disclosure requirements, campaign expenditure and contribution limits imposed by Minn. Stat. Ch. 10A to candidates for governor and lieutenant governor, when the candidate for lieutenant governor named in the joint committee raises or spends more than $100 to seek endorsement in the next following election year for the office of lieutenant governor.

Minnesota Rules chapter 4505: ECONOMIC INTEREST DISCLOSURE

4505.0100 DEFINITIONS.
Subpart 2. **Compensation; earned income.** This amendment is needed to clarify the rule and to combine in one place the definitions of similar terms. In addition, the amendment is needed to conform with Board interpretation and current practice, since 1977, as noted in Board minutes of August 3, 1977. Payments of social security and insurance benefits, such as workers compensation or unemployment compensation, are not ordinarily considered to be "earned income" or "compensation" and therefore need not be disclosed on the statement of economic interest filed by a candidate or a public official.

Subpart 6. **Accepting employment as a public official.** This rule is needed to clarify the date by which an original statement of economic interest must be filed by an individual appointed or employed in an office for which timely disclosure of the individual's economic interests is required by Sec. 10A.09, subd. 1 (a), (c), or (d).

4505.0600 OCCUPATION AND PRINCIPAL PLACE OF BUSINESS.
This rule is needed to provide guidance to a public official or candidate regarding disclosure of the individual's occupation, for purposes of filing a statement of economic interest. There is no substantive change in the rule as the rule incorporates the substance of Rule 4505.0100, subpart 5, to define "source of compensation" as applied to both "occupation" and "principal place of business" in Secs. 10A.01, subd. 4 and 10A.09, subd. 5 (a), (b).

4504.0800 SECURITIES
Subpart 1. **Securities, defined.** This rule is needed to clarify that United States treasury bills or bonds do not need to be listed as "securities" on a statement of economic interest. Since treasury bills and treasury bonds are virtually identical to treasury notes, and since treasury notes are already exempt from listing, treasury bills and treasury bonds should also be exempt. There is no reason to differentiate among treasury bills, bonds, or notes for purposes of economic interest disclosure under Secs. 10A.01, subd. 4, and 10A.09, subd. 5 (b).

4505.0900 FILING
Subpart 2. **Filing more than one statement in any year.** This rule is needed to clarify two conditions under which a public official may be required to file more than one statement in a calendar year: appointment to another office as a "public official" or filing an affidavit of candidacy for election to a state office.

Subpart 4. **Termination as a public official.** This rule is needed to clarify that an individual who ends service as a public officials within the year between filing an annual supplementary statement and April 15 of the following year must file a termination statement upon leaving the office. This is a third condition under which an individual may be required to file more than one statement in a calendar year.

Subpart 5. **Option.** This rule is needed in order to provide an option to a former public official regarding filing a termination statement of economic interest, so that the individual may may file a supplementary statement on or before April 15 of the year following the end of service as a public official or file a termination statement at the time the service ends.

Subpart 6. **Change of public official position.** This rule is needed to clarify that a public official is required to complete the economic interest disclosure filing for a former office, as well as to complete a separate, original statement for a new office, for which economic interest disclosure is required by Sec. 10A.09.

REPEALER
4505.0100 DEFINITIONS.
Subpart 5. **Source of compensation.** This rule is repealed because the substance of the rule is incorporated in 4505.0600 OCCUPATION AND PRINCIPAL PLACE OF BUSINESS.

SMALL BUSINESS CONSIDERATIONS IN RULEMAKING

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

After considering the methods for reducing the impact of the proposed rules as set forth in Minn. Stat. §14.115, it appears that except for the proposed amendment to part 4500.0100, the proposed amendments do not directly impact or affect small businesses. A corporation establishing a political fund to support or oppose a state constitutional amendment should be aware that the treasurer of the fund must make the additional disclosure required by Minn. Stat. §10A.20, subd. 5, regarding large contributions received just before an election. Each of the other amendments proposed regulates, by definition, individuals. Specifically, for part 4500.1200, subp. 3, individuals file public financing agreements. The amendments in chapter 4505, which covers economic interest disclosure, govern candidates or public officials only (§§10A.01, subd. 18; and 10A.09).

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

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

However, none of the proposed amendments establishes more stringent deadlines or regulations. In any case, the Board's position is that amending the rule to reduce the impact on small businesses would be contrary to the statutory objectives of Chapter 10A to promote public confidence in state government decision making through development and administration of disclosure to ensure public access to information filed with the Board.

Dated: November 27, 1989

Mary Ann McCoy

Mary Ann McCoy, Executive Director

INSTRUCTIONS CHECKLIST FOR SECRETARY IN RULE REVIEW - NEW RULES

1. Check for 4 copies of rule as adopted ✓
2. Check for Declaration of Counsel ✓

Note: If 4 copies not sent or if rule does not have revisor's typed-in words "Rule as Adopted", call agency or SAAG. Review period does not start until four copies are received.

2. Take 2 copies of rule as adopted to Revisor's Office (Corrine) 7th floor, S.O.B. ✓

3. Log information in Rule Log Book:

   a. Rule number - next sequential number (our file number) 1691 ✓
   b. Title (from Order Adopting -- abbreviate if necessary but keep recognizable) ✓
   c. Date Received (when all 4 copies rec'd.) ✓
   d. W/O - if noncontroverisal and held without a hearing
   e. EM - if emergency rule ✓
   f. Review date - for w/o rules only, count off 9 calendar days not including day received (include weekends and holidays ✓
   g. Due date - for w/o rules count to the 14th day from date received.
      - for emergency rules, it's 10 working days from date rec'd.
      NEVER COUNT THE DAY RECEIVED

4. Enter information onto Checklist (most information can be gotten from log) ✓

   a. File number (our file number RR# 1691) ✓
   b. Docket number (this will be 05.0009.____ - last four digits should be provided by SAAG on Statement of Compliance with Rulemaking Procedures. If not, call SAAG or determine from docket no. list ✓
   c. Write in received, review and due dates ✓
   d. Check if without a hearing or emergency ✓
   e. When two rule copies come back from revisor, write in date you get them in the Revisor Approved blank ✓

5. Make a file. ✓
   a. Type a gold label:
      RR#0000 ------- I.D.#05.0009.____
      DEPARTMENT --------Title of Rule
      NOTE:--Type EM in () after title if the rule is an emergency rule
   b. Paper clip Checklist to front of legal size file folder and place rest of materials inside ✓

6. Log into File Box.
   Take last card for agency and type rule number, title, date received (and "EM", if appicable) on the card. Replace card in box. ✓

7. Place file on Rita's credenza.

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL

DATE : April 5, 1990

TO : PATRICIA NOLTE
Legal Assistant

FROM : MARTHA J. CASSERLY
Special Assistant
Attorney General

PHONE : 296-6839

SUBJECT : **Ethical Practices Board's Amendment of Rules**

Enclosed please find the Adopted Rule of the Ethical Practices Board amending certain sections of the rules governing campaign financing and economic disclosure laws. Also enclosed are the supporting documents for the review by the Office of the Attorney General.

Please let me know if you or Charlene Hatcher have any questions or concerns regarding these amendments. Thanks.

Enclosures
cc: Mary Ann McCoy
Ethical Practices Board

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

CERTIFICATE OF BOARD'S RESOLUTION

ADOPTING RULE WITHOUT A PUBLIC HEARING

I, Martin J. McGowan, do hereby certify that I am a member and the Chair of the Board of Ethical Practices, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete and correct copy of a resolution adopted at a meeting of the Board, duly and properly called and held on the 30th day of March, 1990, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

"RESOLVED, that the rule relating to Campaign Financing and Economic Interest Disclosure is approved and adopted, pursuant to authority vested in Board by Minnesota Statutes, section 10A.02, subd. 13. Mary Ann McCoy, the executive director of the Board of Ethical Practices, is authorized to sign the findings of fact, conclusions, and order adopting the rule and further is authorized to modify the rule if necessary to obtain the approval of the rule by the attorney general and to perform the necessary acts to provide that the rule shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 30 day of March, 1990.

Judith H. Schatzlein
Attest by one Board member

Martin J. McGowan
Martin J. McGowan, Chair
Ethical Practices Board

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

CERTIFICATE OF THE
ETHICAL PRACTICES BOARD'S
AUTHORIZING RESOLUTION

I, Martin J. McGowan, do hereby certify that I am a member and the Chair of the Board of Ethical Practices, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Ethical Practices duly and properly called and held on the 26th day of October, 1989, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

"RESOLVED, that Mary Ann McCoy, the executive director of the Board of Ethical Practices, is hereby granted the authority and directed to sign and to give Notice of the Board's Intent to Adopt a rule without a public hearing governing campaign financing and economic interest disclosure to all persons who have registered their names with the Board for that purpose and publish the Notice and rule in the **State Register**, and to perform any and all acts incidental thereto."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 26 day of October, 1989.

Martin J. McGowan, Chair
Ethical Practices Board

Attest by one other Board Member

Ethical Practices Board

Proposed Permanent Rules Relating to Campaign Financing

Rules as Proposed

4500.0100 DEFINITIONS.

[For text of subps 1 and 1a, see M.R. 1989]

Subp. 1b. **Anonymous contribution.** "Anonymous contribution" means money received by a candidate, political committee, or political fund without specifying the name and address of the donor.

[For text of subps 2 to 7, see M.R. 1989]

Subp. 7a. **Statewide election.** "Statewide election" means an election for a statewide office, appeals court or supreme court office, or question or proposition on the ballot that can be voted on by all voters of the state.

[For text of subp 8, see M.R. 1989]

4500.0600 ANONYMOUS CONTRIBUTIONS.

~~Any~~ A single contribution in excess of $20 for which ~~no~~ the name and address of the donor ~~can~~ cannot be ~~identified~~ determined by the committee or fund ~~shall~~ must be forwarded in its entirety to the board within 14 days after its receipt. When forwarding ~~such~~ an anonymous contribution, the treasurer of the committee or fund ~~shall~~ must report to the board the amount of the contribution and the date on which it was received.

4500.1200 CHANGE OF OFFICE SOUGHT BY CANDIDATE.

[For text of subps 1 and 2, see M.R. 1989]

Subp. 3. **Public financing agreement.** A candidate may sign a public financing agreement for ~~each~~ the office ~~sought until September 1 of~~ for which the candidate files an affidavit of candidacy in the general election year, as provided in part 4500.3500. ~~Signing a public financing agreement by September 1 automatically rescinds a previously filed agreement for another office.~~

Approved by Revisor

4500.1600 CONTRIBUTIONS FROM ASSOCIATIONS.

Subpart 1. **Optional disclosure.** An association that contributes more than $100 in a calendar year to a political committee or political fund may, in lieu of registration with the board, provide the recipient political committee or political fund with a report of receipts and expenditures containing all information required by Minnesota Statutes, section 10A.20 ~~for~~. If an association uses this option, the disclosure must include the association's transactions from the beginning of the reporting period ~~in~~ through the end of the business day on which the contribution ~~was~~ is made.

[For text of subps 2 and 3, see M.R. 1989]

4500.2500 JOINT LIMITS FOR GOVERNOR AND LIEUTENANT GOVERNOR.

[For text of subps 1 and 2, see M.R. 1989]

Subp. 3. **Registration of joint committee.** A joint committee established under subpart 2, shall amend the statement of organization of the remaining committee within ten days after the combination of the committees and within ten days after the lieutenant governor candidate establishes a separate committee under subpart 4.

Subp. 4. **Candidate for lieutenant governor.** A candidate for lieutenant governor named in a joint committee established under subpart 2, who raises or spends more than $100 from any source other than himself or herself for the purpose of seeking endorsement in the next following election for the office of lieutenant governor, shall establish a separate principal campaign committee for that office under Minnesota Statutes, section 10A.14.

4505.0100 DEFINITIONS.

[For text of subps 1 and 1a, see M.R. 1989]

Subp. 2. **Compensation; earned income.** "Compensation" or "earned income" includes every kind of ~~compensation~~ payment for labor or personal services from private or public employment. It does not include alimony or child support payments or

Approved by Revisor _____

payments of social security, unemployment compensation, or workers' compensation.

[For text of subps 3 and 4, see M.R. 1989]

Subp. 5. [See Repealer.]

Subp. 6. **Accepting employment as a public official.** "Accepting employment as a public official" means the effective date of the appointment to the position, as stated in the appointing authority's notice to the board.

4505.0600 OCCUPATION AND PRINCIPAL PLACE OF BUSINESS.

~~For~~ When asked to give a statement of occupation, ~~the~~ an individual shall state his or her principal occupation~~; i.e.~~.

"Principal occupation" means the occupation at which ~~he or she~~ an individual spends the most ~~of his or her~~ working hours or which provides ~~his or her~~ the individual's major source of compensation. "Source of compensation" means the corporation, partnership, or other entity from which the individual receives compensation. A self-employed individual is required to list only a description of the occupation in which the individual is self-employed, for example, farming or practice of law, and is not required to list the names of corporations, partnerships, or other entities which pay compensation to the public official or candidate as a self-employed individual.

"Principal place of business" means the name of the entity providing the individual's principal occupation.

4505.0800 SECURITIES.

Subpart 1. **Securities, defined.** "Securities" includes any stock, share, bond, warrant, option, pledge, note, mortgage, debenture, lease, or commercial paper in any corporation, partnership, trust, or other association. "Securities" does not include deposits in a savings account, certificates of deposit, money market certificates, treasury bills, bonds, or notes, dividends from securities or shares in a pension fund.

[For text of subps 2 to 5, see M.R. 1989]

4505.0900 FILING.

Approved by Revisor _____

[For text of subpart 1, see M.R. 1989]

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

[For text of subp 3, see M.R. 1989]

Subp. 4. ~~Individual no longer~~ **Termination as a public official.** An individual ~~must~~ shall file a statement of economic interest ~~for~~ to cover the period for which ~~he~~ the individual served as a public official even though at the time the statement is filed, the individual is no longer holding that office as a public official.

Subp. 5. **Option.** An individual whose term as a public official has ended after April 1 and before March 31 shall file either a supplementary statement on the next following April 15 through the last date of service or file a statement of termination as a public official through the last date of service. The latter statement may be filed at any time after the term ends and before the next following April 15.

Subp. 6. **Change of public official position.** A public official who leaves one public official position and is appointed to another public official position within the year between the time when the individual filed either an original statement or a supplementary statement and April 15 of the following year shall file a termination statement for the former office within ten days after leaving that office. The individual shall file an original statement relative to the new office within the time imposed by Minnesota Statutes, section 10A.09, subdivision 1.

REPEALER. Minnesota Rules, part 4505.0100, subpart 5 is repealed.

Approved by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Campaign Financing

AGENCY: Ethical Practices Board

MINNESOTA RULES: Chapter 4500

The attached rules are approved for publication
in the State Register

Craig E. Lindeke

Craig E. Lindeke
Senior Assistant Revisor

In the matter of the Proposed Adoption of the Rule of the State Ethical Practices Board Governing Campaign Financing and Economic Interest Disclosure

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)

LuAnn Swanson, being sworn says:

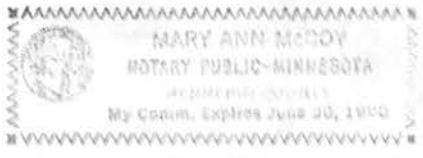
I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, sections 14.14, subdivision 1(a) and 14.22 or 14.30, that their names be placed on the state Ethical Practices Board rulemaking mailing list is accurate, complete, and current as of this 29th day of November, 1989.

That on the 29th 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.

LuAnn Swanson
Administrative Secretary

Subscribed and sworn to before me
this 4th day of December, 1989

Mary Ann McCoy



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Ethical Practices Board

In the Matter of the Proposed Adoption of the Rule Relating to Campaign Financing and Economic Interest Disclosure

Notice of Intent to Adopt a Rule without a Public Hearing

Notice is hereby given that the State Ethical Practices Board 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, section 10A.02, subd. 13.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. The 30-day period ends January 12, 1990. 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 the person's name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the Board will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Comments or written requests for a public hearing should be submitted to Mary Ann McCoy, Executive Director, Ethical Practices Board, 625 North Robert Street, St. Paul, MN 55101-2520; (612) 296-1720.

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

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

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

Please be advised that Minn. Stat. Ch. 10A requires each lobbyist to register with the Ethical Practices Board within five days after the lobbyist commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 as any individual: (a) engaged for pay or other consideration,or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including the individual's own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating with or urging others to communicate with public officials; or (b) who spends more than $250, not including the individual's own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating with or urging others to

communicate with public officials. The statute provides certain exceptions. Questions should be directed to the Board at the address above, telephone (612)296-5148.

