

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

~~ASCMSM~~
Y30/91

RULE REVIEW CHECKLIST

File No. 1892
DATE RECEIVED 1-29-92
REVIEW DATE 2-7-92
DUE DATE 2-12-92
~~(DIS)~~APPROVED [signature]
WITHDRAWN

Docket No. 05.0009.0747
ADOPTED W/O HEARING
EMERGENCY RULE
TO REVISOR ON
REVISOR (DIS)APPROVED 1-31-92
FILED W/SEC. OF STATE 2-11-92
RETURNED TO AGENCY 2-12-92

_____ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion (if applicable)
July 8, 1991 Date published in State Register
_____ Comments

_____ Petition for Adoption of a Rule

_____ Board's Authorizing Resolution
_____ Date adopted

✓ Proposed Rule
_____ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
204B.14 subd 4 & Statutory Authority attached
No statement Small Business Statement
_____ Expenditure of public money statement
10-31-91 Signature - signed by director of Elections Division Joan Growe - but she did an order for Notice of Intent to adopt

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

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
Nov 12, 1991 Dated 30/25 days before adoption
_____ Notice attached indicates it is attached
_____ Copy of rule or summary attached

✓ Publication in State Register
November 12, 1991 Date 30/25 days before adoption

_____ 180-day deadline from: don't think it is mandatory look at authority
_____ Effective date of law requiring rule (14.12) (both rules) amendments don't apply
✓ end of comment period (§ 14.26) (rules without hearing)
_____ effective date of statutory authority (§ 14.29) (emergency rules)

_____ Resolution Adopting
_____ ~~Date adopted~~

✓ Findings of Fact, Conclusions & Order Adopting
January 28, 1992 Date

✓ Written Requests, Submissions or Comments

_____ Declaration of Attorney
Mike Gallagher Name of SAAG representing agency

_____ Notice of Submission to Attorney General (if applicable)

_____ Affidavit of Mailing Notice to Attorney General (if applicable)

Rules acl

DEPARTMENT: Office of the Attorney General

STATE OF MINNESOTA

OFFICE MEMORANDUM

DATE: February 11, 1992

TO: JOSEPH MANSKY
Director, Election Division
180 State Office Building
St. Paul

FROM: MARY JO MURRAY
Special Assistant Attorney General
525 Park Street, Suite 500 (55103)

PHONE: 296-3258

SUBJECT: In the Matter of the Adopted Rule Relating to Elections; Redistricting

The above-referenced rule has been approved as to its legality by the Attorney General on February 11, 1992.

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

Also enclosed are any petitions, requests, submissions or comments along with any extra copies of documents which you submitted to the Attorney General.

Your next step is to arrange for publication of the Notice of Adoption in the State Register. In a day or two, you should receive from the Revisor's Office three copies of the notice of adoption of your rule. You should submit two copies of the Notice of Adoption to the State Register for publication. A permanent rule without a hearing does not become effective until five days after a notice of adoption is published in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

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

MJM:jj
Enclosures
cc: Michael R. Gallagher
William Brown, Chief Judge
MaryAnn Hruby

Secretary of State

Adopted Permanent Rules Relating to Elections; Redistricting

Rules as Adopted

8255.0010 ALTERNATE DATES FOR COMPLETION OF LOCAL REDISTRICTING.

If the adoption of the legislative redistricting plan or the resolution of any court challenge to the legislative redistricting plan occurs less than 19 weeks before the state primary, in a year ending in two, the following schedule for reestablishment of precinct boundaries and election districts must be followed:

A. Precincts must be reestablished no later than four weeks after the adoption of the legislative plan.

B. Wards must be redistricted no later than four weeks after the adoption of the legislative plan.

C. Local government election districts must be redistricted no later than six weeks after adoption of the legislative plan.

When a municipality completes the reestablishment of precinct boundaries, the municipal clerk shall immediately provide the secretary of state, county auditor, and all school districts with territory in the municipality a copy of a map illustrating the precinct boundaries.

8255.0020 ESTABLISHMENT OF PRECINCT BOUNDARIES LACKING RECOGNIZABLE PHYSICAL FEATURES.

If recognizable physical features are unavailable for use as precinct boundaries, or if establishment of a precinct boundary along a school district boundary which does not follow a recognizable physical feature is desired, the county or municipal governing body may establish precinct boundaries lacking a recognizable physical feature. A precinct boundary lacking a recognizable physical feature must be established as provided in this part.

Two precincts may be formed which share a boundary that is

Approved by Revisor

not located on a recognizable physical feature. However, the boundary of the two precincts combined must be entirely located on recognizable physical features or jurisdictional boundaries.

The governing body of a municipality, or of a county for precincts in unorganized territory, may use, in whole or in part, the jurisdictional boundary of the municipality, unorganized territory, or county as a precinct boundary.

If two precincts are divided by a boundary not located on a recognizable physical feature as provided in this part, the two precincts must be named to reflect a relationship for the purpose of reporting election results, for example: "precinct 1A and precinct 1B."

8255.0030 POSTING NOTICE OF BOUNDARY CHANGES.

When a precinct boundary is reestablished or a local government election district boundary is redistricted under part 8255.0010, a notice and a detailed map showing the new precincts or districts must be posted at the locations and in the manner in items A to C.

A. For precincts and wards established by a municipality, the notice prepared by the municipal clerk must be posted in the clerk's office. The notice may be posted in other conspicuous locations in the municipality, at the discretion of the clerk. The information posted must also be made available for public inspection at the office of the county auditor.

B. For districts established by a county, the notice must be prepared by the county auditor and posted in the auditor's office. The county auditor shall provide a copy of the notice to each municipal clerk in the county. Each municipal clerk shall post the notice of county precincts and election districts.

C. For precincts and districts established by school districts, the notice must be prepared by the school district clerk and posted in the clerk's office. The notice may be posted in other conspicuous locations in the school district, at the discretion of the clerk. The information posted must also

Approved
by Revisor _____

be available for public inspection at the office of the county auditor.

The notices required by this part must be posted within 72 hours after the adoption of precinct or election district boundaries. The notices must remain posted until the day following the state general election in a year ending in two.

8255.0040 PUBLISHED NOTIFICATION BY COUNTY AUDITOR.

When precincts are reestablished or local government election districts are redistricted under part 8255.0010, the county auditor shall publish a notice illustrating or describing the congressional, legislative, and county commissioner districts in the county in one or more qualified newspapers in the county. The publication must occur no later than 14 days after the redistricting of local government election districts is completed.

8255.0050 NOTICE TO AFFECTED VOTERS.

When precinct boundaries are changed under part 8255.0010, the county auditor or municipal clerk shall notify each affected registered voter of the change at least one week prior to the state primary held after the change takes place.

Approved
by Revisor _____

APPROVED AS TO FORM AND LEGALITY

Feb 11th 19 92

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY R. D. Murray
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

FEB 11 1992

Joan Anderson Growe
Secretary of State

3:49 pm
RA

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Elections; Redistricting

AGENCY: Secretary of State

MINNESOTA RULES: Chapter 8255

APPROVED AS TO FORM AND LEGALITY
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
19
BY
SPECIAL ASSISTANT ATTORNEY GENERAL

The attached rules are approved for publication in the State Register

Craig E. Lindeke
Senior Assistant Revisor

Secretary of State

Proposed Permanent Rules Relating to Elections; Redistricting

Rules as Proposed (all new material)

8255.0010 ALTERNATE DATES FOR COMPLETION OF LOCAL REDISTRICTING.

If the adoption of the legislative redistricting plan or the resolution of any court challenge to the legislative redistricting plan occurs less than 19 weeks before the state primary, in a year ending in two, the following schedule for reestablishment of precinct boundaries and election districts must be followed:

A. Precincts must be reestablished no later than four weeks after the adoption of the legislative plan.

B. Wards must be redistricted no later than four weeks after the adoption of the legislative plan.

C. Local government election districts must be redistricted no later than six weeks after adoption of the legislative plan.

When a municipality completes the reestablishment of precinct boundaries, the municipal clerk shall immediately provide the secretary of state, county auditor, and all school districts with territory in the municipality a copy of a map illustrating the precinct boundaries.

8255.0020 ESTABLISHMENT OF PRECINCT BOUNDARIES LACKING RECOGNIZABLE PHYSICAL FEATURES.

If recognizable physical features are unavailable for use as precinct boundaries, or if establishment of a precinct boundary along a school district boundary which does not follow a recognizable physical feature is desired, the county or municipal governing body may establish precinct boundaries lacking a recognizable physical feature. A precinct boundary lacking a recognizable physical feature must be established as provided in this part.

Two precincts may be formed which share a boundary that is

Approved by Revisor

not located on a recognizable physical feature. However, the boundary of the two precincts combined must be entirely located on recognizable physical features.

If two precincts are divided by a boundary not located on a recognizable physical feature as provided in this part, the two precincts must be named to reflect a relationship for the purpose of reporting election results, for example: "precinct 1A and precinct 1B."

8255.0030 POSTING NOTICE OF BOUNDARY CHANGES.

When a precinct boundary is reestablished or a local government election district boundary is redistricted under part 8255.0010, a notice and a detailed map showing the new precincts or districts must be posted at the locations and in the manner in items A to C.

A. For precincts and wards established by a municipality, the notice prepared by the municipal clerk must be posted in the clerk's office. The notice may be posted in other conspicuous locations in the municipality, at the discretion of the clerk. The information posted must also be made available for public inspection at the office of the county auditor.

B. For districts established by a county, the notice must be prepared by the county auditor and posted in the auditor's office. The county auditor shall provide a copy of the notice to each municipal clerk in the county. Each municipal clerk shall post the notice of county precincts and election districts.

C. For precincts and districts established by school districts, the notice must be prepared by the school district clerk and posted in the clerk's office. The notice may be posted in other conspicuous locations in the school district, at the discretion of the clerk. The information posted must also be available for public inspection at the office of the county auditor.

The notices required by this part must be posted within 72 hours after the adoption of precinct or election district

Approved by Revisor _____

boundaries. The notices must remain posted until the day following the state general election in a year ending in two.

8255.0040 PUBLISHED NOTIFICATION BY COUNTY AUDITOR.

When precincts are reestablished or local government election districts are redistricted under part 8255.0010, the county auditor shall publish a notice illustrating or describing the congressional, legislative, and county commissioner districts in the county in one or more qualified newspapers in the county. The publication must occur no later than 14 days after the redistricting of local government election districts is completed.

8255.0050 NOTICE TO AFFECTED VOTERS.

When precinct boundaries are changed under part 8255.0010, the county auditor or municipal clerk shall notify each affected registered voter of the change at least one week prior to the state primary held after the change takes place.

Approved
by Revisor _____

the agency according to *Minnesota Statutes*, section 116.07, subdivision 5, and other applicable statutes and rules.

7151.0240 INCORPORATION BY REFERENCE.

Subpart 1. **Scope.** For purposes of this chapter, the documents in subpart 2, are incorporated by reference. They can be found at the Minnesota State Law Library, Ford Building, 117 University Avenue, Saint Paul, Minnesota 55155, or at the addresses shown. The documents are not subject to frequent change.

Subp. 2. **Referenced standards.** The documents incorporated by reference in this chapter are listed in items items A to F:

A. American Petroleum Institute, 1220 L Street Northwest, Washington, D.C. 20005:

(1) 650, Welded Steel Tanks for Oil Storage, Eighth Edition (1988); and

(2) 653, Tank Inspection, Repair, Alteration, and Reconstruction, First Edition (1991).

B. American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103: D1785-86, Specifications for Poly (Vinyl Chloride) (PVC) Plastic Pipe, Schedules 40, 80, and 120.

C. National Association of Corrosion Engineers, Publication Department, P.O. Box 218340, Houston, Texas 77218: RP-01-69, Control of External Corrosion on Underground or Submerged Metallic Piping Systems (1983).

D. National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269: 30, Flammable and Combustible Liquids Code (1987).

E. Underwriters Laboratories Inc., 333 Pfingsten Road, Northbrook, Illinois 60062:

(1) UL 142, Steel Aboveground Tanks for Flammable and Combustible Liquids;

(2) UL 567, Pipe Connectors for Flammable and Combustible Liquids and LP-Gas (1989); and

(3) UL 971, Nonmetallic Underground Pipe for Flammable and Combustible Liquids.

F. Western Fire Chiefs Association, 5360 S. Workman Mill Road, Whittier, California 90601: Uniform Fire Code.

REPEALER. *Minnesota Rules*, parts 7100.0010, 7100.0020, 7100.0030, 7100.0040, 7100.0050, 7100.0060, 7100.0070, 7100.0080, 7100.0090 are repealed.

Secretary of State

Proposed Permanent Rules Relating to Elections; Redistricting

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Secretary of State intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rules is *Minnesota Statutes* 204B.14, subdivisions 4 and 6.

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

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

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

Joseph Mansky
Director, Election Division
180 State Office Building
St. Paul, MN 55155
(612) 296-2805

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 rules 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 rules as noticed.

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

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

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

Dated: 31 October 1991

Joseph Mansky
Director, Election Division

Rules as Proposed (all new material)

8255.0010 ALTERNATE DATES FOR COMPLETION OF LOCAL REDISTRICTING.

If the adoption of the legislative redistricting plan or the resolution of any court challenge to the legislative redistricting plan occurs less than 19 weeks before the state primary, in a year ending in two, the following schedule for reestablishment of precinct boundaries and election districts must be followed:

A. Precincts must be reestablished no later than four weeks after the adoption of the legislative plan.

B. Wards must be redistricted no later than four weeks after the adoption of the legislative plan.

C. Local government election districts must be redistricted no later than six weeks after adoption of the legislative plan.

When a municipality completes the reestablishment of precinct boundaries, the municipal clerk shall immediately provide the secretary of state, county auditor, and all school districts with territory in the municipality a copy of a map illustrating the precinct boundaries.