Minn. Stat. §14.115 requires the Board to provide an opportunity for small businesses to participate in the rulemaking process. It appears that the proposed amendments do not directly affect small business, for by definition, the regulations are imposed on individuals. However, small businesses may be affected indirectly by these regulations, for example a public official may disclose information on the official's statement of economic interest which may affect small businesses. For more information on the possible small business impact, see the Statement of Need and Reasonableness. The proposed amendments will not require expenditures of public money by local public bodies, therefore, Sections 3.982 and 14.11 do not apply.

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

Dated: March 27, 1989

Mary Ann McCoy

Mary Ann McCoy, Executive Director

Ethical Practices Board

Proposed Permanent Rules Relating to Campaign Financing

Rules as Proposed

4500.0100 DEFINITIONS.

[For text of subps 1 and 1a, see M.R. 1989]

Subp. 1b. **Anonymous contribution.** "Anonymous contribution" means money received by a candidate, political committee, or political fund without specifying the name and address of the donor.

[For text of subps 2 to 7, see M.R. 1989]

Subp. 7a. **Statewide election.** "Statewide election" means an election for a statewide office, appeals court or supreme court office, or question or proposition on the ballot that can be voted on by all voters of the state.

[For text of subp 8, see M.R. 1989]

4500.0600 ANONYMOUS CONTRIBUTIONS.

~~Any~~ A single contribution in excess of $20 for which ~~no~~ the name and address of the donor ~~can~~ cannot be ~~identified~~ determined by the committee or fund ~~shall~~ must be forwarded in its entirety to the board within 14 days after its receipt. When forwarding ~~such~~ an anonymous contribution, the treasurer of the committee or fund ~~shall~~ must report to the board the amount of the contribution and the date on which it was received.

4500.1200 CHANGE OF OFFICE SOUGHT BY CANDIDATE.

[For text of subps 1 and 2, see M.R. 1989]

Subp. 3. **Public financing agreement.** A candidate may sign a public financing agreement for ~~each~~ the office ~~sought until September 1 of~~ for which the candidate files an affidavit of candidacy in the general election year, as provided in part 4500.3500. ~~Signing a public financing agreement by September 1 automatically rescinds a previously filed agreement for another office.~~

4500.1600 CONTRIBUTIONS FROM ASSOCIATIONS.

Subpart 1. **Optional disclosure.** An association that contributes more than $100 in a calendar year to a political committee or political fund may, in lieu of registration with the board, provide the recipient political committee or political fund with a report of receipts and expenditures containing all information required by Minnesota Statutes, section 10A.20 ~~for~~. If an association uses this option, the disclosure must include the association's transactions from the beginning of the reporting period ~~in~~ through the end of the business day on which the contribution ~~was~~ is made.

[For text of subps 2 and 3, see M.R. 1989]

4500.2500 JOINT LIMITS FOR GOVERNOR AND LIEUTENANT GOVERNOR.

[For text of subps 1 and 2, see M.R. 1989]

Subp. 3. **Registration of joint committee.** A joint committee established under subpart 2, shall amend the statement of organization of the remaining committee within ten days after the combination of the committees and within ten days after the lieutenant governor candidate establishes a separate committee under subpart 4.

Subp. 4. **Candidate for lieutenant governor.** A candidate for lieutenant governor named in a joint committee established under subpart 2, who raises or spends more than $100 from any source other than himself or herself for the purpose of seeking endorsement in the next following election for the office of lieutenant governor, shall establish a separate principal campaign committee for that office under Minnesota Statutes, section 10A.14.

4505.0100 DEFINITIONS.

[For text of subps 1 and 1a, see M.R. 1989]

Subp. 2. **Compensation; earned income.** "Compensation" or "earned income" includes every kind of ~~compensation~~ payment for labor or personal services from private or public employment. It does not include alimony or child support payments or payments of social security, unemployment compensation, or workers' compensation.

[For text of subps 3 and 4, see M.R. 1989]

Subp. 5. [See Repealer.]

Subp. 6. **Accepting employment as a public official.** "Accepting employment as a public official" means the effective

date of the appointment to the position, as stated in the appointing authority's notice to the board.

4505.0600 OCCUPATION AND PRINCIPAL PLACE OF BUSINESS.

~~For~~ When asked to give a statement of occupation, ~~the~~ an individual shall state his or her principal occupation~~, i.e.~~.

"Principal occupation" means the occupation at which ~~he or she~~ an individual spends the most ~~of his or her~~ working hours or which provides ~~his or her~~ the individual's major source of compensation. "Source of compensation" means the corporation, partnership, or other entity from which the individual receives compensation. A self-employed individual is required to list only a description of the occupation in which the individual is self-employed, for example, farming or practice of law, and is not required to list the names of corporations, partnerships, or other entities which pay compensation to the public official or candidate as a self-employed individual.

"Principal place of business" means the name of the entity providing the individual's principal occupation.

4505.0800 SECURITIES.

Subpart 1. **Securities, defined.** "Securities" includes any stock, share, bond, warrant, option, pledge, note, mortgage, debenture, lease, or commercial paper in any corporation, partnership, trust, or other association. "Securities" does not include deposits in a savings account, certificates of deposit, money market certificates, treasury bills, bonds, or notes, dividends from securities or shares in a pension fund.

[For text of subps 2 to 5, see M.R. 1989]

4505.0900 FILING.

[For text of subpart 1, see M.R. 1989]

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

[For text of subp 3, see M.R. 1989]

Subp. 4. ~~**Individual no longer**~~ **Termination as a public**

official. An individual ~~must~~ shall file a statement of economic interest ~~for~~ to cover the period for which ~~he~~ the individual served as a public official even though at the time the statement is filed, the individual is no longer holding that office as a public official.

Subp. 5. **Option.** An individual whose term as a public official has ended after April 1 and before March 31 shall file either a supplementary statement on the next following April 15 through the last date of service or file a statement of termination as a public official through the last date of service. The latter statement may be filed at any time after the term ends and before the next following April 15.

Subp. 6. **Change of public official position.** A public official who leaves one public official position and is appointed to another public official position within the year between the time when the individual filed either an original statement or a supplementary statement and April 15 of the following year shall file a termination statement for the former office within ten days after leaving that office. The individual shall file an original statement relative to the new office within the time imposed by Minnesota Statutes, section 10A.09, subdivision 1.

REPEALER. Minnesota Rules, part 4505.0100, subpart 5 is repealed.

STATE OF MINNESOTA
COUNTY OF RAMSEY

ETHICAL PRACTICES BOARD

- -

In the matter of Proposed Rules governing Campaign Financing (Minnesota Rules parts 4500.0100-4500.4400); and Economic Interest Disclosure (Minnesota Rules parts 4505.0100 -4505.1000)

STATEMENT OF NEED AND REASONABLENESS

- -

The Ethics in Government Act, Minn. Stat. §10A.02, subd.13, enacted in 1974, authorized the Ethical Practices Board to promulgate rules to carry out the purposes of the Act. Rules have been adopted governing Campaign Financing (Minnesota Rules parts 4500.0100-4500.4400) - adopted 1974; amended 1976, 1978, 1979, 1982, 1986, 1988); Economic Interest Disclosure (Minnesota Rules parts 4505.0100-4505.1000) - adopted 1974; amended 1976, 1978, 1979, 1982, 1985, 1986, 1988.

The need to amend these rules arises in order to implement registration and reporting requirements of Minn. Stat. Ch. 10A and to enable the Board to provide direction to individuals and associations required to register and file statements and reports with the Board; guide the Board in providing forms and monitoring compliance; provide the public with information regarding the data collected by Minn. Stat. §§10A.01-10A.34; and remove obsolete provisions and language from existing rules.

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

Minnesota Rules chapter 4500: CAMPAIGN FINANCING

4500.0100 DEFINITIONS

Subpart 1b. **Anonymous contribution.** The rule is needed to clarify the application of Sec. 10A.15, subd. 1, and Pt. 4500.0600 to certain money received by a candidate or the treasurer of a committee or fund by defining "anonymous" as not being able to determine the name and address of a donor. The rule assists a committee or fund to comply with Sec. 10A.15, subd. 1, which requires the committee or fund to forward an anonymous contribution to the Board for deposit in the general account of the State Elections Campaign Fund.

Subpart 7b. **Statewide election.** The rule is needed to clarify that the term "statewide election" appearing in Sec. 10A.20, subd. 5, applies to the timely disclosure of a large contribution received just before an election by committees or funds organized to promote or defeat a state constitutional amendment as well as to principal campaign committees established by candidates for statewide executive and judicial offices.

4500.0600 ANONYMOUS CONTRIBUTIONS.
This rule is needed to clarify the application of Sec. 10A.15, subd. 1, to certain money received by a candidate or the treasurer of a committee or fund by defining "anonymous" as not being able to determine the name and address of a donor. The rule assists a committee or fund to comply with Sec. 10A.15, subd. 1, which requires the committee or fund to forward an anonymous contribution to the Board for deposit in the general account of the State Elections Campaign Fund.

4500.1200 CHANGE OF OFFICE SOUGHT BY CANDIDATE.
Subpart 3. **Public financing agreement.** This rule is needed to clarify that a candidate who has established principal campaign committees for more than one office, as provided in Secs. 10A.14 and 10A.19, is entitled to sign a pubic financing agreement for only the office for which the candidate files an affidavit of candidacy in the election year for the office sought or held, under Sec. 10A.32, subd. 3.

4500.1600 CONTRIBUTIONS FROM ASSOCIATIONS.
Subpart 1a.**Reporting period** This rule is needed to clarify that the disclosure by an unregistered association contributing more than $100 to a registered political committee or fund cannot be limited to a matter of minutes or hours on the first day of a reporting period. The option provided in this rule is offered to assist an unregistered association that desires to make an occasional contribution to a candidate, political committee, or political fund, as defined in Minn. Stat. Ch. 10A. However, for the purpose of Sec. 10A.22, subd. 7, the proposed rule seeks to provide disclosure required by Sec. 10A.20 that is comparable to disclosure required of registered committees or funds, so that the public is informed about where the money comes from and where the money goes to influence Minnesota state elections.

4500.2500 JOINT LIMITS FOR GOVERNOR AND LIEUTENANT GOVERNOR
Subpart 3. **Registration of joint committee.** This rule is needed to ensure that when a governor candidate's committee joins with the committee established by the lieutenant governor candidate who jointly filed affidavits of candidacy, the joint committee provides a disclosure about the establishment of the candidates' joint committee.

Subpart 4. **Candidate for lieutenant governor.** This rule is needed to clarify the application of disclosure requirements, campaign expenditure and contribution limits imposed by Minn. Stat. Ch. 10A to candidates for governor and lieutenant governor, when the candidate for lieutenant governor named in the joint committee raises or spends more than $100 to seek endorsement in the next following election year for the office of lieutenant governor.

Minnesota Rules chapter 4505: ECONOMIC INTEREST DISCLOSURE

4505.0100 DEFINITIONS.
Subpart 2. **Compensation; earned income.** This amendment is needed to clarify the rule and to combine in one place the definitions of similar terms. In addition, the amendment is needed to conform with Board interpretation and current practice, since 1977, as noted in Board minutes of August 3, 1977. Payments of social security and insurance benefits, such as workers compensation or unemployment compensation, are not ordinarily considered to be "earned income" or "compensation" and therefore need not be disclosed on the statement of economic interest filed by a candidate or a public official.

Subpart 6. **Accepting employment as a public official.** This rule is needed to clarify the date by which an original statement of economic interest must be filed by an individual appointed or employed in an office for which timely disclosure of the individual's economic interests is required by Sec. 10A.09, subd. 1 (a), (c), or (d).

4505.0600 OCCUPATION AND PRINCIPAL PLACE OF BUSINESS.
This rule is needed to provide guidance to a public official or candidate regarding disclosure of the individual's occupation, for purposes of filing a statement of economic interest. There is no substantive change in the rule as the rule incorporates the substance of Rule 4505.0100, subpart 5, to define "source of compensation" as applied to both "occupation" and "principal place of business" in Secs. 10A.01, subd. 4 and 10A.09, subd. 5 (a), (b).

4504.0800 SECURITIES
Subpart 1. **Securities, defined.** This rule is needed to clarify that United States treasury bills or bonds do not need to be listed as "securities" on a statement of economic interest. Since treasury bills and treasury bonds are virtually identical to treasury notes, and since treasury notes are already exempt from listing, treasury bills and treasury bonds should also be exempt. There is no reason to differentiate among treasury bills, bonds, or notes for purposes of economic interest disclosure under Secs. 10A.01, subd. 4, and 10A.09, subd. 5 (b).

4505.0900 FILING
Subpart 2. **Filing more than one statement in any year.** This rule is needed to clarify two conditions under which a public official may be required to file more than one statement in a calendar year: appointment to another office as a "public official" or filing an affidavit of candidacy for election to a state office.

Subpart 4. **Termination as a public official.** This rule is needed to clarify that an individual who ends service as a public officials within the year between filing an annual supplementary statement and April 15 of the following year must file a termination statement upon leaving the office. This is a third condition under which an individual may be required to file more than one statement in a calendar year.

Subpart 5. **Option.** This rule is needed in order to provide an option to a former public official regarding filing a termination statement of economic interest, so that the individual may may file a supplementary statement on or before April 15 of the year following the end of service as a public official or file a termination statement at the time the service ends.

Subpart 6. **Change of public official position.** This rule is needed to clarify that a public official is required to complete the economic interest disclosure filing for a former office, as well as to complete a separate, original statement for a new office, for which economic interest disclosure is required by Sec. 10A.09.

REPEALER
4505.0100 DEFINITIONS.
Subpart 5. **Source of compensation.** This rule is repealed because the substance of the rule is incorporated in 4505.0600 OCCUPATION AND PRINCIPAL PLACE OF BUSINESS.

SMALL BUSINESS CONSIDERATIONS IN RULEMAKING

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

After considering the methods for reducing the impact of the proposed rules as set forth in Minn. Stat. §14.115, it appears that except for the proposed amendment to part 4500.0100, the proposed amendments do not directly impact or affect small businesses. A corporation establishing a political fund to support or oppose a state constitutional amendment should be aware that the treasurer of the fund must make the additional disclosure required by Minn. Stat. §10A.20, subd. 5, regarding large contributions received just before an election. Each of the other amendments proposed regulates, by definition, individuals. Specifically, for part 4500.1200, subp. 3, individuals file public financing agreements. The amendments in chapter 4505, which covers economic interest disclosure, govern candidates or public officials only (§§10A.01, subd. 18; and 10A.09).

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

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

However, none of the proposed amendments establishes more stringent deadlines or regulations. In any case, the Board's position is that amending the rule to reduce the impact on small businesses would be contrary to the statutory objectives of Chapter 10A to promote public confidence in state government decision making through development and administration of disclosure to ensure public access to information filed with the Board.

Dated: November 27, 1989

Mary Ann McCoy

Mary Ann McCoy, Executive Director

State of Minnesota

STATE REGISTER

Department of Administration—Print Communications Division

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DEC 12 1989
ETHICAL
PRACTICES
BOARD



Rules edition
Published every Monday

11 December 1989

Volume 14, Number 24

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STATE REGISTER

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

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official notices, state and non-state contracts, contract awards, grants, supreme court and tax court decisions, and a monthly calendar of cases to be heard by the state supreme court.

***A Contracts Supplement* is published every Thursday and contains additional state contracts and advertised bids, and the most complete source of state contract awards available in one source.**

Printing Schedule and Submission Deadlines

Vol. 14 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
24	Monday 27 November	Monday 4 December	Monday 11 December
25	Monday 4 December	Monday 11 December	Monday 18 December
26	Monday 11 December	Monday 18 December	Tuesday 26 December
27	Monday 18 December	Friday 22 December	Tuesday 2 January

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

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

Instructions for submission of documents may be obtained from the *State Register* editorial offices, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-4273.

The *STATE REGISTER* is published every Monday (Tuesday when Monday is a holiday) by the State of Minnesota, Department of Administration, Print Communications Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to *Minnesota Statutes* § 14.46. A *STATE REGISTER Contracts Supplement* is published every Thursday. The Monday edition is the vehicle for conveying all information about state agency rulemaking, including official notices; hearing notices; proposed, adopted and emergency rules. It also contains executive orders of the governor; commissioners' orders; state contracts and advertised bids; professional, technical and consulting contracts; non-state public contracts; state grants; decisions of the supreme and tax courts; a monthly calendar of scheduled cases before the supreme court; and other announcements. The Thursday edition contains additional state contracts and advertised bids, and the most complete listing of contract awards available in one source.

In accordance with expressed legislative intent that the *STATE REGISTER* be self-supporting, the following subscription rates have been established: the Monday edition costs $130.00 per year and includes an index issue published in August (single issues are available at the address listed above for $3.50 per copy); the combined Monday and Thursday editions cost $195.00 (subscriptions are not available for just the *Contracts Supplement*); trial subscriptions are available for $60.00, include both the Monday and Thursday edition, last for 13 weeks, and may be converted to a full subscription anytime by making up the price difference. No refunds will be made in the event of subscription cancellation.