8255.0020 ESTABLISHMENT OF PRECINCT BOUNDARIES LACKING RECOGNIZABLE PHYSICAL FEATURES.

If recognizable physical features are unavailable for use as precinct boundaries, or if establishment of a precinct boundary along a school district boundary which does not follow a recognizable physical feature is desired, the county or municipal governing body may establish precinct boundaries lacking a recognizable physical feature. A precinct boundary lacking a recognizable physical feature must be established as provided in this part.

Two precincts may be formed which share a boundary that is not located on a recognizable physical feature. However, the boundary of the two precincts combined must be entirely located on recognizable physical features.

If two precincts are divided by a boundary not located on a recognizable physical feature as provided in this part, the two precincts must be named to reflect a relationship for the purpose of reporting election results, for example: "precinct 1A and precinct 1B."

8255.0030 POSTING NOTICE OF BOUNDARY CHANGES.

When a precinct boundary is reestablished or a local government election district boundary is redistricted under part 8255.0010, a notice and a detailed map showing the new precincts or districts must be posted at the locations and in the manner in items A to C.

A. For precincts and wards established by a municipality, the notice prepared by the municipal clerk must be posted in the clerk's office. The notice may be posted in other conspicuous locations in the municipality, at the discretion of the clerk. The information posted must also be made available for public inspection at the office of the county auditor.

B. For districts established by a county, the notice must be prepared by the county auditor and posted in the auditor's office. The county auditor shall provide a copy of the notice to each municipal clerk in the county. Each municipal clerk shall post the notice of county precincts and election districts.

C. For precincts and districts established by school districts, the notice must be prepared by the school district clerk and posted in the clerk's office. The notice may be posted in other conspicuous locations in the school district, at the discretion of the clerk. The information posted must also be available for public inspection at the office of the county auditor.

The notices required by this part must be posted within 72 hours after the adoption of precinct or election district boundaries. The notices must remain posted until the day following the state general election in a year ending in two.

8255.0040 PUBLISHED NOTIFICATION BY COUNTY AUDITOR.

When precincts are reestablished or local government election districts are redistricted under part 8255.0010, the county auditor

shall publish a notice illustrating or describing the congressional, legislative, and county commissioner districts in the county in one or more qualified newspapers in the county. The publication must occur no later than 14 days after the redistricting of local government election districts is completed.

8255.0050 NOTICE TO AFFECTED VOTERS.

When precinct boundaries are changed under part 8255.0010, the county auditor or municipal clerk shall notify each affected registered voter of the change at least one week prior to the state primary held after the change takes place.

Adopted Rules

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

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

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

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

Department of Public Safety

Driver and Vehicle Services Division

Adopted Permanent Rules Relating to Disposition of Driver's License Following Non-Alcohol-Related Vehicle Offenses

The rules proposed and published at *State Register*, Volume 15, Number 47, pages 2474-2484, May 20, 1991 (15 SR 2474), are adopted with the following modifications:

Rules as Adopted

7409.2100 VIOLATION RESULTING IN FATALITY OR PERSONAL INJURY.

The commissioner shall suspend the driver's license of a person upon receiving a record of conviction under *Minnesota Statutes*, chapter 169 or an ordinance regulating traffic, except traffic laws specifically excluded from the driving record by statute, ~~when it appears from the~~ and department records show that the violation ~~for which the person was convicted~~ contributed in causing an accident resulting in the death or ~~class A~~ personal injury of another. The driver's license must be suspended for a period of:

7409.3600 LIMITED LICENSE.

The commissioner shall issue a limited license following a revocation under *Minnesota Statutes*, section 65B.67, 169.792, or 171.17, or suspension under *Minnesota Statutes*, section ~~169.792, 171.17, or~~ 171.18, when the person has met the following conditions:

D. the person has passed the driver's license examination, has applied for a new license, and has paid the application fee for the class of license involved, as required for issuing an original license, if the person's driver's license was revoked ~~other than under *Minnesota Statutes*, section 169.792~~;

7409.4000 REINSTATEMENT AFTER INSURANCE-RELATED REVOCATION; 169.792.

The commissioner shall reinstate the driver's license of a person whose license has been revoked under *Minnesota Statutes*, section 169.792, when the driver has met the reinstatement requirements under part 7409.4100, items A to D, and the driver or owner files with the commissioner:

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

STATEMENT OF NEED AND REASONABLENESS

The need arises to adopt Parts 8255.0010, 8255.0020, 8255.0030, 8255.0040, and 8255.0050 from the requirements of Minnesota Statute 204B.14 subd. 4 and 6 which require the Secretary of State to establish alternate dates for use in adopting changes in precinct boundaries, posting notices of boundary changes, and notifying voters affected by boundary changes. The rationale for each individual rule is as follows:

1. Part 8255.0010 is needed to provide alternative dates for use by local governmental units in redistricting if the legislative redistricting plan is not available until after the deadlines provided in M.S. 204B.135 and 204B.14. The four week period for reestablishing precincts and redistricting municipal wards is a reasonable limit for municipalities to meet given the availability of census data and other tools used in redistricting. The six week period for redistricting local election districts is reasonable in that local election districts are based upon municipal precincts, and cannot be established until all relevant precincts have been reestablished. Longer periods of time in which to reestablish precincts and redistrict wards and local election districts would compromise the ability to identify and notify candidates and voters of redistricting.

   Requiring municipalities to provide a map of precinct boundaries to the county auditor, secretary of state, and effected school district clerks is necessary in order for other levels of government to complete their redistricting activities.

2. Part 8255.0020 is needed to establish precinct boundaries when the physical features as defined in M.S. 204B.14 subd. 6 are not available for use. Allowing two precincts to be separated by a school district boundary or other division that is not recognizable is reasonable given the geographic realities of some areas of Minnesota, and in recognition of the difficulty of using school district boundaries as precinct boundaries.

   Limiting precincts to one nonrecognizable physical boundary is reasonable to prevent confusion on the part of the voter as to the identity of the precinct in which they reside. Linking the names of precincts sharing a nonrecognizable border is needed to effectively identify precincts for election reporting purposes.

3. Part 8255.0030 is needed to insure effective and timely notification of precinct and election district boundaries to voters and candidates.

Subpart A is reasonable to insure that accurate information on precinct and ward boundaries is available to the residents of the municipality and the residents of election districts that include the municipality.

Subpart B is reasonable to insure that accurate information on county election districts is available to candidates and residents of the county at both a central location,(county auditors office), and a local location, (municipal clerks office).

Subpart C is reasonable to insure that accurate information on school district election districts is available to candidates and residents of the school district at both a central location, (county auditors office), and a local location, (school district clerks office).

Requiring posting of the notice within 72 hours after the adoption of the precinct or election district boundary is reasonable to insure that all affected parties have the maximum practicable amount of time to be informed of precinct and election district boundaries.

4. Part 8255.0040 is needed to provide the description of election districts required in Minnesota Statutes 204B.14 subd. 4 when redistricting is delayed by court challenge or other circumstance. The fourteen day limit is a reasonable balance between providing information on election districts to voters and candidates, and the publication schedule of newspapers in many parts of Minnesota.