Both editions are delivered postpaid to points in the United States, second class postage paid for the Monday edition at St. Paul, MN, first class for the Thursday edition. Publication Number 326630 (ISSN 0146-7751).

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

Rudy Perpich, Governor

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Department of Administration

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Print Communications Division

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FOR LEGISLATIVE NEWS

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

SENATE

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

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

Contact: Senate Public Information Office
Room 231 State Capitol, St. Paul, MN 55155
(612) 296-0504

HOUSE

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

This Week—weekly interim bulletin of the House.

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

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

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

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

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

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

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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.

Department of Agriculture

Proposed Permanent Rules Relating to Seed Fees

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Agriculture intends to adopt the above-entitled amendments without a public hearing, following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22-14.28. The statutory authority to adopt these amendments is *Minnesota Statutes*, sections 21.85, subdivisions 12 and 13; 21.89, subdivision 1; and 21.90 subdivision 2.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed amendments or any part or subpart of the amendments. Comment is encouraged. Each comment should identify the portion of the proposed amendments 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 amendments 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 their name and address, and is encouraged to identify the portion of the proposed amendments addressed, the reason for the request, and any proposed change. If a public hearing is required, the department will proceed according to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to: Carol Milligan, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-6906.

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

A copy of the proposed amendments is attached to this Notice.

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

The proposed amendments should not greatly affect small businesses. The fee increases are modest enough that small seed businesses should be able to pass costs on to the consumer in the selling price of the seed. The increases in laboratory testing fees should benefit small private laboratories by putting state fees in line with those charged by private companies, thus eliminating the unfair competitive advantage by the state.

If no hearing is required, upon adoption of the final amendments, the amendments 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 amendments must submit a written request to Ms. Milligan.

Dated: 25 September 1989

Jim Nichols, Commissioner
Department of Agriculture

Rules as Proposed

1510.0281 CHARGES UNDER MINNESOTA SEED LAW.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Seed fee permits.** An initial labeler who wishes to sell seed in Minnesota must comply with *Minnesota Statutes*, section 21.89, subdivisions 1 and 2, and the procedures in this subpart.

A. Each initial labeler who wishes to sell seed in Minnesota must apply to the commissioner to obtain a permit. The application must contain the name and address of the applicant, the application date, and the name and title of the applicant's contact person. The application must be accompanied by an application fee of $10. Initial labelers holding seed fee permits on ~~October 8, 1984,~~ the effective date of this subpart need not apply for a new permit or pay the application fee.

(1) If, for reasons beyond the control and knowledge of the initial labeler, seed is shipped into Minnesota by a person other than the initial labeler, the responsibility for the seed fees ~~are~~ is transferred to the shipper. An application for a transfer of this responsibility must be made to the commissioner. Upon approval by the commissioner of the transfer, the shipper is responsible for payment of the seed permit fees.

(2) [Unchanged.]

B. All seed fee permit holders must file semiannual reports with the commissioner, even if no seed was sold during the reporting period. Each semiannual report must be submitted within 30 days of the end of each reporting period. The reporting periods are October 1 to March 31 and April 1 to September 30 of each year or July 1 to December 31, and January 1 to June 30 of each year. Permit holders may change their reporting periods with approval of the commissioner.

C. The holder of a seed fee permit must pay fees on all seed for which the permit holder is the initial labeler and which are covered by *Minnesota Statutes*, sections 21.80 to 21.92 and sold during the reporting period.

(1) For the following kinds of agricultural seed sold either in bulk or containers, the fees are:

(a) oats, wheat, barley, ~~3~~ 4.5 cents per cwt.;

(b) rye, field beans, soybeans, ~~4~~ 6 cents per cwt.;

(c) buckwheat, flax, ~~6~~ 8 cents per cwt;

(d) field corn, ~~15~~ 21 cents per cwt.;

(e) forage, lawn and turf grasses, and legumes, ~~20~~ 35 cents per cwt.;

(f) ~~sugar beet,~~ sunflower, ~~70 cents~~ $1 per cwt.; ~~and~~

(g) sugar beet, $2.35 per cwt.; and

(h) other agricultural seeds except vegetables grown for processing, ~~10~~ 20 cents per cwt.

(2) For vegetable and flower seeds packed in small containers or in bulk for use by home gardeners, the fee is ~~ten~~ 30 cents per $100 of net sales of these seeds.

D. If a seed fee permit holder fails to submit a semiannual report and pay the seed fee within 30 days after the end of each reporting period, the commissioner shall assess a penalty of $10 or eight percent, calculated on an annual basis, of the fee due, whichever is greater, but no more than $100 for each late semiannual report. A $10 penalty will be charged when the semiannual report is late, even if no fee is due for the reporting period. Seed fee permits may be revoked for failure to comply with the applicable provisions of this ~~rule~~ part or the Minnesota seed law.

Subp. 4. **Hybrid seed corn variety registration fee.** In accordance with *Minnesota Statutes*, section 21.90, subdivision 2, the annual fee for the registration of each hybrid seed corn variety or blend is ~~$27.50~~ $30, which must be paid at the time of registration. Hybrid seed corn variety registrations received after February 1 of each year will have an annual registration fee of $35 per variety.

Subp. 5. **Service testing and identification.** The fees in items A to D for purity, germination, identification, or other related tests of seeds or plants for farmers, dealers, and others are established pursuant to *Minnesota Statutes*, section 21.85, subdivision 12.

A. General crops, including corn, cereals, soybeans, sorghum, millet, sunflowers, clovers, alfalfa, ryegrass, timothy, flax, rape, vegetable, and other similar seeds:

(1) Purity, ~~$8~~ $12 (includes a Minnesota noxious weed seed test);

(2) Germination, ~~$5~~ $7.50;

(3) ~~Purity and germination,~~ ~~$11~~ United States noxious weed seed only, $8;

(4) Minnesota noxious weed seed only, ~~$4~~ $6; and

(5) Tetrazolium, ~~$10~~ $15 (includes germination test).

B. Grasses, including bromes, fescues, orchardgrass, reed canary, wheat grasses, bluegrasses, bentgrasses, redtop, green needle grass, weeping lovegrass, sandlove, sanddrop seed, flower, and other similar seeds:

(1) Purity, ~~$12~~ $18 (includes a Minnesota noxious weed seed test);

(2) Germination, ~~$7~~ $10.50;

(3) ~~Purity and germination,~~ ~~$17~~ United States noxious weed seed only, $11;

(4) Minnesota noxious weed seed only, ~~$6~~ $9; and

(5) Tetrazolium, ~~$12~~ $18 (includes germination test).

C. Chaffy range grasses, including big bluestem, Indiangrass, side oats grama, gramagrass, little bluestem, meadow foxtail, and similar seeds:

(1) Purity, ~~$20~~ $30 (includes a Minnesota noxious weed seed test);

(2) Germination, ~~$10~~ $15;

(3) ~~Purity and germination,~~ ~~$28~~ United States noxious weed seed only, $17;

(4) Minnesota noxious weed seed only, ~~$10~~ $15; and

(5) Tetrazolium, ~~$18~~ $24 (includes germination test).

D. Mixtures. "A" means the full price of the highest-priced species plus one-half the price of each additional species. "B" means one-half of the price of the purity test on the highest-priced species in the mixture. "C" means the full price of the purity test on the highest priced species in the mixture.

(1) Purity, A (includes a Minnesota noxious weed seed test);

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.

(2) Germination, A;

(3) ~~Purity and germination, not applicable~~ United States noxious weed seed only, C;

(4) Minnesota noxious weed seed only, B; and

(5) Tetrazolium, A (includes germination test).

E. A fee of ~~$12~~ $20 per hour will be charged for tests which are specially requested but not included in items A to D, or which require excess time due to abnormal sample conditions, such as unusual amounts of dirt or foreign material.

F. An additional fee of ~~$2~~ $10 per sample will be charged for any sample for which special handling is requested, such as samples marked "RUSH."

G. and H. [Unchanged.]

Ethical Practices Board

Proposed Permanent Rules Relating to Campaign Financing

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Ethical Practices Board 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*, section 10A.02, subd. 13.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. The 30-day period ends January 12, 1990. 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 the person's name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the Board will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing should be submitted to Mary Ann McCoy, Executive Director, Ethical Practices Board, 625 North Robert Street, St. Paul, MN 55101-2520; (612) 296-1720.

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

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

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

Please be advised that *Minnesota Statutes* Ch. 10A requires each lobbyist to register with the Ethical Practices Board within five days after the lobbyist commences lobbying. A lobbyist is defined in *Minnesota Statutes* § 10A.01, subd. 11 as any individual: (a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including the individual's own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating with or urging others to communicate with public officials; or (b) who spends more than $250, not including the individual's own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating with or urging others to communicate with public officials. The statute provides certain exceptions. Questions should be directed to the Board at the address above, telephone (612) 296-5148.

Minnesota Statutes § 14.115 requires the Board to provide an opportunity for small businesses to participate in the rulemaking process. It appears that the proposed amendments do not directly affect small business, for by definition, the regulations are imposed on individuals. However, small businesses may be affected indirectly by these regulations, for example a public official may disclose information on the official's statement of economic interest which may affect small businesses. For more information on the possible small business impact, see the Statement of Need and Reasonableness. The proposed amendments will not require expenditures of public money by local public bodies, therefore, Sections 3.982 and 14.11 do not apply.

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

Dated: 27 November 1989

Mary Ann McCoy, Executive Director

Rules as Proposed

4500.0100 DEFINITIONS.

[For text of subps 1 and 1a, see M.R. 1989]

Subp. 1b. **Anonymous contribution.** "Anonymous contribution" means money received by a candidate, political committee, or political fund without specifying the name and address of the donor.

[For text of subps 2 to 7, see M.R. 1989]

Subp. 7a. **Statewide election.** "Statewide election" means an election for a statewide office, appeals court or supreme court office, or question or proposition on the ballot that can be voted on by all voters of the state.

[For text of subp 8, see M.R. 1989]

4500.0600 ANONYMOUS CONTRIBUTIONS.

~~Any~~ A single contribution in excess of $20 for which ~~no~~ the name and address of the donor ~~can~~ cannot be ~~identified~~ determined by the committee or fund ~~shall~~ must be forwarded in its entirety to the board within 14 days after its receipt. When forwarding ~~such~~ an anonymous contribution, the treasurer of the committee or fund ~~shall~~ must report to the board the amount of the contribution and the date on which it was received.

4500.1200 CHANGE OF OFFICE SOUGHT BY CANDIDATE.

[For text of subps 1 and 2, see M.R. 1989]

Subp. 3. **Public financing agreement.** A candidate may sign a public financing agreement for ~~each~~ the office ~~sought until September 1 of~~ for which the candidate files an affidavit of candidacy in the general election year, as provided in part 4500.3500. ~~Signing a public financing agreement by September 1 automatically rescinds a previously filed agreement for another office.~~

4500.1600 CONTRIBUTIONS FROM ASSOCIATIONS.

Subpart 1. **Optional disclosure.** An association that contributes more than $100 in a calendar year to a political committee or political fund may, in lieu of registration with the board, provide the recipient political committee or political fund with a report of receipts and expenditures containing all information required by *Minnesota Statutes*, section 10A.20 ~~for~~. If an association uses this option, the disclosure must include the association's transactions from the beginning of the reporting period ~~in~~ through the end of the business day on which the contribution ~~was~~ is made.

[For text of subps 2 and 3, see M.R. 1989]

4500.2500 JOINT LIMITS FOR GOVERNOR AND LIEUTENANT GOVERNOR.

[For text of subps 1 and 2, see M.R. 1989]

Subp. 3. **Registration of joint committee.** A joint committee established under subpart 2, shall amend the statement of organization of the remaining committee within ten days after the combination of the committees and within ten days after the lieutenant governor candidate establishes a separate committee under subpart 4.

Subp. 4. **Candidate for lieutenant governor.** A candidate for lieutenant governor named in a joint committee established under subpart 2, who raises or spends more than $100 from any source other than himself or herself for the purpose of seeking endorsement in the next following election for the office of lieutenant governor, shall establish a separate principal campaign committee for that office under *Minnesota Statutes*, section 10A.14.

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.

4505.0100 DEFINITIONS.

[For text of subps 1 and 1a, see M.R. 1989]

Subp. 2. **Compensation; earned income.** "Compensation" or "earned income" includes every kind of ~~compensation~~ payment for labor or personal services from private or public employment. It does not include alimony or child support payments or payments of social security, unemployment compensation, or workers' compensation.

[For text of subps 3 and 4, see M.R. 1989]

Subp. 5. [See Repealer.]

Subp. 6. **Accepting employment as a public official.** "Accepting employment as a public official" means the effective date of the appointment to the position, as stated in the appointing authority's notice to the board.

4505.0600 OCCUPATION AND PRINCIPAL PLACE OF BUSINESS.

~~For~~ When asked to give a statement of occupation, ~~the~~ an individual shall state his or her principal occupation~~; i.e.,~~.

"Principal occupation" means the occupation at which ~~he or she~~ an individual spends the most ~~of his or her~~ working hours or which provides ~~his or her~~ the individual's major source of compensation. "Source of compensation" means the corporation, partnership, or other entity from which the individual receives compensation. A self-employed individual is required to list only a description of the occupation in which the individual is self-employed, for example, farming or practice of law, and is not required to list the names of corporations, partnerships, or other entities which pay compensation to the public official or candidate as a self-employed individual.

"Principal place of business" means the name of the entity providing the individual's principal occupation.

4505.0800 SECURITIES.

Subpart 1. **Securities, defined.** "Securities" includes any stock, share, bond, warrant, option, pledge, note, mortgage, debenture, lease, or commercial paper in any corporation, partnership, trust, or other association. "Securities" does not include deposits in a savings account, certificates of deposit, money market certificates, treasury bills, bonds, or notes, dividends from securities or shares in a pension fund.

[For text of subps 2 to 5, see M.R. 1989]

4505.0900 FILING.

[For text of subpart 1, see M.R. 1989]

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

[For text of subp 3, see M.R. 1989]

Subp. 4. ~~**Individual no longer**~~ **Termination as a public official.** An individual ~~must~~ shall file a statement of economic interest ~~for~~ to cover the period for which ~~he~~ the individual served as a public official even though at the time the statement is filed, the individual is no longer holding that office as a public official.

Subp. 5. **Option.** An individual whose term as a public official has ended after April 1 and before March 31 shall file either a supplementary statement on the next following April 15 through the last date of service or file a statement of termination as a public official through the last date of service. The latter statement may be filed at any time after the term ends and before the next following April 15.

Subp. 6. **Change of public official position.** A public official who leaves one public official position and is appointed to another public official position within the year between the time when the individual filed either an original statement or a supplementary statement and April 15 of the following year shall file a termination statement for the former office within ten days after leaving that office. The individual shall file an original statement relative to the new office within the time imposed by *Minnesota Statutes*, section 10A.09, subdivision 1.

REPEALER. *Minnesota Rules*, part 4505.0100, subpart 5 is repealed.

Department of Public Service

Proposed Permanent Rules Relating to Conservation Improvement Program

Notice of Intent to Adopt Rule Amendments Without a Public Hearing and of Intent to Adopt Rules With a Public Hearing if 25 or More Persons Request a Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Public Service (Department) intends to adopt the above-entitled rule amendments 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). By adopting these amendments, the Department will take over the responsibility for approving, modifying, or disapproving conservation improvement programs (CIPs) and utility renewable resource pilot programs (URRPPs), a responsibility currently carried out by the Minnesota Public Utilities Commission but recently transferred to the Department by virtue of 1989 *Minnesota Laws*, ch. 338, § 3. The proposed rule amendments are authorized by 1989 *Minnesota Laws*, ch. 338, § 3, which as been codified as *Minnesota Statutes* § 216B.241 (Supp. 1989).

All persons have until 4:30 p.m. on Wednesday, January 10, 1990, to submit comments in support of or in opposition to the proposed rule amendments or any part or subpart of the rule amendments. Comment is encouraged. Each comment should identify the portion of the proposed rule amendment addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the proposed rule amendments within the comment period. If 25 or more persons submit a written request for a public hearing within the 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 amendments addressed, the reason for the request, and any change proposed. If a public hearing is required, the Department will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1988).

PLEASE NOTE THAT IF 25 OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITHIN THE 30-DAY COMMENT PERIOD, A HEARING WILL BE HELD ON WEDNESDAY, JANUARY 17, 1990, UNLESS A SUFFICIENT NUMBER WITHDRAW THEIR REQUEST, IN ACCORDANCE WITH THE NOTICE OF PUBLIC HEARING ON THESE SAME RULE AMENDMENTS PUBLISHED IN THIS *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE DEPARTMENT. To verify whether a hearing will be held, please call William B. Grant of the Department staff, between January 11, 1990, and January 16, 1990, at (612) 297-1773.