5. Part 8255.0050 is needed to provide a time frame for issuing the notice of precinct boundaries to affected voters as provided in Minnesota Statutes 204B.14 subd. 4 when the reestablishment of precinct boundaries is delayed by court challenge or other circumstance.

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

In the Matter of the Proposed Adoption of the Rule of the Secretary of State Governing Alternate Dates for Adopting Changes in Precinct Boundaries, Posting Notices of Boundary Changes, Notifying Voters Affected by Boundary Changes, and Establishing Precinct Boundaries Lacking Recognizable Physical Features.

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

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Jeffrey Sigurdson, being sworn says:

I hearby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the Secretary of States rulemaking mailing list is accurate, complete, and current as of this 12th day of November, 1991.

That on the 12th day of November, 1991 at the City of St.Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt A Rule Without a Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Jeffrey Sigurdson
Election Procedures Assistant

Subscribed and sworn to before me
this 12th day of November, 1991.

Paula Biever

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

Secretary of State

In the Matter of the Proposed Adoption of the Rules of the Secretary of State Governing Alternate Procedures for the Adoption of Precinct Boundary Changes, Posting Notice of Boundary Changes, Notifying Voters Affected by Boundary Changes, and Establishment of Precinct Boundaries Lacking Recognizable Physical Features.

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Notice is hereby given that the Secretary of State intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rules is Minnesota Statutes 204B.14, subdivisions 4 and 6.

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

Any person may make a written request for a public hearing on the 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 rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the Secretary of State will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

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

Joseph Mansky
Director, Election Division
180 State Office Building
St. Paul, MN 55155
(612) 296-2805

The proposed rules 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 rules as noticed.

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

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

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

10-31-91

Date

Joseph Mansky

Joseph Mansky

Director, Election Division

Secretary of State

Proposed Permanent Rules Relating to Elections; Redistricting

Rules as Proposed (all new material)

8255.0010 ALTERNATE DATES FOR COMPLETION OF LOCAL REDISTRICTING.

If the adoption of the legislative redistricting plan or the resolution of any court challenge to the legislative redistricting plan occurs less than 19 weeks before the state primary, in a year ending in two, the following schedule for reestablishment of precinct boundaries and election districts must be followed:

A. Precincts must be reestablished no later than four weeks after the adoption of the legislative plan.

B. Wards must be redistricted no later than four weeks after the adoption of the legislative plan.

C. Local government election districts must be redistricted no later than six weeks after adoption of the legislative plan.

When a municipality completes the reestablishment of precinct boundaries, the municipal clerk shall immediately provide the secretary of state, county auditor, and all school districts with territory in the municipality a copy of a map illustrating the precinct boundaries.

8255.0020 ESTABLISHMENT OF PRECINCT BOUNDARIES LACKING RECOGNIZABLE PHYSICAL FEATURES.

If recognizable physical features are unavailable for use as precinct boundaries, or if establishment of a precinct boundary along a school district boundary which does not follow a recognizable physical feature is desired, the county or municipal governing body may establish precinct boundaries lacking a recognizable physical feature. A precinct boundary lacking a recognizable physical feature must be established as provided in this part.

Two precincts may be formed which share a boundary that is

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not located on a recognizable physical feature. However, the boundary of the two precincts combined must be entirely located on recognizable physical features.

If two precincts are divided by a boundary not located on a recognizable physical feature as provided in this part, the two precincts must be named to reflect a relationship for the purpose of reporting election results, for example: "precinct 1A and precinct 1B."

8255.0030 POSTING NOTICE OF BOUNDARY CHANGES.

When a precinct boundary is reestablished or a local government election district boundary is redistricted under part 8255.0010, a notice and a detailed map showing the new precincts or districts must be posted at the locations and in the manner in items A to C.

A. For precincts and wards established by a municipality, the notice prepared by the municipal clerk must be posted in the clerk's office. The notice may be posted in other conspicuous locations in the municipality, at the discretion of the clerk. The information posted must also be made available for public inspection at the office of the county auditor.

B. For districts established by a county, the notice must be prepared by the county auditor and posted in the auditor's office. The county auditor shall provide a copy of the notice to each municipal clerk in the county. Each municipal clerk shall post the notice of county precincts and election districts.

C. For precincts and districts established by school districts, the notice must be prepared by the school district clerk and posted in the clerk's office. The notice may be posted in other conspicuous locations in the school district, at the discretion of the clerk. The information posted must also be available for public inspection at the office of the county auditor.

The notices required by this part must be posted within 72 hours after the adoption of precinct or election district

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boundaries. The notices must remain posted until the day following the state general election in a year ending in two.

8255.0040 PUBLISHED NOTIFICATION BY COUNTY AUDITOR.

When precincts are reestablished or local government election districts are redistricted under part 8255.0010, the county auditor shall publish a notice illustrating or describing the congressional, legislative, and county commissioner districts in the county in one or more qualified newspapers in the county. The publication must occur no later than 14 days after the redistricting of local government election districts is completed.

8255.0050 NOTICE TO AFFECTED VOTERS.

When precinct boundaries are changed under part 8255.0010, the county auditor or municipal clerk shall notify each affected registered voter of the change at least one week prior to the state primary held after the change takes place.

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by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Elections; Redistricting

AGENCY: Secretary of State

MINNESOTA RULES: Chapter 8255

The attached rules are approved for publication in the State Register

Craig E. Lindeke
Senior Assistant Revisor

KNUTSON, FLYNN, HETLAND, DEANS & OLSEN

JAMES E. KNUTSON
JOSEPH E. FLYNN
PAUL W. HETLAND
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PATRICK J. FLYNN
GLORIA BLAINE OLSEN
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PROFESSIONAL ASSOCIATION

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MICHAEL J. FLYNN
JOHN J. O'DONNELL
MARIE C. SKINNER
MAGGIE R. WALLNER
SUSAN E. TORGERSON
PAUL M. ZEIG
DIANE M. CORNELL

October 29, 1991

RECEIVED

OCT 30 1991

SECRETARY OF STATE
ELECTION DIVISION

Mr. Joseph Mansky
Director, Election Division
Office of the Secretary of State
180 State Office Building
St. Paul, MN 55155

Re: Proposed Permanent Rules Relating to Elections; Redistricting

Dear Mr. Mansky:

As per our discussion, this letter is to comment on proposed rule 8255.0020 as published at 16 S.R. 1085. This rule allows two precincts to be formed which share a boundary that is not located on a recognizable physical feature. However, it requires that the boundary of the two precincts combined must be entirely located on recognizable physical features. While you and I have discussed this matter in the past and I agree that this is an improvement over present rules, we would suggest a further revision that would allow the use of any boundaries which lack recognizable physical features as long as they were the boundaries, in whole or in part, of a city, county, township or school district. This would allow the creation of cross-jurisdictional precincts by single entities and would allow the coordination of cross-jurisdictional precincts by multiple governmental entities.