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

William B. Grant
Department of Public Service
150 East Kellogg
St. Paul, Minnesota 55101
(612) 297-1773

The proposed rule amendments may be modified if the data and views received during the hearing process warrant modification and the modification does not result in a substantial change in the proposed rule amendments.

The proposed rule amendments will make it possible for the Department to assume its new responsibilities to administer the CIP and URRPP programs as directed by 1989 *Minnesota Laws* ch. 338, § 3. The proposed rule amendments are published below. One free copy of the rule amendments is available from William B. Grant at the address and telephone number stated above.

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

YOU ARE HEREBY ADVISED, pursuant to *Minnesota Statutes* § 14.115 (1988), "Small business considerations in rulemaking," that the proposed rule amendments do not impose requirements on small businesses because the utilities that are required to implement CIP and URRPP programs are not small businesses. However, the rules provide an opportunity for interested persons, some of whom may be small businesses, to participate in the CIP/URRPP programs. The proposed amendments have some features which will facilitate interested persons' participation in the CIP/URRPP process, particularly non-profit organizations with very limited resources. Examples of these features are discussed in the Statement of Need and Reasonableness. Therefore the proposed rule amendments are expected to have a positive impact on small businesses.

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.

The proposed rule amendments will not require the expenditure of public money by local public bodies. Therefore *Minnesota Statutes* § 14.11 (1988) does not apply to these rule amendments.

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 legality and form to the extent 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 rule amendments as adopted, must submit a written request to William B. Grant.

Tony Perpich
Commissioner

Notice of Hearing and Notice of Intent to Cancel Hearing if Fewer Than 25 Persons Request a Hearing in Response to Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Public Service (Department) will hold a public hearing in the above-entitled matter at the Large Hearing Room on the 7th Floor of the American Center Building, 150 East Kellogg Boulevard, St. Paul, Minnesota 55101, commencing at 9:00 a.m. on Wednesday, January 17, 1990. Additional days of hearing will be scheduled if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing.

PLEASE NOTE, HOWEVER, THAT THE HEARING WILL BE CANCELLED IF FEWER THAN 25 PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE OF INTENT TO ADOPT THESE SAME RULE AMENDMENTS WITHOUT A PUBLIC HEARING PUBLISHED IN THIS *STATE REGISTER* AND MAILED TO PERSONS REGISTERED WITH THE DEPARTMENT. To verify whether a hearing will be held, please call William B. Grant of the Department staff, between January 11, 1990, and January 16, 1990, at (612) 297-1773.

The matter will be heard before Administrative Law Judge Allan Klein, Office of Administrative Hearings, 500 Flour Exchange Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, (612) 341-7609. The rule hearing procedure is governed by *Minnesota Statutes* §§ 14.131 to 14.20 (1988) and by the rules of the Office of Administrative Hearings, *Minnesota Rules* parts 1400.0200 to 1400.1200 (1989). Questions concerning the rule hearing procedure should be directed to the Administrative Law Judge at the address and telephone number stated above.

The subject of the hearing will be the proposed amendments to rules governing conservation improvement programs (CIPs) and utility renewable resource pilot programs (URRPPs), *Minnesota Rules* ch. 7840, to be recodified as *Minnesota Rules* parts 7690.0100 to 7680. By adopting these amendments, the Department will take over the responsibility for approving, modifying, or disapproving CIPs and URRPPs, a responsibility currently carried out by the Minnesota Public Utilities Commission but recently transferred to the Department by virtue of *1989 Minnesota Laws*, ch. 338, § 3. The proposed rule amendments are authorized by *1989 Minnesota Rules*, ch. 338, § 3, which has been codified as *Minnesota Statutes* § 216B.241 (Supp. 1989). The proposed rule amendments are published below. One free copy of the rule amendments is available on request by contacting:

William B. Grant
Department of Public Service
150 East Kellogg
St. Paul, Minnesota 55101
(612) 297-1773

NOTICE IS HEREBY GIVEN that a Statement of Need and Reasonableness is now available for review at the Department offices and at the Office of Administrative Hearings. The Statement of Need and Reasonableness includes a summary of all the evidence and arguments which the Department anticipates presenting at the hearing justifying both the need for and reasonableness of the proposed rule amendments. Copies of the Statement of Need and Reasonableness may be reviewed at the Department offices or at the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Any person may present his or her views on the proposed rules in one or more of the following ways: by submitting written data to the Administrative Law Judge at any time before the close of the hearing; by submitting oral or written data at the hearing; and by submitting written data to the Administrative Law Judge during the comment period following the hearing. The comment period will not be less than five working days after the public hearing ends. The comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. The written material received during the comment period shall be available for review at the Office of Administrative Hearings. Within three business days after the expiration of the comment period, the Department and interested persons may respond in writing to any new information received during the comment period; however, no additional evidence may be submitted during this three-day period.

The Department requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment period also submit a copy of the written data to William B. Grant at the address stated above.

The proposed rule amendments may be modified if the data and views received during the hearing process warrant modification and the modification does not result in a substantial change in the proposed rule amendments.

NOTICE: Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the Department may not take any final action on the rule amendments for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rule amendments were adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified, you may so indicate at the hearing or send a request in writing to the Department at any time prior to the filing of the rule amendments with the Secretary of State.

YOU ARE HEREBY ADVISED, pursuant to *Minnesota Statutes* § 14.115 (1988), "Small business considerations in rulemaking," that the proposed rule amendments do not impose requirements on small businesses because the utilities that are required to implement CIP and URRPP programs are not small businesses. However, the rules provide an opportunity for interested persons, some of whom may be small businesses, to participate in the CIP/URRPP programs. The proposed amendments have some features which will facilitate interested persons' participation in the CIP/URRPP process, particularly non-profit organizations with very limited resources. Examples of these features are discussed in the Statement of Need and Reasonableness. Therefore the proposed rule amendments are expected to have a positive impact on small businesses.

The proposed rule amendments will not require the expenditure of public money by local public bodies. Therefore, *Minnesota Statutes* § 14.11 (1988) does not apply to these rule amendments.

Please be advised that *Minnesota Statutes* ch. 10A (1988) requires each lobbist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes* § 10A.01, subd. 11 (1988) as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including the individual's own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250, not including the individual's own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute contains certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101-2520, telephone (612) 296-5615.

Tony Perpich
Commissioner

Rules as Proposed

7690.0100 ~~DEFINITION~~ DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. **Department.** "Department" means the Department of Public Service.

Subp. 3. **Low income.** "Low income" has the meaning given it in *Minnesota Statutes*, section 216B.241, subdivision 2.

~~7840.0200~~ 7690.0200 PURPOSE.

The purpose of this chapter is to specify procedures to be followed by public utilities in submitting, and by the ~~Public Utilities Commission~~ department in analyzing and selecting, proposals for conservation improvement programs and renewable resource pilot programs and to provide for the participation of other interested persons in developing conservation improvement and renewable resource pilot programs.

~~7840.0300~~ 7690.0300 SCOPE.

This chapter applies to proposals by public utilities and other interested persons for utility investments in conservation improvement and renewable resource pilot programs.

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.

~~7840.0400~~ 7690.0400 PROJECTS IN EFFECT.

~~Approved~~ Projects approved by the Public Utilities Commission that are in effect on ~~December 9, 1985~~ the effective date of these amendments to chapter 7690, ~~shall~~ continue in effect ~~for 60 days or~~ until their expiration date~~, whichever occurs later~~.

~~7840.0500~~ 7690.0500 CONSERVATION IMPROVEMENT PROGRAM FILING.

Subpart 1. **Time limits.** No later than ~~May~~ April 1 of each even-numbered year beginning in ~~1986~~ 1990, a public natural gas utility required by *Minnesota Statutes*, section 216B.241 to invest in a conservation improvement program shall file with the ~~Public Utilities Commission~~ department a conservation improvement program. No later than September 1, 1990, and every odd-numbered year afterward, a public electric utility required by *Minnesota Statutes*, section 216B.241 to invest in a conservation improvement program shall file with the department a conservation improvement program.

Subp. 2. **Contents.** The filing must include:

A. a comprehensive description of the proposed program, including a description of each project making up the program~~.~~;

B. a statement quantifying each project's objectives including an estimate of the expected cost effectiveness of the project to the utility, to the project's participants, and to the utility's customers~~.~~;

C. for each project targeted at residential consumers, a statement of the anticipated percentage of use of each project among ~~low income~~ low-income families and individuals, and renters~~.~~;

D. a detailed budget for each project for the next ~~year~~ two years, and:

(1) a projected ~~five-year~~ four-year budget for the overall program~~.~~; or

(2) if a shorter time period is more appropriate for the ~~five-year~~ four-year budget, the ~~utility must provide~~ reasons for that shorter time period and the projected budget for that shorter period~~.~~;

E. a detailed description of the proposed ratemaking treatment and the proposed ~~cost recovery~~ cost-recovery method~~.~~;

F. a description of the marketing plans for each proposed project~~.~~, including target participation rates;

G. a description of the expected effect of each project on peak and average consumption with supporting assumptions, including a computation of the costs that will be avoided or reduced by the implementation of the proposed project and an estimate of the expected revenue effects~~.~~;

H. an explanation with supporting budget information of how the proposed plan ensures that at least half the money spent on residential projects ~~provide special consideration for~~ is devoted to projects that directly address the needs of renters and ~~low income~~ low-income customers~~.~~, or a statement with supporting documentation that an insufficient number of these projects are available;

I. an explanation of how the proposed projects provide for the involvement of community energy organizations when appropriate~~.~~;

J. an outline of the proposed plan for evaluating the effectiveness of the proposed project~~.~~;

K. a status report on each project from the ~~previous year's~~ currently approved program ~~stating~~ that must:

(1) state the total number of customers served;

(2) state the number of ~~low income~~ low-income customers and the number of renters served, if applicable;

(3) state the total amount spent on the project to date;

(4) state the average amount spent on each customer participating in the project, if applicable; ~~and~~

(5) provide other information ~~as~~ required by the ~~Public Utilities Commission~~ department in ~~its order~~ the document approving the ~~previous year's~~ program~~.~~;

(6) for public natural gas utilities, be filed no later than April 1 of each odd-numbered year; and

(7) for public electric utilities, be filed no later than September 1 of each even-numbered year; and

L. additional information that the ~~Public Utilities Commission~~ department determines is necessary as a result of its review or evaluation of ~~prior~~ previous projects of the particular utility.

Subp. 3. **Completeness review.** Upon receipt of a utility's plan, the department shall conduct a completeness review based on the filing requirements listed in subpart 2. The department's findings after this review must set forth the information necessary to make the plan complete and the date by which the information must be filed. When the department determines that the necessary information has been filed to make the plan complete, it shall serve a written notice of completion on the utility and persons on the utility's service list established under part 7690.0800, subpart 1.

~~7840.0600~~ 7690.0600 RENEWABLE RESOURCE PILOT PROGRAM FILING.

A public utility required by *Minnesota Statutes*, section 216B.241 to have a conservation improvement program shall file a proposal for a utility renewable resource pilot program upon the determination of the ~~Public Utilities Commission~~ department that additional utility renewable resource pilot programs are needed to expand Minnesota's options for energy from renewable resources. For at least one year after authorizing a utility's renewable resource pilot program, the ~~commission~~ department shall not require a new proposal for a renewable resource pilot program from that utility. The filing must include:

[For text of items A to D, see M.R. 1989]

E. a description of the proposed ratemaking treatment and the proposed ~~cost recovery~~ cost-recovery method; and

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

~~7840.0700~~ 7690.0700 EXISTING PROGRAMS; FILING.

The filing requirements for renewing existing conservation improvement program or utility renewable resource pilot program projects are the same as for newly proposed projects~~:~~. However, if the ~~Public Utilities Commission~~ department has material already on file, the utility or interested person submitting an alternative project may incorporate it by reference in its current filing.

~~7840.0800~~ 7690.0800 SERVICE LISTS AND NOTICE.

Subpart 1. **Service lists.** The department shall establish service lists for specific utilities for use in providing public notice of conservation improvement programs and utility renewable resource pilot programs. The list must include the Public Utilities Commission, the Residential and Small Business Utilities Division of the Office of the Attorney General, persons involved in the public utility's previous conservation improvement program, persons who participated in the public utility's last general rate case with respect to conservation programs, and other persons the department believes are interested in the public utility's next conservation improvement program. The department shall update the service list 30 days before the date a public utility is required to file a program.

Subp. 2. **Notice of filing.** At the time it files its conservation improvement or utility renewable resource pilot program with the ~~Public Utilities Commission~~ department, the public utility must provide written notice of its filing to persons ~~who participated in the utility's last general rate case or who participated in its conservation improvement program case or utility renewable resource pilot program case during the preceding two years. The commission will maintain, and provide upon request, a current mailing list including these persons~~ on the utility's service list established under subpart 1. The notice must state that a copy of the utility's proposed program is available for public inspection at the enumerated business office locations of the utility and at the ~~Public Utilities Commission's~~ department's office. The notice must also state that the utility will make a copy of the proposed program available to interested persons upon request.

~~7840.0900~~ 7690.0900 COMMENT; ALTERNATIVE PROPOSALS.

The ~~Public Utilities Commission~~ department shall allow ~~30~~ 45 days ~~from the date of the filing of the public utility's program~~ for written comments on the public utility's program and the submission of alternative projects by interested persons~~.~~, including political subdivisions and nonprofit and community organizations. The time period allowed for written comments and alternative project filings begins on the date that the department's finding of completeness under part 7690.0500, subpart 2, is mailed. Proposals for alternative projects must follow the requirements of part ~~7840.0500~~ 7690.0500 or ~~7840.0600~~ 7690.0600, except for part ~~7840.0500~~ 7690.0500, ~~item~~ items E and K. The ~~commission~~ department shall allow ~~15~~ 30 days from the filing of the comments and alternative projects for written responses. These comments, alternative projects, and responses must be filed with the Public Utilities Commission, the department ~~of Public Service, the Department of Trade and Economic Development,~~ and the utility to which they are addressed. The persons submitting the comments, alternative projects, or responses must provide them to any person, upon request.

7690.1000 PROPOSED DECISION.

Subpart 1. **Prepared by staff.** After reviewing the comments submitted under part 7690.0900, the department staff shall prepare a proposed decision approving, disapproving, or modifying a program, project, evaluation plan, or alternative project proposal.

Subp. 2. **Copies sent.** The department staff shall serve a copy of its proposed decision on the utility, on any person who submitted a comment under part 7690.0900, and on all known interested persons.

Subp. 3. **Comment period.** The department shall allow ten days from the date of service of the proposed decision for written comments on the proposed decision.

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.

~~7840.1100~~ 7690.1100 RESPONSES; WRITTEN RECORD.

~~When a contested case hearing is not required,~~ The ~~Public Utilities Commission~~ department may order written responses to comments, oral argument, negotiations, settlement conferences, formal hearing, or other procedures ~~as~~ it ~~deems~~ considers necessary or helpful to enable it to review, analyze, and select appropriate programs under *Minnesota Statutes*, section 216B.241. Written papers or summaries of oral meetings for each proceeding filed with the ~~Public Utilities Commission~~ department must also be served upon participants and ~~will~~ become part of the record upon which the ~~Public Utilities Commission~~ department will decide the case.

~~7840.1150~~ 7690.1200 APPROVAL, DISAPPROVAL, OR MODIFICATION.

Subpart 1. **Determination of significant investment.** The ~~commission~~ department shall determine whether a proposed program or modified program will result in significant investments in and expenditures for energy conservation improvements. In making this determination, the ~~commission~~ department shall consider the following information, which must be included in a public utility's filing:

[For text of items A to I, see M.R. 1989]

Subp. 2. **Approval.** On determining that the proposed program or modified program will result in significant investments in and expenditures for energy conservation improvements, the ~~commission~~ department shall approve the proposed or modified program.

Subp. 3. **Disapproval and modification.** On determining that the proposed program or modified program will not result in significant investments in and expenditures for energy conservation improvements, the ~~commission~~ department shall disapprove the proposed program or modified program and ~~order~~ require a program that will result in significant investments in and expenditures for energy conservation improvements.

~~7840.1200~~ 7690.1300 ~~DISAPPROVAL; ORDER~~ DECISION.

When the ~~Public Utilities Commission~~ department approves, disapproves, or modifies a program, project, or evaluation plan, it shall set forth its reasons in a written ~~order~~ decision within 30 days from the date comments are due on the department's proposed decision specified under part 7690.1000. If the department's decision will not be issued within this 30-day period, the department shall notify the parties on the service list specified in part 7690.0800 of the date by which a decision will be issued.