While it may be beyond the scope of these rules, you may also wish to consider whether provisions should be added to these proposed rules which relate to the conversion from at large voting in a municipality to a ward or election district system which occurs at some point after redistricting.

If you have any questions, we shall be available at your convenience.

Sincerely yours,

Thomas S. Deans

TSD:pw

cc: Robert Meeks

For a vacancy in nomination that occurs before the 16th day before t
the name of the lieutenant governor candidate must be submitted b
didate to the filing officer within seven days after the vacancy occurs
lay before the general election, whichever is sooner. If the vacancy
s through the death or catastrophic illness of the candidate for lieute
candidate for governor shall submit the name of the new lieutenant
o the secretary of state within seven days after the vacancy in no
o later than four days before the general election. If the vacancy in
hrough the death or catastrophic illness of the candidate for gover
e for governor shall submit the name of the lieutenant governor ca
days after the vacancy in nomination for governor is filled under
livision 2, but no later than four days before the general electio
acancy after deadline. If a candidate withdraws after the 16th day
tion but before four days before the general election, the secr
ict the election judges to strike the name of the withdrawn ca
election ballot and shall substitute no other candidate's name
ccept a nomination certificate for filing to fill a vacancy in nomi
filing of an affidavit of withdrawal by a candidate after the 14
election. Vacancies occurring through death or catastrophic
before the general election are governed by section 204B.41.

320 s 8-12

RICTING OF ELECTION DISTRICTS.

ities with wards. A city that elects its council members by w
se wards before the legislature has been redistricted in a year
wards must be redistricted within 60 days after the legisla
r at least 19 weeks before the state primary election in the
er is first.

tion districts. For purposes of this subdivision, "local gov
eans a county district, park and recreation district, school
nservation district. Local government election districts, o
subdivision 1, may not be redistricted until precinct bou
ler section 204B.14, subdivision 3, paragraph (c). Electi
bdivision must be redistricted within 80 days of the ti
n redistricted or at least 15 weeks before the state prima
n two, whichever comes first.

(a) An eligible voter may apply to the district court f
uiring the redistricting of wards or local government ele
lan adopted by the governing body responsible for redi
rnment election districts.

redistricting plan at least 19 weeks before the primar
cation for revision of the plan that seeks to affect elec
two must be filed with the district court within three
before the state primary election in the year ending
er provision. If a city adopts a ward redistricting plan
primary in a year ending in two, an application for
ffect elections held in the year ending in two must
ter than one week after the plan has been adopted.
on.

a local government election district is adopted at
y election in a year ending in two, an application
fect elections held in the year ending in two must
hree weeks but no later than 14 weeks before the
g in two. If a plan for redistricting of a local gov
than 15 weeks before the state primary election
or revision of the plan that seeks to affect elec-

held in the year ending in two must be filed with the district court no later than
eek after the plan has been adopted.

ubd. 4. **Special elections; limitations.** No municipality or school district may con-
special election during the 19 weeks before the state primary election in the year
g in two, except for special elections conducted on the date of the school district
al election. A school district special election required by any other law may be
red until the date of the next school district general election, the state primary elec-
or the state general election.

History: *1991 c 349 s 30*

B.14 ELECTION PRECINCTS.

[For text of subd 1, see M.S.1990]

Subd. 1a. **Legislative policy.** It is the intention of the legislature to complete con-
ssional and legislative redistricting activities in time to permit counties and munici-
ities to begin the process of reestablishing precinct boundaries as soon as possible
er the adoption of the congressional and legislative redistricting plans but in no case
er than 25 weeks before the state primary election in the year ending in two.

[For text of subd 2, see M.S.1990]

Subd. 3. **Boundary changes; prohibitions; exception.** Notwithstanding other law or
arter provisions to the contrary, during the period from January 1 in any year ending
even to the time when the legislature has been redistricted in a year ending in one
two, no changes may be made in the boundaries of any election precinct except as
ovided in this subdivision.

(a) If a city annexes an unincorporated area located in the same county as the city
nd adjacent to the corporate boundary, the annexed area may be included in an elec-
on precinct immediately adjacent to it.

(b) A municipality or county may establish new election precincts lying entirely
within the boundaries of any existing precinct and shall assign names to the new pre-
incts which include the name of the former precinct.

(c) Precinct boundaries must be reestablished within 60 days of the time when the
egislature has been redistricted, or at least 19 weeks before the state primary election
in a year ending in two, whichever comes first. The adoption of reestablished precinct
boundaries becomes effective on the date of the state primary election in the year end-
ing in two.

Precincts must be arranged so that no precinct lies in more than one legislative dis-
trict.

Subd. 4. **Boundary change procedure.** Any change in the boundary of an election
precinct shall be adopted at least 90 days before the date of the next election and shall
not take effect until notice of the change has been posted in the office of the municipal
clerk or county auditor for at least 60 days. Except in the case of the combination or
separation of municipalities for election purposes under subdivision 8, the municipal
clerk or county auditor shall notify each affected registered voter of the change in elec-
tion precinct boundaries at least 14 days prior to the first election held after the change
takes effect.

The county auditor must publish a notice illustrating or describing the congressio-
nal, legislative, and county commissioner district boundaries in the county in one or
more qualified newspapers in the county at least 14 days prior to the first day to file
affidavits of candidacy for the state general election in the year ending in two.

Alternate dates for adopting changes in precinct boundaries, posting notices of
boundary changes, and notifying voters affected by boundary changes pursuant to this
subdivision may be established in the manner provided in the rules of the secretary of
state.

(a) If a city annexes an unincorporated area located in the same county as the city and adjacent to the corporate boundary, the annexed area may be included in an election precinct immediately adjacent to it.

(b) A municipality or county may establish new election precincts lying entirely within the boundaries of any existing precinct and shall assign names to the new precincts which include the name of the former precinct.

(c) Precinct boundaries must be reestablished within 45 days of the time when the legislature has been redistricted, or by May 10 in a year ending in two, whichever comes first.

Precincts must be arranged so that no precinct lies in more than one legislative district.

Subd. 4. **Boundary change procedure.** Any change in the boundary of an election precinct shall be adopted at least 90 days before the date of the next election and shall not take effect until notice of the change has been posted in the office of the municipal clerk or county auditor for at least 60 days. Except in the case of the combination or separation of municipalities for election purposes under subdivision 8, the municipal clerk or county auditor shall notify each affected registered voter of the change in election precinct boundaries at least 30 days prior to the first election held after the change takes effect.

Subd. 5. **Precinct boundaries; description; maps.** Each municipal clerk shall prepare and file with the county auditor of each county in which the municipality is located, with the secretary of state and with the state planning commissioner maps showing the correct boundaries of each election precinct in the municipality. At least 30 days before any change in an election precinct or in a corporate boundary becomes effective, the municipal clerk shall prepare maps showing the new boundaries of the precincts and shall forward copies of these maps to the secretary of state, the appropriate county auditors and the state planning commissioner. The clerk shall retain copies of the precinct maps for public inspection. The county auditor shall prepare and file precinct boundary maps for precincts in unorganized territories, and the municipal clerk designated in the combination agreement shall prepare and file precinct boundary maps in the case of municipalities combined for election purposes under subdivision 8, in the same manner as provided for precincts in municipalities. For every election held in the municipality the election judges shall be furnished precinct maps as provided in section 201.061, subdivision 6. If a municipality changes the boundary of an election precinct, the county auditor shall notify each school district with territory affected by the boundary change at least 30 days before the effective date of the change.

Subd. 6. **Precinct boundaries to follow physical features.** The boundaries of election precincts shall follow visible, clearly recognizable physical features. If it is not possible to establish the boundary between any two adjacent precincts along such features, the boundary around the two precincts combined shall be established to comply with the provisions of this subdivision. The maps required by subdivision 5 shall clearly indicate which boundaries do not follow visible, clearly recognizable physical features.

For the purposes of this subdivision, "visible, clearly recognizable physical feature" means a street, road, boulevard, parkway, river, stream, shoreline, drainage ditch, railway right-of-way, or any other line which is clearly visible from the ground. A street or other roadway which has been platted but not graded is not a visible, clearly recognizable physical feature for the purposes of this subdivision.

Subd. 7. **Application to municipalities.** Notwithstanding the provisions of section 410.21, or any other law, ordinance or charter to the contrary, the provisions of subdivisions 1, 3 and 6 apply to all municipalities.

Subd. 8. **Combined precinct.** (a) Up to four contiguous municipalities located entirely outside the metropolitan area as defined in section 473.121, subdivision 2, that are contained in the same legislative district, congressional district, and county commissioner district may enter into a combination agreement to form one precinct for state and county election purposes, upon the approval of the county auditor. The governing body of each municipality proposing to enter into a combination agreement must provide the inhabitants of the municipality with published and posted notice of the proposed agreement three weeks before the second Tuesday in March. A combination agreement must be approved by resolutions of all of the governing bodies of the combining municipalities on or before the second Tuesday in March of an election year. A copy of the combination agreement must be submitted to the county auditor for approval, on or before May 1 of an election year.

(b) One or more of the municipalities in the combined precinct may withdraw from the combination by a resolution of the governing body of the withdrawing municipality, passed on or before the second Tuesday in March of an election year. The withdrawing municipality shall file the resolution with the county auditor no later than May 1 of an election year. The decision of any one municipality to withdraw from the combination agreement automatically dissolves the combination unless all the remaining municipalities continue to meet all the requirements of this subdivision.

(c) The combination agreement must specify the designated polling place and the municipal election officials or governing bodies responsible for appointing election judges and the chair of the election board, posting notices, preparing precinct maps, and carrying out other election duties required by law.

(d) In combining or separating, the municipalities must meet the time requirements specified in this section for changing precinct boundaries and in section 204B.16, subdivision 3, for designating a different polling place.

History: *1981 c 29 art 4 s 14; 1Sp1981 c 4 art 4 s 43; 2Sp1981 c 2 s 2; 1983 c 289 s 115 subd 1; 1985 c 248 s 36; 1986 c 444; 1987 c 186 s 15; 1987 c 212 s 1-4; 1987 c 297 s 2; 1990 c 453 s 4*

204B.15 UNORGANIZED TERRITORY; ELECTION PRECINCTS.

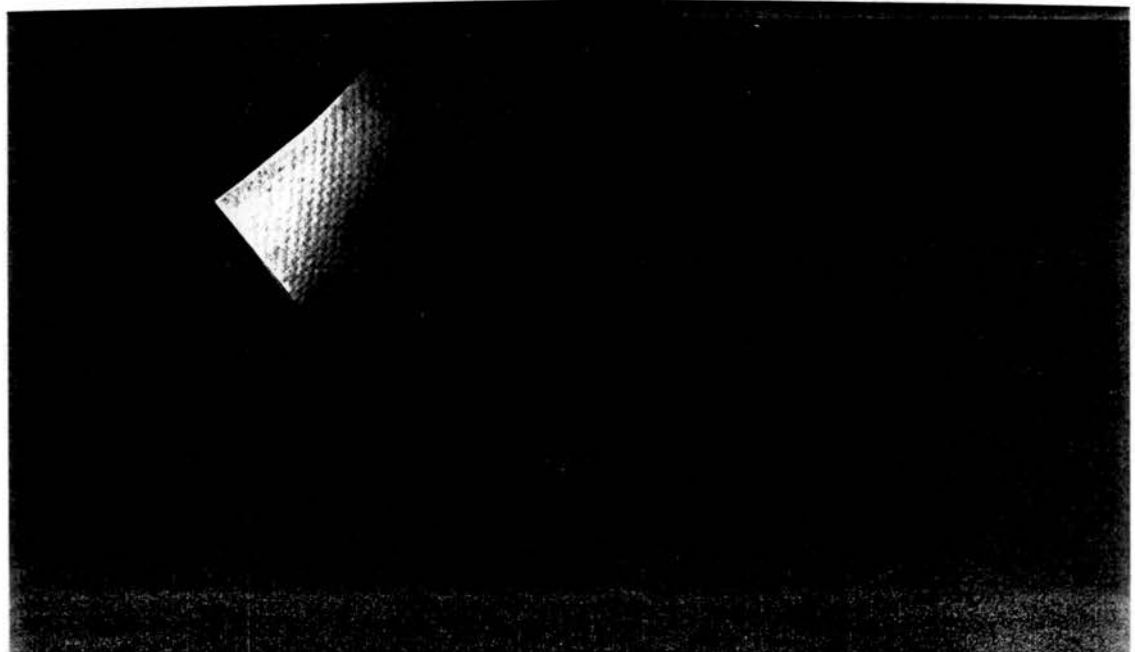
A county board, at its meeting in either January or July, upon the petition of not less than ten eligible voters residing in unorganized territory more than ten miles from the polling place in any established precinct, shall establish a new election precinct. The board shall designate a polling place for the new precinct that is convenient for the individuals residing in it. No polling place designated under this section shall be located within ten miles of an existing polling place.

History: *1981 c 29 art 4 s 15*

204B.16 POLLING PLACES; DESIGNATION.

Subdivision 1. **Authority; location.** The governing body of each municipality and of each county with precincts in unorganized territory shall designate by ordinance or resolution a polling place for each election precinct. Polling places must be designated and ballots must be distributed so that no one is required to go to more than one polling place to vote in a school district and municipal election held on the same day. The polling place for a precinct in a municipality shall be located within the boundaries of the precinct or within 1,500 feet of one of those boundaries unless a single polling place is designated for a city pursuant to subdivision 2. The polling place for a precinct may be located up to 3,000 feet outside one of the boundaries of the precinct if necessary to locate a polling place that is accessible to and usable by elderly and handicapped individuals as required in subdivision 5. The polling place for a precinct in unorganized territory may be located outside the precinct at a place which is convenient to the voters of the precinct. If no suitable place is available within the town, then the polling place for a town may be located outside the town within five miles of one of the boundaries of the town.