~~7840.1300~~ 7690.1400 PROPOSED PROGRAM CHANGES.

Upon its own motion or upon the motion of a utility or other person, the ~~Public Utilities Commission~~ department may add a new project or modify, expand, or terminate an existing conservation improvement program or utility renewable resource pilot program before the program's expiration date. The moving party must ~~notify all~~ give notice of the motion to the participants in the affected utility's conservation improvement program case or utility renewable resource pilot program case of the motion. Interested persons must be allowed 15 days to submit comments on the proposed program changes. A change may be ordered to make a project more effective, to reach more participants, to reduce unnecessary or ineffective expenditures, to expand, change, or reduce the geographic area or target group that the project covers, or to change the time period during which the project would be in effect.

7690.1500 PETITION TO COMMISSION.

Petitions to the Public Utilities Commission to modify or revoke a department decision to require a program are governed by *Minnesota Statutes*, section 216B.241, subdivision 2.

REPEALER. *Minnesota Rules*, parts 7840.1000 and 7840.1400 are repealed.

State Board of Vocational Technical Education

Proposed Permanent Rules Relating to Business and Office Occupations

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Board of Vocational Technical Education intends to adopt the above-entitled rule as published in the *State Register* on August 21, 1989, Volume 14, Number 8, Pages 364-375, without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, Section 14.22 to 14.28. The statutory authority to adopt the rules is *Minnesota Statutes* 136C.04, Subdivision 9.

All persons have 30 days until 4:30 p.m., Wednesday, January 10, 1990, 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 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 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:

Georgia Pomroy, License Revision Specialist
Minnesota Technical College System
100 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
Telephone: (612) 296-0680

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 was published in the *State Register* on August 21, 1989, Volume 14, Number 8, Pages 364-375.

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 Georgia Pomroy at the above address and phone, 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 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 wish to receive a copy of the adopted rule must submit the written request to:

Georgia Pomroy
Minnesota Technical College System
100 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
(612) 296-0680

Helen Henrie, Deputy Director
Minnesota Technical College System

Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

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

Bureau of Mediation Services

Adopted Permanent Rules Relating to Arbitration Roster

The rules proposed and published at *State Register*, Volume 14, Number 2, pages 50-59, July 10, 1989 (14 S.R. 50) are adopted with the following modifications:

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Rules as Adopted

5530.0300 DEFINITIONS.

Subpart 1. **Advisory committee.** "Advisory committee" means a committee consisting of three union representatives, three employer representatives, and two roster members ~~that are~~ appointed by the commissioner under *Minnesota Statutes*, section 15.014, to advise the commissioner regarding the appointment and removal of persons to the arbitrator roster. The committee shall not expire as provided by *Minnesota Statutes*, section 15.059.

5530.0800 ARBITRATOR CONDUCT AND STANDARDS.

Subp. 9. **Filing copies of awards.** Unless one or both private sector parties have specifically requested that an award not be provided to the commissioner, arbitrators shall submit copies of all awards involving Minnesota work sites to the commissioner, regardless of the source of appointment or selection. ~~Roster members shall also provide the commissioner with a copy of all Minnesota public sector awards and all hearing officer reports filed as a result of selection under *Minnesota Statutes*, section 125.12.~~ Awards filed with the commissioner are public documents.

Department of Trade and Economic Development

Community Development Division

Adopted Permanent Rules Relating to Community Development Block Grants

The rules proposed and published at *State Register*, Volume 14, Number 8, pages 360-364, August 21, 1989 (14 S.R. 360) are adopted as proposed.

Withdrawn Rules

Department of Health

Notice of Withdrawal of Proposed Permanent Rules Relating to Fees for Manufactured Home Parks and Recreational Camping Areas

NOTICE IS HEREBY GIVEN that, pursuant to *Minnesota Statutes*, section 14.05, subdivision 3, the Minnesota Department of Health withdraws the above entitled rules proposed and published at *State Register*, Volume 14, Number 18, pages 1091 to 1096, October 30, 1989.

Official Notices

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

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

Department of Agriculture

Agronomy Services Division

Notice of Special Local Need Registration for Thimet 20G

NOTICE IS HEREBY GIVEN that the Department of Agriculture is submitting a special load need registration for the use of Thimet 20G, EPA Reg. No. 241-257 pursuant to the requirements of 3 MCAR 1.0338 (B) 4a.

The comment period will end thirty (30) days after the date of publication.

This registration would allow treatment of irrigated potatoes at lay-by instead of at planting at one-third less formulated product per acre.

If you have any questions, please contact:

Calvin E. Blanchard
Pesticide Registration Advisor
Agronomy Services Division
Minnesota Department of Agriculture

90 W. Plato Blvd.
St. Paul, Minnesota 55107
(612) 297-2530

Dated: 30 November 1987

Department of Commerce

Notice to Solicit Public Members and Medical Experts for Arbitration Panel. Proposed Adoption of Rules Relating to Appeal of Denial of Health Claims

NOTICE IS HEREBY GIVEN that the Department of Commerce is soliciting names of persons willing to serve on three-member panels to arbitrate appeals of denial of health claims pursuant to *Minnesota Statutes* § 72A.327.

The Department will be establishing lists of potential arbitration panel members. These lists will include persons with medical expertise, as well as members of the general public, as required by *Minnesota Statutes* § 72A.327.

Anyone interested in having his or her name placed on a list of potential arbitrators should submit his or her name and address to the following person on or before December 29, 1989.

Donna M. Watz
Department of Commerce
St. Paul, MN 55101
(612) 296-9423

Emergency Response Commission

Meeting Notice and Preliminary Agenda

1. Approval of minutes of previous meeting
2. Introduction of new agenda items
3. Committee Reports
   a. Reporting and Public Requests
   b. Emergency Planning
   c. Legislative
   d. Education and Training
4. Open-New Business

Meeting dates are:

January 11, 1990	State Office Building, 100 Constitution Avenue, Room 300 N
February 8, 1990	State Office Building, 100 Constitution Avenue, Room 300 N
March 8, 1990	To Be Determined
April 12, 1990	To Be Determined
May 10, 1990	To Be Determined
June 14, 1990	To Be Determined

All meetings will be held at 9:30 a.m. Contact the Commission for additional information (612) 643-3000.

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Department of Health

Office of Health Systems Development

Notice of Intent to Solicit Outside Opinions Concerning a Request for a Waiver of HMO Statutes and Rules by MedCenters Health Plan, Inc.

NOTICE IS HEREBY GIVEN that the Department of Health is seeking opinions and comments pertaining to a request by MedCenters Health Plan, Inc., for a waiver of HMO statutes and rules regarding full financial risk provisions of 62D.04, for its Medicare programs, SeniorChoice and SeniorLink. Such waivers are authorized for demonstration projects by *Minnesota Statutes* Section 62D.30.

The request submitted by MedCenters Health Plan, Inc. is available for inspection during normal business hours at the following location:

Alternative Delivery Systems
Room 472
Minnesota Department of Health
Minneapolis, Minnesota 55440
(612) 623-5365

Comments on the request must be received by December 18, 1989.

Department of Human Services

Chemical Dependency Program Division

Mental Health Division

Notice of Legislative Hearing on the Federal Alcohol, Drug Abuse and Mental Health Block Grant, and the Availability of a Statement Describing the Intended Use of Funds—Federal Fiscal Year 1990

NOTICE IS HEREBY GIVEN that a joint hearing will be conducted by the House Appropriations and Senate Finance Health and Human Services Divisions on the use of the Federal Alcohol, Drug Abuse and Mental Health Block Grant. The hearing will be held December 19, 1989 at 10:00 a.m. in Room 300N, State Office Building.

Notice is also given that the Department of Human Services has available a Description of Intended Use for funds available to the State of Minnesota from the Federal Fiscal Year 1990 Alcohol, Drug Abuse and Mental Health Block Grant. This description is being made available to the public for comment in accord with Title XIX, Part B of the Public Health Services Act.

Information about the Alcohol and Drug Abuse plan is available from: Sheila Vadnais, Chemical Dependency Division, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3823, phone 612/296-3991.

The Mental Health Services Plan is available from Al Oertwig, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3828, phone 612/296-2697.

All interested or affected persons and organizations are invited to attend the hearing or submit comments. Comments on the proposed plans may be directed to the contact persons listed above.

Department of Human Services

Division of Community Social Services

Notice of Publication of State Title XX Intended Use Report

The Division of Community Social Services has submitted a Title XX Intended Use Report for the period of October 1, 1989 through September 30, 1990 to the Department of Health and Human Services, Office of Human Development Services. The report is intended to meet federal requirements for funds provided under Title XX of the Social Security Act.

The plan is available for public review and comment. A copy of the plan can be obtained from the:

Department of Human Services
Division of Community Social Services
Title XX Intended Use Report—1990
Human Service Building
444 Lafayette Road
St. Paul, MN 55155-3839

Office of the Ombudsman for Mental Health and Mental Retardation

Notice of Meeting

The Ombudsman for Mental Health and Mental Retardation Advisory Committee will hold a general meeting at 9:00 a.m. on Friday, December 15, 1989. The meeting will be held at the Ombudsman Office, Suite 202, Metro Square Building at 7th and Robert Street, St. Paul.

Office of the Secretary of State

Notice of Vacancies in Multi-Member Agencies

NOTICE IS HEREBY GIVEN to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* 15.0597, subdivision 4. Application forms may be obtained from the Office of the Secretary of State, Open Appointments, 180 State Office Building, St. Paul, MN 55155-1299; (612) 297-5845, or in person at Room 174 of the State Office Building. More specific information about these vacancies may be obtained from the agencies listed below. The application deadline is January 2, 1990.

WASTE EDUCATION COALATION
Office of Waste Management, 1350 Energy Lane, St. Paul, 55108. 612-649-5750
Minnesota Statutes 115A.072

APPOINTING AUTHORITY: Office of Waste Management. COMPENSATION: Expenses.
VACANCY: Eighteen members: see the description of this new agency.

The coalition is to advise and assist the staff of the Office of Waste Management to develop, implement, and coordinate state and regional resources in an integrated long-term waste education program which encourages the reduction, reuse, resource recovery, and proper management of solid and hazardous wastes. Eighteen members: one member each from the Pollution Control Agency, Metropolitan Council, Dept. of Education, Dept. of Agriculture, State Planning Agency, Environmental Quality Board, Environmental Education Board, educational institutions, and other public agencies with responsibility for waste management or public education; and three persons representing private recycling or solid waste industries. Meeting schedule: up to twice a month, 5 hrs/mo., at the Office of Waste Management.

GOVERNOR'S ADVISORY COUNCIL ON TECHNOLOGY & PERSONS WITH DISABILITIES
MN State Council on Disability, 145 Metro Square Bldg., 7th St. & Jackson Pl., St. Paul 55101. 612-297-1554
Executive Order 86-12

APPOINTING AUTHORITY: Governor. COMPENSATION: None.
VACANCY: Two Members: members shall be appointed from consumers, service agencies, private sector, third party funding sources, education and library systems.

The council will coordinate, support and advance technology uses for persons with disabilities through implementation and training, information dissemination, technical services, research and development and technology. Fifteen members represent the private sector, consumers, service agencies, third party funding sources, education and library systems.

METROPOLITAN COUNCIL
Mears Park Centre, 230 E. Fifth St., St. Paul, 55101. 612-291-6390
Minnesota Statutes 473.123

APPOINTING AUTHORITY: Governor. Senate confirmation. COMPENSATION: $50 per diem plus expenses.
VACANCY: One member: resident of Metropolitan Council District 6, knowledgeable about urban and metropolitan affairs.

The council coordinates planning and development of the seven-county metro area and establishes policies for regional transportation, sewer, airports, parks, human services and housing systems. Seventeen members include sixteen members selected from districts of equal population, and a chair representing the metro area at large. The chair serves at the pleasure of the governor. Members cannot hold elected public office and must reside in the council district he or she represents. Meetings twice a month, St. Paul. Members must file with the Ethical Practices Board.

MN VETERANS HOME BOARD OF DIRECTORS
206A Veterans Service Bldg., St. Paul 55155. 612-296-2073
Minnesota Statutes 198.002

APPOINTING AUTHORITY: Governor, with advice and consent of the senate. COMPENSATION: $48 per diem plus expenses.
VACANCY: Two members: one public member, one representative of veterans organizations. Members shall be experienced in policy formulation with professional experience in health care delivery.

The board determines policy and adopts, amends, repeals laws for the governance of the Minnesota veterans homes and reports quarterly to the governor on the management, operation, and quality of care provided at the homes and takes other action as provided by law. Nine voting members include a chair designated by the governor, three public members and five members who are members of congressionally charted veterans organizations or their auxiliaries that have a statewide organizational structure and state level officers in Minnesota. Members shall be experienced in policy formulation and have professional experience in health care delivery, and shall fairly represent the geographical areas of the state. Meetings at various metropolitan locations, second Thursday of each month for five, six hours, plus subcommittee meetings.

GAMBLING CONTROL BOARD
Dept. of Gaming, Gambling Control Division, 10 River Pk. Plaza, M.S. 3315, St. Paul 55416. 612-297-5300
Laws of 1989, HF 66, Article 2, Sec. 17

APPOINTING AUTHORITY: Governor, with advice and consent of the senate. COMPENSATION: $48 per diem plus expenses.
VACANCY: One member.

The board issues, suspends and revokes licenses of organizations, bingo halls, distributors and manufacturers of gambling equipment, registers gambling equipment, collects license fees and inspects records, conducts hearings to insure integrity of operations and compliance with all applicable laws and rules. Six members, no more than three members from the state political party. Meeting schedule and location not determined.

Minnesota State Retirement System

Regular Meeting of Board of Directors

A meeting of the Board of Directors, Minnesota State Retirement System, will be held on Friday, December 15, 1989 at 8:30 a.m. in the office of the System, 529 Jackson Street, St. Paul, Minnesota.

State Contracts and Advertised Bids

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

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

Commodities contracts with an estimated value of $15,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

Awards of contracts and advertised bids for commodities and printing, as well as awards of professional, technical and consulting contracts, appear in the midweek STATE REGISTER Contracts Supplement, published every Thursday. Call (612) 296-0931 for subscription information.

Department of Administration: Materials Management Division

Contracts and Requisitions Open for Bid

Call 296-2600 for information on a specific bid, or to request a specific bid. Contact listed buyer.

Commodity: Meat for January delivery 1990
Contact: Linda Parkos 296-3725
Bid due date at 2pm: December 15
Agency: Corrections Department
Deliver to: Stillwater
Requisition #: 78620 00311

Commodity: Traffic recorders
Contact: Pam Anderson 296-1053
Bid due date at 2pm: December 18
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 79000 03559

Commodity: Interspan
Contact: Pam Anderson 296-1053
Bid due date at 2pm: December 14
Agency: Transportation Department
Deliver to: Willmar
Requisition #: 79800 03518

Commodity: Tire dump abatement
Contact: Jim Johnson 296-3779
Bid due date at 2pm: January 4
Agency: Pollution Control
Deliver to: Mankato
Requisition #: Price Contract

Commodity: Helicopter
Contact: Mary Jo Bruski 296-3772
Bid due date at 2pm: December 18
Agency: Public Safety
Deliver to: St. Paul
Requisition #: 07500 61253

Commodity: Dairy and triple beam balance scales
Contact: Joe Gibbs 296-3750
Bid due date at 2pm: December 18
Agency: Transportation Department
Deliver to: Various
Requisition #: 79100 09080

Commodity: Brass sieves
Contact: Joe Gibbs 296-3750
Bid due date at 2pm: December 21
Agency: Transportation Department
Deliver to: Various
Requisition #: 79200 03690

Commodity: Validation system
Contact: Bernie Vogel 296-3778
Bid due date at 2pm: December 14
Agency: Electricity Board
Deliver to: St. Paul
Requisition #: 11 1010 08271

Commodity: Plastic cylinder molds
Contact: Joe Gibbs 296-3750
Bid due date at 2pm: December 21
Agency: Transportation Department
Deliver to: Various
Requisition #: 79990 00259

Commodity: Aggregates
Contact: Joan Breisler 296-9071
Bid due date at 2pm: December 15
Agency: Transportation Department
Deliver to: Various
Requisition #: Price Contract

Commodity: Ready Mix
Contact: Joan Breisler 296-9071
Bid due date at 2pm: December 15
Agency: Transportation Department
Deliver to: Various
Requisition #: Price Contract

Commodity: Silica sand
Contact: Joan Breisler 296-9071
Bid due date at 2pm: December 15
Agency: Transportation Department
Deliver to: Various
Requisition #: Price Contract

Commodity: Portland cement
Contact: Joan Breisler 296-9071
Bid due date at 2pm: December 15
Agency: Transportation Department
Deliver to: Various
Requisition #: Price Contract

Commodity: Bituminous
Contact: Joan Breisler 296-9071
Bid due date at 2pm: December 15
Agency: Transportation Department
Deliver to: Various
Requisition #: Price Contract

Commodity: Winter sand
Contact: Joan Breisler 296-9071
Bid due date at 2pm: December 15
Agency: Transportation Department
Deliver to: Various
Requisition #: Price Contract

Commodity: Aggregates
Contact: Joan Breisler 296-9071
Bid due date at 2pm: December 19
Agency: Transportation Department
Deliver to: Windom
Requisition #: Price Contract

Commodity: ReadyMix
Contact: Joan Breisler 296-9071
Bid due date at 2pm: December 19
Agency: Transportation Department
Deliver to: Windom
Requisition #: Price Contract

Commodity: Silica sand
Contact: Joan Breisler 296-9071
Bid due date at 2pm: December 19
Agency: Transportation Department
Deliver to: Windom
Requisition #: Price Contract

Commodity: Portland cement
Contact: Joan Breisler 296-9071
Bid due date at 2pm: December 19
Agency: Transportation Department
Deliver to: Windom
Requisition #: Price Contract

Commodity: Bituminous
Contact: Joan Breisler 296-9071
Bid due date at 2pm: December 19
Agency: Transportation Department
Deliver to: Windom
Requisition #: Price Contract

Commodity: Winter sand
Contact: Joan Breisler 296-9071
Bid due date at 2pm: December 19
Agency: Transportation Department
Deliver to: Various
Requisition #: Price Contract

Commodity: Tire dump abatement—Belle Plaine
Contact: Jim Johnson 296-3779
Bid due date at 2pm: January 4
Agency: Pollution Control Agency
Deliver to: Belle Plaine
Requisition #: Price Contract

Commodity: Terminal stand
Contact: John Bauer 296-2621
Bid due date at 2pm: January 4
Agency: Bemidji State University
Deliver to: Bemidji, MN
Requisition #: 26 070 13937

Commodity: Used IBM AT's
Contact: Bernie Vogel 296-3778
Bid due date at 2pm: January 4
Agency: St. Peter Regional Treatment Center
Deliver to: St. Peter, MN
Requisition #: 55 105 08558

Commodity: Intergraph monitors
Contact: Bernie Vogel 296-3778
Bid due date at 2pm: January 4
Agency: Transportation Department
Deliver to: St. Paul
Requisition #: 79 000 03521

Commodity: Express computer systems
Contact: Bernie Vogel 296-3778
Bid due date at 2pm: January 4
Agency: Fergus Falls Community College
Deliver to: Fergus Falls, MN
Requisition #: 27 142 490893

Commodity: Rubbish disposal—rebid
Contact: Joyce Dehn 297-3830
Bid due date at 2pm: December 19
Agency: Military Affairs
Deliver to: Duluth
Requisition #: Price Contract

Commodity: Winter sand
Contact: Joan Breisler 296-9071
Bid due date at 2pm: December 19
Agency: Transportation Department
Deliver to: Various
Requisition #: Price Contract

Commodity: Cardboard boxes
Contact: Joan Breisler 296-9071
Bid due date at 2pm: December 19
Agency: Natural Resources
Deliver to: Various
Requisition #: 29003 04345

Commodity: Winona Minnehall red-demountable wall partitions
Contact: John Bauer 296-2621
Bid due date at 2pm: December 18
Agency: State University
Deliver to: Winona
Requisition #: 26074 13205

Department of Administration: Print Communications Division

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

Printing vendors NOTE: Other printing contracts can be found in the Materials Management Division listing above, and in the Professional, Technical & Consulting Contracts section immediately following this section.

Commodity: Report to the People, 3,000 books, 803 cover-Quintessence Gloss, saddle-stitch 6 color cover, 5 color body
Contact: Printing Buyer's Office
Bids are due: December 14
Agency: Minnesota State University System
Deliver to: St. Paul
Requisition #: 3500

Commodity: Summer scholarship brochure, 35,000 books, type to be set, halftones
Contact: Printing Buyer's Office
Bids are due: December 14
Agency: Higher Education Coordinating Board
Deliver to: St. Paul
Requisition #: 3444

Commodity: Index deposit list, 25,000 snapout sets, type to be set, one-sided, carbon interleave
Contact: Printing Buyer's Office
Bids are due: December 14
Agency: Public Safety
Deliver to: St. Paul
Requisition #: 3517

Commodity: Location breakdown for calendar quarter ending, camera ready copy, two-sided, 6,000 sets, pinfeed at sides, perforation
Contact: Printing Buyer's Office
Bids are due: December 14
Agency: Jobs & Training
Deliver to: St. Paul
Requisition #: 3509

Commodity: Summer scholarship poster, camera ready copy, one-sided, 3,800, negs available
Contact: Printing Buyer's Office
Bids are due: December 14
Agency: Higher Education Coordinating Board
Deliver to: St. Paul
Requisition #: 3445

Commodity: OSHA invoice slip, type to be set, carbonless, perforating, one-sided, 5,000 sets
Contact: Printing Buyer's Office
Bids are due: December 14
Agency: Labor & Industry
Deliver to: St. Paul
Requisition #: 3542

Commodity: Employee bi-weekly time report, camera ready copy, negs available, one-sided, 5,000 books
Contact: Printing Buyer's Office
Bids are due: December 14
Agency: Central Stores—Department of Administration
Deliver to: St. Paul
Requisition #: 3497

Commodity: Patrol car door decals, 350, decal emblem size 21″x16″
Contact: Printing Buyer's Office
Bids are due: December 14
Agency: Mn State Patrol
Deliver to: St. Paul
Requisition #: 3559

Commodity: College Catalog, 9,000 books, 48pp plus cover, type to be set
Contact: Printing Buyer's Office
Bids are due: December 14
Agency: Worthington Community College
Deliver to: Worthington, MN
Requisition #: 3392

Commodity: Notice of delinquent tax report, 70,000 sheets, camera ready copy 8½x11, perforating
Contact: Printing Buyer's Office
Bids are due: December 14
Agency: Jobs & Training
Deliver to: St. Paul
Requisition #: 3508

Commodity: Richard J. Dorer Memorial Hardwood State Forest Map, camera-ready copy, size: 30″ x 38″, some negs furnished, quantity: 15,010
Contact: Printing Buyer's Office
Bids are due: December 18
Agency: Natural Resources
Deliver to: St. Paul
Requisition #: 3448

Professional, Technical & Consulting Contracts

Department of Employee Relations

Request for Proposal for Technology Retraining Project

Background

The Department of Employee Relations is pleased to announce that grant money is available to state agencies to provide training programs for their employees. The purpose of these training programs is to retrain current employees to meet new job demands or changing staffing needs caused by the expanded use of technology in the work place.

A legislative appropriation of $253,000.00 is available for demonstration projects and may be awarded to a single state agency or to a number of state agencies. Awards will be granted by DOER to those agencies whose projects produce benefits to the state and whose experience provides a model for other agencies.

Agency heads are granted the authority to require individuals to participate in these demonstration projects as a condition of continued employment. Agencies are expected to provide contributions, such as released time for employees, and are encouraged, whenever possible, to supplement the grant money with other funds.

Awards will be made by mid-February, 1990. The agency(ies) chosen will be expected to implement the projects between March 1, 1990 and March 1, 1991. It is expected that $121,000.00 of the legislative appropriation will be encumbered by June 30, 1990 and the remaining $132,000.00 by March 1, 1991.

Enabling legislation states that DOER "shall ensure that employees are given the maximum opportunity possible to change civil service classifications, employment conditions, positions and appointing authorities after satisfactory completion of the retraining programs."

Eligibility: Consideration will be given to any proposal submitted by an executive-branch agency head. DOER particularly encourages proposals that include the training of one or more of the following:

- employees on layoff lists or employees facing layoffs
- employees not trained in new technology whose work has changed because of automation
- employees with program expertise (users) who need technical skills
- employees with technical skills (EDP professionals) who need to upgrade their technical skills because of the acquisition of new systems

Criteria: It is essential that each agency proposal provides the following information. Proposals will be evaluated with points given for each criterion as shown below:

1. Demonstrate where and how the agency is in the process of implementing new systems of technology (10 points).

2. Show how the training program being proposed is designed to train current staff so that the agency does not require additional technical staff support (25 points).

3. Specify the target groups of the retraining program, how they will be selected, and how these groups and the agency will benefit (15 points).

4. Include a detailed training plan indicating types of training, internal and external sources of training, timelines and evaluation devices (25 points).

5. Indicate the extent to which the project has transferability to other agencies (25 points).

6. Specify agency contributions and outside support, if applicable.

7. Provide a budget for the entire project and a listing of personnel responsible for implementation.

Procedures for submitting applications: Agency heads are invited to submit applications to Commissioner Nina Rothchild, Minnesota Department of Employee Relations, 520 Lafayette Road, St. Paul, Minnesota 55155. An information session will be provided by DOER on December 15, for potential applicants. **THE DEADLINE FOR APPLICATIONS IS 4:30 p.m. on JANUARY 16, 1990.**

Review process: Applications will be reviewed jointly in January by DOER and the Information Policy Office (IPO) of the Minnesota Department of Administration. The DOER/IPO review will identify a list of candidates for consideration by the Technology Retraining Advisory Committee set up by DOER to make recommendations to the Commissioner. Candidates on the list will be invited to make a presentation to the members of an Advisory Committee around February 9, 1990. After the Advisory Committee recommends a finalist (or finalists) to DOER, the Commissioner and IPO will determine an award winner(s). Candidates will be notified February 15, 1990.

Agencies selected to receive DOER funds will be expected to document changes in skill levels of employees due to participation in their program. Additional reporting to DOER will be conducted on a quarterly basis. Reporting shall include issues related to the appropriateness of job classifications.

Information: A copy of the enabling legislation is attached. For more information about this project, please call Vera Vogelsang-Coombs at (612) 296-8933.

Department of Health

Request for Proposals to Produce Anemia Screening Training Video

The Minnesota WIC Program (Special Supplemental Food Program for Women, Infants, and Children) of the Minnesota Department of Health is seeking proposals from agencies or individuals interested in competing for a contract to produce a training video. The video will be used to train WIC program nutritionists, nurses, and paraprofessionals on correct procedures for blood collection, testing, and interpretation of tests for anemia. The format of the video will be based on that of an existing training video on correct procedures for measuring height and weight. The video will include some minimal special effects.

The contractor for this project will produce one 10-13 minute videotape. Applicants will be expected to demonstrate the creative, technical, administrative, and fiscal capability to complete this project. Materials produced under this contract may not be copyrighted; products are in the public domain.

The anticipated amount of this contract is not more than $16,000. The estimated starting date is March 4, 1990 and estimated end date May 21, 1990.

Agencies interested in bidding for this contract should request a copy of the Request for Proposal from:

Justine Schindeldecker
WIC Program
Minnesota Department of Health
717 Delaware Street S.E.
P.O. Box 9441
Minneapolis, Minnesota 55440
(612) 623-5266

The deadline for submitting proposals is 4:00 p.m., Wednesday, January 17, 1990. Some applicants will be asked to participate in an interview with a review committee, and to show two or more examples of their previous video productions, preferably of health services content. The selection of a contractor from those who have submitted proposals will be announced on February 9, 1990.

Minnesota Historical Society

Advertisement for Bids for Construction of Wanigan Replica

BIDS

Sealed bid proposals for the construction of a Wanigan replica of a type common to northern Minnesota rivers circa 1900, at the Minnesota Historical Society's Forest History Center, in accordance with specifications prepared for the Minnesota Historical Society, will be received in the office of the Contract Officer, Minnesota Historical Society, 1500 Mississippi Street, St. Paul, MN 55101 until 3:00 p.m., Central Standard Time, on January 4, 1990, at which time the bids will be publicly opened and read aloud. Bids received after 3:30 p.m., January 4, 1990, will be returned unopened.

BID SECURITY

Each proposal must be accompanied by a cash deposit, cashier's check, certified check, or corporate surety bond of a surety company duly authorized to do business in Minnesota, in the sum of not less than 5% of the total bid, payable without condition to the Minnesota Historical Society, which is submitted as bid security.

SPECIFICATIONS

Copies of bidding documents for preparation of bids will be available for inspection at the office of the Contract Officer, Minnesota Historical Society, 1500 Mississippi Street, St. Paul, Minnesota, and at the Minnesota Historical Society's Forest History Center, 2609 County Road 76, Grand Rapids, Minnesota.

In addition, interested contractors may obtain photocopies of bidding documents for preparation of bids by contacting Mark Schwartz, Contract Officer, Minnesota Historical Society, 1500 Mississippi St., St. Paul, MN 55101, (612) 296-2155.

CONDITIONS OF BIDS

The Minnesota Historical Society reserves the right to accept or reject any or all bids and to waive any irregularities therein. No bid may be withdrawn within thirty (30) days after the scheduled closing time for the receipt of bids.

Advertisement for Bids for Manufacturing of Floatation System

BIDS

Sealed bid proposals for the manufacturing of a floatation system, to be used in conjunction with the construction of a Wanigan replica at the Minnesota Historical Society's Forest History Center, in accordance with specifications prepared for the Minnesota Historical Society, will be received in the office of the Contract Officer, Minnesota Historical Society, 1500 Mississippi Street, St. Paul, MN 55101 until 2:00 p.m., Central Standard Time, on January 4, 1990, at which time the bids will be publicly opened and read aloud. Bids received after 2:00 p.m., January 4, 1990, will be returned unopened.

BID SECURITY

Each proposal must be accompanied by a cash deposit, cashier's check, certified check, or corporate surety bond of a surety company duly authorized to do business in Minnesota, in the sum of not less than 5% of the total bid, payable without condition to the Minnesota Historical Society, which is submitted as bid security.

SPECIFICATIONS

Copies of bidding documents for preparation of bids may be obtained by contacting Mark Schwartz, Contract Officer, Minnesota Historical Society, 1500 Mississippi St., St. Paul, MN 55101, (612) 296-2155.

CONDITIONS OF BIDS

The Minnesota Historical Society reserves the right to accept or reject any or all bids and to waive any irregularities therein. No bid may be withdrawn within thirty (30) days after the scheduled closing time for the receipt of bids.

Notice of Availability of Contract for Exhibit Model Designers

The Minnesota Historical Society seeks independent contractors as a model designers/builders for collections-based exhibits; 2/1 - 6/15/90 and 5/15 - 7/19/90. Requires experience in exhibit or architectural model building. Experience with MacIntosh computer-aided design preferred. Letter of application with resume must be received by Mark Schwartz, Contract Officer, 1500 Mississippi St., St. Paul, MN 55101, 612/296-2155, by 12/27/89.

Notice of Availability of Contract for Exhibit Design Research Consultant

The Minnesota Historical Society seeks independent contractor to provide collections-based exhibit design and research support for storyboard development; 2/1 - 5/30/90. Requires B.A. in writing, communications or related field; experience in exhibit production or combining text with graphics, and creative writing or copy writing. Letter of application with resume must be received by Mark Schwartz, Contract Officer, 1500 Mississippi St., St. Paul, MN 55101, 612/296-2155, by 12/27/89.

Minnesota Housing Finance Agency

Request for Proposals to Provide Title Insurance and Related Services

The Minnesota Housing Finance Agency (MHFA) is in the process of developing several new mortgage programs to assist low to moderate income homebuyers throughout the state. These programs will require that MHFA take on the new responsibility of direct origination of these specialized mortgage loans. To accomplish this in the most effective manner, MHFA will contract with two or more title insurance companies throughout the state to provide a variety of services related to those mortgage loans.

The services MHFA will be asking the title companies to perform will include those normally required of a title company by a mortgage lender, including acting as our closing agent, providing title insurance and acting as a financial intermediary in the closing process.

In addition, MHFA may ask the title company to perform interim and/or final property inspections on properties which are being rehabilitated or newly constructed. The title companies should be well-versed in construction financing and be willing to collect lien waivers. In an effort to minimize closing costs for borrowers on those transactions, MHFA would also hope that the title companies could provide a title insurance policy to the builder/developer at the closing of the construction loan which could be rewritten for the benefit of the ultimate borrower at a reduced fee.

MHFA may also require several services which do not normally fit within the context of those provided by title companies on behalf of a mortgage lender. These types of services include the ability of the title company to act as our financial intermediary for the payment of services not normally associated with the closing of a mortgage loan, such as the appraiser and credit reporting agency.

Eligible Applicants: Eligible applicants are title insurance companies which can demonstrate the ability to perform the required services on a state-wide basis for mortgage loans on 1-4 family residential properties.