Subd. 2. **Single polling place permitted.** The governing body of any city of the third or fourth class having more than one precinct or of any city with territory in more than one county may by ordinance or resolution designate a single, accessible, centrally located polling place where all the voters of the city shall cast their ballots. A single board of election judges may be appointed to serve at this polling place. The number



All statements of information and opinions will be accepted until further notice is published in the *State Register* that the Department intends to adopt or to withdraw the rules. Any written material received by the State Department of Public Safety will become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 28 June 1991

Ralph Church, Commissioner
Department of Public Safety

Department of Public Safety

Gambling Enforcement Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing the Licensing of Manufacturers and Distributors of Gambling Devices

NOTICE IS HEREBY GIVEN that the State Department of Public Safety is seeking information or opinions from sources outside the agency in preparing to propose rules governing the licensing of manufacturers and distributors of gambling devices. The commissioner has authority over the licensing of manufacturers and distributors of gambling devices under *Minnesota Statutes*, section 299L.07, as enacted under *Laws of Minnesota 1991*, chapter 336, article 2, section 9. The rules are authorized by *Minnesota Statutes*, section 299L.03, subdivision 8, which states: "The commissioner may adopt rules . . . under chapter 14 to carry out the commissioner's duties under this chapter."

The State Department of Public Safety requests information and opinions concerning the subject matter of these rules. Interested persons or groups may submit data or views in writing or orally. Written statements should be addressed to:

John K. Willems
Gambling Enforcement Division
1600 University Avenue, Suite 205
St. Paul, Minnesota 55104-3827

Oral statements will be received during regular business hours over the telephone at (612) 643-3006 and in person at the above address.

All statements of information and opinions will be accepted until further notice is published in the *State Register* that the Department intends to adopt or to withdraw the rules. Any written material received by the State Department of Public Safety will become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 28 June 1991

Ralph Church, Commissioner
Department of Public Safety

Secretary of State

Election Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Establishing Alternate Procedures for the Adoption of Precinct Boundary Changes, Posting Notices of Boundary Changes, and Notifying Voters Affected by Boundary Changes

NOTICE IS HEREBY GIVEN that the Secretary of State is seeking information or opinions from sources outside the agency in preparing to propose the adoption of rules creating alternate procedures for the adoption of precinct boundary changes and providing all notifications of changes required to the public. The adoption fo the rules is authorized by *Laws of 1991*, Chapter 349, section 33 which requires the Secretary of State to adopt rules on this subject.

The Secretary of State requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Joseph Mansky
Director, Election Division
180 State Office Building
St. Paul, MN 55155

Oral statements will be received during regular business hours over the telephone at (612) 296-2805 and in person at the above address.

All statements of information and opinions shall be accepted until August 9, 1991. Any written material received by the Secretary of State shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event the rule is adopted.

Dated: 26 June 1991

Joan Anderson Growe
Secretary of State

Professional, Technical & Consulting Contracts

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.

Department of Administration

Building Codes and Standards Division

Request for Proposals to Contract for Inspection Services

I. NOTICE IS HEREBY GIVEN that proposals are being solicited to provide Contract Inspection Services for public buildings in jurisdictions that do not have inspection agreements with the Department of Administration, Building Codes and Standards Division. Inspections are to be conducted in accordance with the Minnesota State Building Code. (*Minnesota Statute* 16B.61 Subd. 1A and 16B.62 Subd. 1.) This Request for Proposals does not obligate the state to complete the contracts, and the state reserves the right to open the Request for Proposals in 6 months. Multiple contracts will be awarded.

A. Proposals will be accepted from individuals only. Any firm or corporation submitting a proposal must stipulate a specific person to perform service(s) and his/her specific experience.

B. Public buildings for this contract means a building and its grounds the cost of which is paid for by the state or a state agency regardless of its cost, and a school district building project the cost of which is $100,000 or more. (*Minnesota Statute* 16B.60 Subd. 6)

II. Division Goals and Objectives

To ensure that all public buildings are inspected and constructed in conformance with the Minnesota State Building Code and the Minnesota Building Codes and Standards Division's authorization to construct a public building.

III. Proposal Deadline and Contact:

Responses to this request are due in our offices by 4:30 p.m. on September 3, 1991. ***ALL*** responses and questions regarding this Request for Proposals should be addressed to:

Ms. Margaret White, Office Services Supervisor
ATTN: RFP Response
Building Codes and Standards Division
408 Metro Square
7th and Robert Streets
St. Paul, MN 55101
612/296-4626

Please note only Ms. White is authorized to answer questions. Late proposals will not be accepted. All applicants will be notified of results.

IV. Scope of Contract

A. To provide inspection services for general building inspection, structural construction elements, handicap accessibility requirements, mechanical inspections, and automatic fire suppression systems. Upon selection as a Contract Inspector, work orders will be issued for individual projects, or portions of projects, depending on what Contract Inspection Services are needed and Contract Inspector's availability. The work orders will detail duties of specific assignments. This is a two year contract.

B. The state will be divided into four geographic areas. See map for designated areas. All proposals must clearly state which geographic area or areas of the state you are available to work in.

Note: No comments were received from the Solicitation of Outside Information.

STATE OF MINNESOTA

Secretary of State

In the Matter of the Proposed Adoption of the Rules of the Secretary of State Governing Alternate Procedures for the Adoption of Precinct Boundary Changes, Posting Notice of Boundary Changes, and Notifying Voters Affected by Boundary Changes.

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

It is ordered this 16th day of October, 1991 that a Notice of Intent to Adopt Rules Without a Public Hearing in the above-entitled matter be given all persons who have registered their names with the Secretary of State for that purpose and publish the Notice and rule in the State Register, and to perform any and all acts incidental thereto.

Joan A. Growe

Secretary of State

Secretary of State

In the Matter of the Proposed Adoption of the Rules of the Secretary of State Governing Alternate Procedures for the Adoption of Precinct Boundary Changes, Posting Notice of Boundary Changes, Notifying Voters Affected by Boundary Changes, and Establishment of Precinct Boundaries Lacking Recognizable Physical Features.	NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

(1) Notice is hereby given that the Secretary of State intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rules is Minnesota Statutes 204B.14, subdivisions 4 and 6.

(2) All persons have 30 days in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged (3) Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. (4) If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. (6) Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. (7) If a public hearing is required, the Secretary of State will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

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

Joseph Mansky
Director, Election Division
180 State Office Building
St. Paul, MN 55155
(612) 296-2805

(8) The proposed rules 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 rules as noticed.

(11) A copy of the proposed rules are attached to this notice.

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

(12)

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

(9)

10-31-91

Date

Joseph Mansky

Joseph Mansky

Director, Election Division

Secretary of State

Proposed Permanent Rules Relating to Elections; Redistricting

Rules as Proposed (all new material)

8255.0010 ALTERNATE DATES FOR COMPLETION OF LOCAL REDISTRICTING.

If the adoption of the legislative redistricting plan or the resolution of any court challenge to the legislative redistricting plan occurs less than 19 weeks before the state primary, in a year ending in two, the following schedule for reestablishment of precinct boundaries and election districts must be followed:

A. Precincts must be reestablished no later than four weeks after the adoption of the legislative plan.

B. Wards must be redistricted no later than four weeks after the adoption of the legislative plan.

C. Local government election districts must be redistricted no later than six weeks after adoption of the legislative plan.