Application Process: Application packets should be requested from MHFA. Completed applications are due at MHFA offices by 4:30 p.m. on Friday, December 29, 1989. MHFA staff will review those applications, select at least 2 title insurance companies and cause contracts to be executed between MHFA and the selected title companies by mid-January of 1990.

Applicants are encouraged to contact the Minnesota Housing Finance Agency to discuss their proposal prior to submission of their application.

For further information you may contact:

Bruce Strong
Housing Development Officer
Minnesota Housing Finance Agency
400 Sibley Street, Suite 300
St. Paul, MN 55101-1998
(612) 297-3131

MHFA reserves the right to modify or withdraw this Request for Proposal at any time and is not able to reimburse any applicant for costs incurred in the preparation or submission of applications.

Department of Human Services

Brainerd Regional Human Services Center

Notice of Request for Proposal for Medical Services

NOTICE IS HEREBY GIVEN that Brainerd Regional Human Services Center is seeking the following services for the period January 1, 1990 through June 30, 1990. These services are to be performed as requested by the administration of the Brainerd Regional Human Services Center.

1. Services of Child/Adolescent Psychiatrist to perform consultation and treatment for mentally ill child and adolescent patient in the Timberland and Mental Health Program, two days per week for 6 months, on campus at times jointly agreed to. The amount of the contract is estimated not to exceed $12,000.00 for the period January 1, 1990 through June 30, 1990.

Responses on the above services must be received by 11:00 a.m. January 1, 1990.

Direct inquires to:

Keith R. Bernard
Hospital Services Director
Brainerd Regional Human Services Center
1777 Highway 18 East
Brainerd, MN 56401
(218) 828-2220

Department of Labor and Industry

Request for Proposals for Technical Management Consultants

The Minnesota Department of Labor and Industry is requesting proposals from Public Relations/Marketing Consultants in designing a comprehensive constituent outreach program for the Regulation and Enforcement Division of the Department. The Division works to ensure that conditions of employment, safety standards, and wages paid comply with legal requirements. The Regulation and Enforcement Division consists of the following programs:

Labor Standards

Apprenticeship

Code Enforcement

OSHA Compliance

OSHA Consultation

The goal of this project is to develop a complete outreach plan to increase the public's awareness of the Regulation and Enforcement Division, the laws it is responsible for regulating and the services it offers to Minnesota constituents.

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

Responder may propose additional tasks or activities if they will substantially improve the results of the project.

Prospective responders who have any questions regarding the request for proposal may contact:

James Collins, Director, Technical Services Division
MN Department of Labor and Industry
Regulation and Enforcement Division
443 Lafayette Road
St. Paul, Minnesota 55155-4308

All proposals must be sent to and received by:

James Collins, Director, Technical Services Division
MN Department of Labor and Industry
Regulation and Enforcement Division
443 Lafayette Road
St. Paul, Minnesota 55155-4308

Proposals must be received no later than 4:30 p.m., December 29, 1989. Late proposals will not be accepted. Submit four (4) copies of proposals. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. Each copy of the proposal must be signed, in ink, by an authorized member of the firm. Prices and terms of the proposals as stated must be valid for the length of the project.

The Department has estimated that the cost of this project should not exceed $5,000.00.

The project will be completed within three (3) months from the date of project authorization.

Minnesota State Lottery

Notice of Request for Proposal for Administrative and Game Control Equipment and Software and Related Consulting Services

The Minnesota State Lottery is requesting proposals from individuals and firms to provide administrative and game control equipment and software and related consulting services.

The contract will commence around January 10, 1990. Proposals must be received no later than 12:00 Noon on December 28, 1989.

Copies of the RFP are available upon request. Requests should be directed to:

Dale L. McDonnell, Esq.
Legal Counsel
Minnesota State Lottery
658 Cedar Street
Centennial Bldg.—2nd Floor
St. Paul, MN 55155
(612) 297-7104

Notice of Request for Proposal for Instant Ticket Testing Services for Lottery

The Minnesota State Lottery is requesting proposals from individuals and firms to provide instant ticket testing services for the Lottery.

The contract will commence around January 10, 1990. Proposals must be received no later than 4:30 p.m. on December 15, 1989.

Copies of the RFP are available upon request. Requests should be directed to:

Dale L. McDonnell, Esq.
Legal Counsel
Minnesota State Lottery
658 Cedar Street
Centennial Bldg.—2nd Floor
St. Paul, MN 55155
(612) 297-7104

Minnesota Zoological Garden

Request for Proposals for Program Development

The Minnesota Zoological Garden is currently soliciting proposals for development of (1) interpretive graphics for the new Tropical Coral Reef exhibit, (2) an action plan to stimulate community interest in the opening of a new Tropical Coral Reef exhibit through special activities and events for a 3-6 week period prior to opening, and (3) a strategy to establish organizational outreach with local organizations whose programming uses an interactive/recreational approach to education.

The following criteria will be used in the selection process:

- Experience in zoo education program development
- A background in tropical coral reef biology and knowledge of marine life
- Experience in interpretive graphics design
- Past experience in public relations and/or special event coordination relating to new exhibit emphasis.

The estimated budget is $10,000.00, although this estimate does not obligate the Minnesota Zoo to issue a contract at that amount.

Proposals are to be submitted, along with vita detailing above criteria, on or before 4:00 p.m. on January 2, 1990 to the contracting officer who is:

Thomas B. Williams, Strategic Services Director
Minnesota Zoological Garden
13000 Zoo Boulevard
Apple Valley, MN 55124
(612) 431-9302

State Grants

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Department of Public Safety

Office of Drug Policy

The Office of Drug Policy Announces the Availability of Federal Anti-Drug Grant Funds for Community Projects Which Provide Coordinated, Innovative Drug Prevention Services to "High-risk" Youth"

Eligible Applicants: Public or private non-profit entities which include schools, community health boards, community social service agencies, community correction agencies, law enforcement agencies, parent groups, community action agencies, churches and other community based organizations.

Eligible Projects: Prevention programs should address drug abuse (drugs include alcohol and tobacco) as a part of a larger pattern of risk behavior (i.e. delinquency, suicide, school failure).

Eligible types of projects include programs for drug abuse prevention, intervention, rehabilitation and education; training for those who provide drug prevention services and technical assistance to help communities plan and implement prevention programs.

Funds: $375,000 is available. Up to 12 projects are expected to be funded. The average grant award is anticipated to be $30,000 for up to 12 months. Approved 1990 grantees will have an option to renew in 1991. Renewal is subject to agreement by both parties and availability of 1991 federal funds.

Technical Assistance: The Office of Drug Policy will make staff available to assist selected finalists, based on need, to complete final contracts.

Proposal Due Date: January 5, 1990 by 4:30 p.m. in office and address below.

Request for Proposal: To receive a copy of the Request for Proposal which describes how to apply for this funding, contact:

Jeri Boisvert/Stephen Winfield
Office of Drug Policy
Department of Public Safety
316 State Transportation Building
St. Paul, MN 55155
(612) 296-0922

Supreme Court Decisions

Filed 8 December 1989

C8-88-2208 Randy W. Ress v. Abbott Northwestern Hospital, Inc., petitioner, Appellant, Commissioner of Jobs and Training. Court of Appeals.

Supreme Court Decisions

Registered nurse committed misconduct within the meaning of *Minn. Stat.* § 268.09, subd. 1(b) (1988) by initiating an unauthorized, unaccepted and dangerous procedure and refusing to follow a physician's directions.

Reversed. Yetka, J.

C4-88-2545 State of Minnesota v. Sachet Gilbert, petitioner, Appellant. Court of Appeals.

Defendant was properly convicted of attempted second-degree intentional murder, but interests of justice require the reduction of his sentence.

Affirmed as modified. Yetka, J.

Announcements

New Minnesota career information publication now available: A new publication containing a wealth of data about occupations, including size, salary level, growth rate, number of expected openings and training required, is now available to the public. The 36-page, newspaper-style publication, entitled "Minnesota Careers," is intended to serve as a reference, supplying students and adults with the information they need to explore various career options. Additional sources of information and resources to contact for help with career choice and training also are included. Complimentary supplies of the publication are being sent to all junior and senior high schools, most post-secondary educational institutions and all public libraries in the state. Copies also will be available through the various offices and programs administered by the Department of Jobs and Training, including Job Service, Rehabilitation Services, State Services for the Blind, Job Training, Displaced Homemakers and STRIDE. Additional copies in limited quantities may be obtained by contacting the Research and Statistics office, Hugh Heimdahl or Don Hilber 612/296-6545.

Winter Guide to Cross-Country Skiing in Minnesota Now Available: Just in time for winter snowfalls, the Minnesota Department of Natural Resources (DNR) has released its annual free guide to cross-country skiing in Minnesota. Developed in conjunction with the Office of Tourism, the 19-page catalogue locates and describes features on more than 215 cross-country ski areas throughout Minnesota. The Great Minnesota Ski Pass, now in its seventh year, is required for skiers ages 16-64 on all publicly provided trails listed in the trail guide. The DNR advises everyone to check cross-country ski pass legal requirements. An annual ski pass is $5. A couple's annual ski pass is $7.50. A three-year ski pass is also available at $14 for individuals or $21 for couples. All proceeds from the ski pass help fund grooming and maintenance of statewide cross-country skiing facilities. The free trail guide and ski passes can be ordered by calling (612) 296-6699 in the Twin Cities, or by calling toll free Minnesota 1-800-652-9747 (8 a.m. to 4:30 p.m. weekdays) and asking for "The Great Minnesota Ski Pass." Passes can be charged on VISA or Mastercard. Telephone operators can also provide the latest snow depth information, clarify mailing procedures for the ski pass, and identify local ski pass outlets in addition to those listed in the guide. Those who need their ski passes immediately may purchase them at most Minnesota state parks, county auditors offices, and at about 100 other local parks and businesses. For more information, contact: Dan Collins, Trails & Waterways (612) 296-6048.

DNR Issues Ice Warning for Aerated Lakes: A list of Minnesota lakes where aeration devices will be operating this winter has been released by the Minnesota Department of Natural Resources (DNR) in order to warn ice fishermen, skiers, snowmobilers and others about the potential hazard of being on the ice. Aeration devices create areas of open water and thin ice that provide a refuge area with adequate dissolved oxygen where fish can survive the winter months in lakes that suffer from periodic winterkill of fish. Aeration systems may also be permitted for other purposes. Aeration systems are generally in operation from early winter until the ice breaks up in the spring. DNR officials urge people to use caution when on the ice of aerated lakes, particularly at night. Open water areas created by aeration systems can shift or change shape, depending on weather conditions. Air lines might develop leaks, causing other areas of weak ice or open water. For more information, contact: Steve Enger, Aquatic Biologist (612) 296-2835.

They're Great Lakes: Mn/DOT's Great Lakes transportation plan is available from the Ports and Waterways Section. It contains historical background on Great Lakes and St. Lawrence Seaway transportation, current information and issues and Mn/DOT's position on those issues. Copies are available from Kaye Schouweiler, (612) 296-8554.

River Stories That Warm Your Heart



A Stretch on the River. 1950 novel about the son of a wealthy family who goes to work on a Mississippi River towboat to avoid being drafted. With power, gusto and humor, author Richard Bissel creates an energetic, rowdy, and delightful account of a typical trip up the river, accurately re-creating a colorful era of towboating on America's major waterway. Stock #17-6, $8.95 plus tax.

High Water. During the worst flood on the Mississippi River anyone can remember, the mate of a towboat has his hands full on a perilous trip, working with an unhappy crew, an angry captain, and too many barges to push against too much river. A 1954 Richard Bissel novel reveals the drama, humor and charm of working on the river. Stock #17-8. $8.95 plus tax.

Old Times on the Mississippi River. George Merrick's lively, loving, and humorous reminiscences of his steamboat life from the bottom up, as a pantry boy, apprentice engineer, second clerk, and "cub" pilot. First published in 1909, he describes steamboat operations—from machinery and personnel to the economics of the business—with vivid examples and rich detail. 323 pp. includes appendices and index. Stock #17-45. $8.95 plus tax.

Canoeing with the Cree. Minnesota's distinguished newsman, Eric Sevareid, wrote his first book in 1935 about a canoe journey he and a classmate made to Hudson Bay. The classic recounts their trip on the Mississippi, Minnesota and Red River of the North Rivers into Lake Winnipeg, and then God's River to Hudson Bay. 209 pp. includes index, maps and photos. Stock #17-14. $6.95 plux tax.

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add $1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. ***Prices are subject to change.***

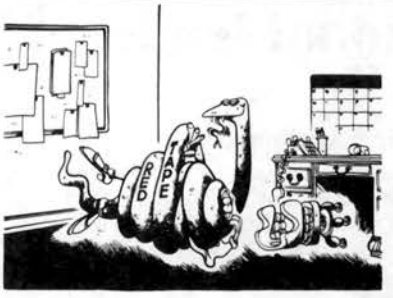
Publication editors: As a public service, please reprint this ad in your publication, either as is, reduced, or redesigned to suit your format.

"Red Tape" Choking You?

Relax. Unwind. Cut your frustrations with the ***Minnesota Guidebook to State Agency Services 1987-1990.***

Packed with information that cuts red tape and gets results fast, the ***Guidebook*** tells you how to put your tax dollars TO WORK FOR YOU! It tells how to obtain grants, scholarships, assistance, information services, tax help and forms, maps, reports, guides, newsletters and publications.

You'll gain access to state agencies like never before and have AT YOUR FINGERTIPS emergency phone numbers, crisis and hot lines. This ***Guidebook*** will save you valuable time and money by



speedily getting you through the fears of license requirements, forms, fees, application and complaint filing, and even tells the length of waiting time for obtaining services.

Need to know about license requirements for your profession and for recreation? IT'S A BREEZE with the ***Guidebook*** on your desk. It's a treasure of information on state parks, campgrounds, state forests and wildlife management areas, historic sites, museums, art galleries, festivals, libraries, education resources, agency descriptions with names and phone numbers of real people, statistical data and historical profiles.

It's "MINNESOTA'S OWNER'S MANUAL"—the handiest, fact-filled resource that answers thousands of your questions about Minnesota and how it works. Order today before they're gone. Stop struggling with bureaucratic red tape! Stock #1-4, 640 pages. $15.00 + 90¢ tax.

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



Social workers', counselors' and therapists' guides and directories

It's Never OK. A handbook for professionals on sexual exploitation by counselors and therapists. It covers the therapeutic and prevention issues and employer responsibilities, plus recommended curriculum for training institutions for counselors and therapists. Stock No. 14-16. $19.95 + tax.

Chemical Dependency Programs Directory 1989. Features comprehensive listings for programs ranging from prevention/intervention services to a wide range of treatment services. Each type of program includes a listing of facilities and description of programs. Stock No. 1-12, $15.00 + tax.

Process parenting—Breaking the Addictive Cycle. This training manual provides parent education and treatment techniques for professionals working with recovering chemically dependent parents or dysfunctional families. Stock No. 5-4, $15.00 + tax.

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

Publication editors: As a public service please reprint this ad in your publications. Thank you.

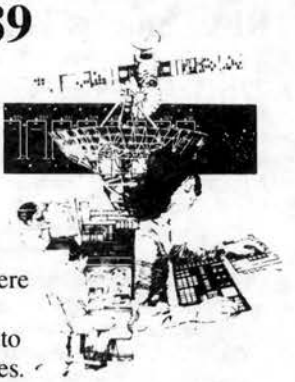
Minnesota Manufacturer's Directory 1988-89



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

UPDATED: Name, address, phone number, staff size, sales volume, market area, year of establishment, type of firm, C.E.O., Sales or Marketing Manager, Purchasing Manager and four major manufactured products. Code #40-2, $76.50.





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

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call (612) 297-3000, or toll-free in Minnesota: 1-800-652-9747. Minnesota residents please include 6% sales tax. On all orders, add $1.50 per order for postage and handling. Prepayment is required. Please include daytime phone. VISA/MasterCard orders accepted over phone and through mail. ***Prices are subject to change.***

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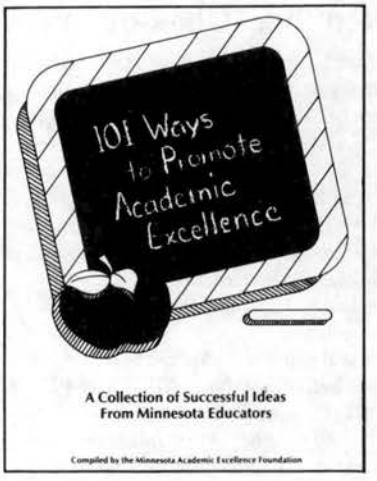
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STATE OF MINNESOTA

ETHICAL PRACTICES BOARD

In the matter of the Proposed Adoption of the Rule of the State Ethical Practices Board Governing Campaign Financing (Minnesota Rules parts 4500.0100-4500.4400) and Economic Interest Disclosure (Minnesota Rules Parts 4505.0100-4505.1000)	FINDINGS 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 11, 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 1(a) and 14.22 on November 28, 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 mailing 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. (3) 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) The above captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as published is adopted this 30th day of March, 1990, pursuant to authority vested in the Board by Minnesota Statutes, section 10A.02, subd. 13.

(9)

Mary Ann McCoy
Executive Director

In the Matter of the Adoption of the Rule Relating to Campaign Financing and Economic Interest Disclosure

DECLARATION OF COUNSEL

I, MARTHA J. CASSERLY, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the 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 0428.

Dated: April 5, 1990.

Martha J. Casserly

MARTHA J. CASSERLY
Special Assistant
Attorney General

Ethical Practices Board

In the Matter of the Proposed Adoption of the Rule Relating to Campaign Financing and Economic Interest Disclosure

Notice of Intent to Adopt a Rule without a Public Hearing

Notice is hereby given that the State Ethical Practices Board 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, section 10A.02, subd. 13.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. The 30-day period ends January 12, 1990. 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 the person's name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the Board will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Comments or written requests for a public hearing should be submitted to Mary Ann McCoy, Executive Director, Ethical Practices Board, 625 North Robert Street, St. Paul, MN 55101-2520; (612) 296-1720.

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

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

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

Please be advised that Minn. Stat. Ch. 10A requires each lobbyist to register with the Ethical Practices Board within five days after the lobbyist commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 as any individual: (a) engaged for pay or other consideration,or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including the individual's own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating with or urging others to communicate with public officials; or (b) who spends more than $250, not including the individual's own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating with or urging others to

communicate with public officials. The statute provides certain exceptions. Questions should be directed to the Board at the address above, telephone (612)296-5148.

(14) Minn. Stat. §14.115 requires the Board to provide an opportunity for small businesses to participate in the rulemaking process. It appears that the proposed amendments do not directly affect small business, for by definition, the regulations are imposed on individuals. However, small businesses may be affected indirectly by these regulations, for example a public official may disclose information on the official's statement of economic interest which may affect small businesses. For more information on the possible small business impact, see the Statement of Need and Reasonableness. The proposed amendments will not require expenditures of public money by local public bodies, therefore, Sections 3.982 and 14.11 do not apply.

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

Dated: March 27, 1989

Mary Ann McCoy

Mary Ann McCoy, Executive Director

Ethical Practices Board

Proposed Permanent Rules Relating to Campaign Financing

Rules as Proposed

4500.0100 DEFINITIONS.

[For text of subps 1 and 1a, see M.R. 1989]

Subp. 1b. **Anonymous contribution.** "Anonymous contribution" means money received by a candidate, political committee, or political fund without specifying the name and address of the donor.

[For text of subps 2 to 7, see M.R. 1989]

Subp. 7a. **Statewide election.** "Statewide election" means an election for a statewide office, appeals court or supreme court office, or question or proposition on the ballot that can be voted on by all voters of the state.

[For text of subp 8, see M.R. 1989]

4500.0600 ANONYMOUS CONTRIBUTIONS.

~~Any~~ A single contribution in excess of $20 for which ~~no~~ the name and address of the donor ~~can~~ cannot be ~~identified~~ determined by the committee or fund ~~shall~~ must be forwarded in its entirety to the board within 14 days after its receipt. When forwarding ~~such~~ an anonymous contribution, the treasurer of the committee or fund ~~shall~~ must report to the board the amount of the contribution and the date on which it was received.

4500.1200 CHANGE OF OFFICE SOUGHT BY CANDIDATE.

[For text of subps 1 and 2, see M.R. 1989]

Subp. 3. **Public financing agreement.** A candidate may sign a public financing agreement for ~~each~~ the office ~~sought until September 1 of~~ for which the candidate files an affidavit of candidacy in the general election year, as provided in part 4500.3500. ~~Signing a public financing agreement by September 1 automatically rescinds a previously filed agreement for another office.~~

4500.1600 CONTRIBUTIONS FROM ASSOCIATIONS.

Subpart 1. **Optional disclosure.** An association that contributes more than $100 in a calendar year to a political committee or political fund may, in lieu of registration with the board, provide the recipient political committee or political fund with a report of receipts and expenditures containing all information required by Minnesota Statutes, section 10A.20 ~~for~~. If an association uses this option, the disclosure must include the association's transactions from the beginning of the reporting period ~~in~~ through the end of the business day on which the contribution ~~was~~ is made.

[For text of subps 2 and 3, see M.R. 1989]

4500.2500 JOINT LIMITS FOR GOVERNOR AND LIEUTENANT GOVERNOR.

[For text of subps 1 and 2, see M.R. 1989]

Subp. 3. **Registration of joint committee.** A joint committee established under subpart 2, shall amend the statement of organization of the remaining committee within ten days after the combination of the committees and within ten days after the lieutenant governor candidate establishes a separate committee under subpart 4.

Subp. 4. **Candidate for lieutenant governor.** A candidate for lieutenant governor named in a joint committee established under subpart 2, who raises or spends more than $100 from any source other than himself or herself for the purpose of seeking endorsement in the next following election for the office of lieutenant governor, shall establish a separate principal campaign committee for that office under Minnesota Statutes, section 10A.14.

4505.0100 DEFINITIONS.

[For text of subps 1 and 1a, see M.R. 1989]

Subp. 2. **Compensation; earned income.** "Compensation" or "earned income" includes every kind of ~~compensation~~ payment for labor or personal services from private or public employment. It does not include alimony or child support payments or payments of social security, unemployment compensation, or workers' compensation.

[For text of subps 3 and 4, see M.R. 1989]

Subp. 5. [See Repealer.]

Subp. 6. **Accepting employment as a public official.** "Accepting employment as a public official" means the effective

date of the appointment to the position, as stated in the appointing authority's notice to the board.

4505.0600 OCCUPATION AND PRINCIPAL PLACE OF BUSINESS.

~~For~~ When asked to give a statement of occupation, ~~the~~ an individual shall state his or her principal occupation~~;--i.e.:~~.

"Principal occupation" means the occupation at which ~~he or she~~ an individual spends the most ~~of his or her~~ working hours or which provides ~~his or her~~ the individual's major source of compensation. "Source of compensation" means the corporation, partnership, or other entity from which the individual receives compensation. A self-employed individual is required to list only a description of the occupation in which the individual is self-employed, for example, farming or practice of law, and is not required to list the names of corporations, partnerships, or other entities which pay compensation to the public official or candidate as a self-employed individual.

"Principal place of business" means the name of the entity providing the individual's principal occupation.

4505.0800 SECURITIES.

Subpart 1. **Securities, defined.** "Securities" includes any stock, share, bond, warrant, option, pledge, note, mortgage, debenture, lease, or commercial paper in any corporation, partnership, trust, or other association. "Securities" does not include deposits in a savings account, certificates of deposit, money market certificates, treasury bills, bonds, or notes, dividends from securities or shares in a pension fund.

[For text of subps 2 to 5, see M.R. 1989]

4505.0900 FILING.

[For text of subpart 1, see M.R. 1989]

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

[For text of subp 3, see M.R. 1989]

Subp. 4. ~~Individual no longer~~ **Termination as** **a public**

official. An individual ~~must~~ shall file a statement of economic interest ~~for~~ to cover the period for which ~~he~~ the individual served as a public official even though at the time the statement is filed, the individual is no longer holding that office as a public official.

Subp. 5. **Option.** An individual whose term as a public official has ended after April 1 and before March 31 shall file either a supplementary statement on the next following April 15 through the last date of service or file a statement of termination as a public official through the last date of service. The latter statement may be filed at any time after the term ends and before the next following April 15.

Subp. 6. **Change of public official position.** A public official who leaves one public official position and is appointed to another public official position within the year between the time when the individual filed either an original statement or a supplementary statement and April 15 of the following year shall file a termination statement for the former office within ten days after leaving that office. The individual shall file an original statement relative to the new office within the time imposed by Minnesota Statutes, section 10A.09, subdivision 1.

REPEALER. Minnesota Rules, part 4505.0100, subpart 5 is repealed.

STATE OF MINNESOTA
COUNTY OF RAMSEY

ETHICAL PRACTICES BOARD

- -

In the matter of Proposed Rules governing Campaign Financing (Minnesota Rules parts 4500.0100-4500.4400); and Economic Interest Disclosure (Minnesota Rules parts 4505.0100 -4505.1000)

STATEMENT OF NEED AND REASONABLENESS

- -

The Ethics in Government Act, Minn. Stat. §10A.02, subd.13, enacted in 1974, authorized the Ethical Practices Board to promulgate rules to carry out the purposes of the Act. Rules have been adopted governing Campaign Financing (Minnesota Rules parts 4500.0100-4500.4400) - adopted 1974; amended 1976, 1978, 1979, 1982, 1986, 1988); Economic Interest Disclosure (Minnesota Rules parts 4505.0100-4505.1000) - adopted 1974; amended 1976, 1978, 1979, 1982, 1985, 1986, 1988.

The need to amend these rules arises in order to implement registration and reporting requirements of Minn. Stat. Ch. 10A and to enable the Board to provide direction to individuals and associations required to register and file statements and reports with the Board; guide the Board in providing forms and monitoring compliance; provide the public with information regarding the data collected by Minn. Stat. §§10A.01-10A.34; and remove obsolete provisions and language from existing rules.

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

Minnesota Rules chapter 4500: CAMPAIGN FINANCING

4500.0100 DEFINITIONS

Subpart 1b. **Anonymous contribution.** The rule is needed to clarify the application of Sec. 10A.15, subd. 1, and Pt. 4500.0600 to certain money received by a candidate or the treasurer of a committee or fund by defining "anonymous" as not being able to determine the name and address of a donor. The rule assists a committee or fund to comply with Sec. 10A.15, subd. 1, which requires the committee or fund to forward an anonymous contribution to the Board for deposit in the general account of the State Elections Campaign Fund.

Subpart 7b. **Statewide election.** The rule is needed to clarify that the term "statewide election" appearing in Sec. 10A.20, subd. 5, applies to the timely disclosure of a large contribution received just before an election by committees or funds organized to promote or defeat a state constitutional amendment as well as to principal campaign committees established by candidates for statewide executive and judicial offices.

4500.0600 ANONYMOUS CONTRIBUTIONS.
This rule is needed to clarify the application of Sec. 10A.15, subd. 1, to certain money received by a candidate or the treasurer of a committee or fund by defining "anonymous" as not being able to determine the name and address of a donor. The rule assists a committee or fund to comply with Sec. 10A.15, subd. 1, which requires the committee or fund to forward an anonymous contribution to the Board for deposit in the general account of the State Elections Campaign Fund.

4500.1200 CHANGE OF OFFICE SOUGHT BY CANDIDATE.
Subpart 3. **Public financing agreement.** This rule is needed to clarify that a candidate who has established principal campaign committees for more than one office, as provided in Secs. 10A.14 and 10A.19, is entitled to sign a pubic financing agreement for only the office for which the candidate files an affidavit of candidacy in the election year for the office sought or held, under Sec. 10A.32, subd. 3.

4500.1600 CONTRIBUTIONS FROM ASSOCIATIONS.
Subpart 1a.**Reporting period** This rule is needed to clarify that the disclosure by an unregistered association contributing more than $100 to a registered political committee or fund cannot be limited to a matter of minutes or hours on the first day of a reporting period. The option provided in this rule is offered to assist an unregistered association that desires to make an occasional contribution to a candidate, political committee, or political fund, as defined in Minn. Stat. Ch. 10A. However, for the purpose of Sec. 10A.22, subd. 7, the proposed rule seeks to provide disclosure required by Sec. 10A.20 that is comparable to disclosure required of registered committees or funds, so that the public is informed about where the money comes from and where the money goes to influence Minnesota state elections.

4500.2500 JOINT LIMITS FOR GOVERNOR AND LIEUTENANT GOVERNOR
Subpart 3. **Registration of joint committee.** This rule is needed to ensure that when a governor candidate's committee joins with the committee established by the lieutenant governor candidate who jointly filed affidavits of candidacy, the joint committee provides a disclosure about the establishment of the candidates' joint committee.

Subpart 4. **Candidate for lieutenant governor.** This rule is needed to clarify the application of disclosure requirements, campaign expenditure and contribution limits imposed by Minn. Stat. Ch. 10A to candidates for governor and lieutenant governor, when the candidate for lieutenant governor named in the joint committee raises or spends more than $100 to seek endorsement in the next following election year for the office of lieutenant governor.

Minnesota Rules chapter 4505: ECONOMIC INTEREST DISCLOSURE

4505.0100 DEFINITIONS.
Subpart 2. **Compensation; earned income.** This amendment is needed to clarify the rule and to combine in one place the definitions of similar terms. In addition, the amendment is needed to conform with Board interpretation and current practice, since 1977, as noted in Board minutes of August 3, 1977. Payments of social security and insurance benefits, such as workers compensation or unemployment compensation, are not ordinarily considered to be "earned income" or "compensation" and therefore need not be disclosed on the statement of economic interest filed by a candidate or a public official.

Subpart 6. **Accepting employment as a public official.** This rule is needed to clarify the date by which an original statement of economic interest must be filed by an individual appointed or employed in an office for which timely disclosure of the individual's economic interests is required by Sec. 10A.09, subd. 1 (a), (c), or (d).

4505.0600 OCCUPATION AND PRINCIPAL PLACE OF BUSINESS.
This rule is needed to provide guidance to a public official or candidate regarding disclosure of the individual's occupation, for purposes of filing a statement of economic interest. There is no substantive change in the rule as the rule incorporates the substance of Rule 4505.0100, subpart 5, to define "source of compensation" as applied to both "occupation" and "principal place of business" in Secs. 10A.01, subd. 4 and 10A.09, subd. 5 (a), (b).

4504.0800 SECURITIES
Subpart 1. **Securities, defined.** This rule is needed to clarify that United States treasury bills or bonds do not need to be listed as "securities" on a statement of economic interest. Since treasury bills and treasury bonds are virtually identical to treasury notes, and since treasury notes are already exempt from listing, treasury bills and treasury bonds should also be exempt. There is no reason to differentiate among treasury bills, bonds, or notes for purposes of economic interest disclosure under Secs. 10A.01, subd. 4, and 10A.09, subd. 5 (b).

4505.0900 FILING
Subpart 2. **Filing more than one statement in any year.** This rule is needed to clarify two conditions under which a public official may be required to file more than one statement in a calendar year: appointment to another office as a "public official" or filing an affidavit of candidacy for election to a state office.

Subpart 4. **Termination as a public official.** This rule is needed to clarify that an individual who ends service as a public officials within the year between filing an annual supplementary statement and April 15 of the following year must file a termination statement upon leaving the office. This is a third condition under which an individual may be required to file more than one statement in a calendar year.

Subpart 5. **Option.** This rule is needed in order to provide an option to a former public official regarding filing a termination statement of economic interest, so that the individual may may file a supplementary statement on or before April 15 of the year following the end of service as a public official or file a termination statement at the time the service ends.

Subpart 6. **Change of public official position.** This rule is needed to clarify that a public official is required to complete the economic interest disclosure filing for a former office, as well as to complete a separate, original statement for a new office, for which economic interest disclosure is required by Sec. 10A.09.

REPEALER
4505.0100 DEFINITIONS.
Subpart 5. **Source of compensation.** This rule is repealed because the substance of the rule is incorporated in 4505.0600 OCCUPATION AND PRINCIPAL PLACE OF BUSINESS.

SMALL BUSINESS CONSIDERATIONS IN RULEMAKING

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

After considering the methods for reducing the impact of the proposed rules as set forth in Minn. Stat. §14.115, it appears that except for the proposed amendment to part 4500.0100, the proposed amendments do not directly impact or affect small businesses. A corporation establishing a political fund to support or oppose a state constitutional amendment should be aware that the treasurer of the fund must make the additional disclosure required by Minn. Stat. §10A.20, subd. 5, regarding large contributions received just before an election. Each of the other amendments proposed regulates, by definition, individuals. Specifically, for part 4500.1200, subp. 3, individuals file public financing agreements. The amendments in chapter 4505, which covers economic interest disclosure, govern candidates or public officials only (§§10A.01, subd. 18; and 10A.09).

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

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

However, none of the proposed amendments establishes more stringent deadlines or regulations. In any case, the Board's position is that amending the rule to reduce the impact on small businesses would be contrary to the statutory objectives of Chapter 10A to promote public confidence in state government decision making through development and administration of disclosure to ensure public access to information filed with the Board.

Dated: November 27, 1989

Mary Ann McCoy

Mary Ann McCoy, Executive Director