When a municipality completes the reestablishment of precinct boundaries, the municipal clerk shall immediately provide the secretary of state, county auditor, and all school districts with territory in the municipality a copy of a map illustrating the precinct boundaries.

8255.0020 ESTABLISHMENT OF PRECINCT BOUNDARIES LACKING RECOGNIZABLE PHYSICAL FEATURES.

If recognizable physical features are unavailable for use as precinct boundaries, or if establishment of a precinct boundary along a school district boundary which does not follow a recognizable physical feature is desired, the county or municipal governing body may establish precinct boundaries lacking a recognizable physical feature. A precinct boundary lacking a recognizable physical feature must be established as provided in this part.

Two precincts may be formed which share a boundary that is

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not located on a recognizable physical feature. However, the boundary of the two precincts combined must be entirely located on recognizable physical features.

If two precincts are divided by a boundary not located on a recognizable physical feature as provided in this part, the two precincts must be named to reflect a relationship for the purpose of reporting election results, for example: "precinct 1A and precinct 1B."

8255.0030 POSTING NOTICE OF BOUNDARY CHANGES.

When a precinct boundary is reestablished or a local government election district boundary is redistricted under part 8255.0010, a notice and a detailed map showing the new precincts or districts must be posted at the locations and in the manner in items A to C.

A. For precincts and wards established by a municipality, the notice prepared by the municipal clerk must be posted in the clerk's office. The notice may be posted in other conspicuous locations in the municipality, at the discretion of the clerk. The information posted must also be made available for public inspection at the office of the county auditor.

B. For districts established by a county, the notice must be prepared by the county auditor and posted in the auditor's office. The county auditor shall provide a copy of the notice to each municipal clerk in the county. Each municipal clerk shall post the notice of county precincts and election districts.

C. For precincts and districts established by school districts, the notice must be prepared by the school district clerk and posted in the clerk's office. The notice may be posted in other conspicuous locations in the school district, at the discretion of the clerk. The information posted must also be available for public inspection at the office of the county auditor.

The notices required by this part must be posted within 72 hours after the adoption of precinct or election district

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by Revisor _____

boundaries. The notices must remain posted until the day following the state general election in a year ending in two.

8255.0040 PUBLISHED NOTIFICATION BY COUNTY AUDITOR.

When precincts are reestablished or local government election districts are redistricted under part 8255.0010, the county auditor shall publish a notice illustrating or describing the congressional, legislative, and county commissioner districts in the county in one or more qualified newspapers in the county. The publication must occur no later than 14 days after the redistricting of local government election districts is completed.

8255.0050 NOTICE TO AFFECTED VOTERS.

When precinct boundaries are changed under part 8255.0010, the county auditor or municipal clerk shall notify each affected registered voter of the change at least one week prior to the state primary held after the change takes place.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Elections; Redistricting

AGENCY: Secretary of State

MINNESOTA RULES: Chapter 8255

The attached rules are approved for publication in the State Register

Craig E. Lindeke
Senior Assistant Revisor

SF-00006-05 (4/86)

DEPARTMENT : ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

DATE : January 29, 1992

Rec 1-29-92

TO : PATRICIA NOLTE
Office of Attorney General
Rule Review Section

FROM : MICHAEL R. GALLAGHER
Special Assistant
Attorney General

MRG

PHONE : 297-1137

SUBJECT : In the Matter of the Adoption of the Rules of the Secretary of State Governing Alternate Dates for Adopting Changes in Precinct Boundaries, Posting Notices of Boundary Changes, Notifying Voters Affected by Boundary Changes, and Establishing Precinct Boundaries Lacking Recognizable Physical Features

Enclosed for your review, pursuant to Minnesota Statute 14.26, are the following documents to support the above-referenced, non-controversial rules:

1. Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules, as published in the State Register;

2. Rules as proposed with Certificate of Approval as to form by the Revisor of Statutes attached;

3. Notice of Intent to Adopt the Rules Without a Public Hearing as mailed;

4. Statement of Need and Reasonableness;

5. Affidavit of Mailing the Notice of Intent to Adopt the Rules Without a Public Hearing;

6. Notice of Intent to Adopt the Rules Without a Public Hearing, as published in State Register;

7. Rules as adopted (4 copies);

8. Findings of Fact, Conclusions, and Order Adopting the Rules Without a Public Hearing;

9. Written Comments on the Rules Received By the Secretary of State; and

10. Declaration of Counsel.

Please be advised that there were no requests for the Notice of Submission to the Attorney General.

MRG:ft

STATE OF MINNESOTA
SECRETARY OF STATE

In the Matter of the Proposed Adoption of the Rules of the Secretary of State Governing Alternate Dates for Adopting Changes in Precinct Boundaries, Posting Notices of Boundary Changes, Notifying Voters Affected by Boundary Changes, and Establishing Precinct Boundaries Lacking Recognizable Physical Features.

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

(1) Notice of the Secretary's intent to adopt the above-entitled rules was published in the State Register on November 12, 1991 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14, on November 12, 1991. (2) The statement of need and reasonableness was prepared before the notice of intent to adopt rules without a public hearing was mailed to all persons on the rulemaking list and published in the State Register and was available to the public and provided to the Legislative Committee to Review Administrative Rules.

(4) All persons were given the opportunity to submit comment on the rules for 30 days after notice of the proposed rulemaking.
(5) One submission or comment on the rules were received by the Secretary of State. (7) No requests for notice of submission to the attorney general were received by the agency.

(6) Based upon the comment received proposed rule 8255.0020 has been changed. The change is needed because the jurisdictional boundaries of some municipalities and counties are not recognizable physical features. The change is reasonable in that it provides a means by which the redistricting of precinct boundaries can occur, but prevents the establishment of precinct boundaries without recognizable physical features for arbitrary reasons.

The change to 8255.0020 does not constitute a substantial change to the proposed rules in that it does not effect a class of persons who would not be expected to comment on the rule as originally noticed. Further the change is not substantial because it does not introduce a new subject matter, nor is the change being made at this time so as to avoid comment from the original notice.

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

The above captioned rules are needed and reasonable. (8)

Now, therefore, it is ordered that the rules identified as 8255.0010, 8255.0020, 8255.0030, 8255.0040 and 8255.0050 are adopted this 28th day of January 1992, pursuant to authority vested in me by Minnesota Statutes 204B.14.

(9)

Joan A. Growe

Secretary of State

In the Matter of the Adoption of the Rules of the Secretary of State Governing Alternate Dates for Adopting Changes In Precinct Boundaries, Posting Notices of Boundary Changes, Notifying Voters Affected by Boundary Changes, and Establishing Precinct Boundaries Lacking Recognizable Physical Features.

DECLARATION OF COUNSEL

I, Michael R. Gallagher, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rules, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 0747.

Dated: January 29, 1992

Michael R. Gallagher
Special Assistant
Attorney General