

# State Register

STATE OF MINNESOTA



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## VOLUME 2, NUMBER 32

## FEBRUARY 13, 1978

# State Register

## Notice of *State Register* Format Changes

Beginning with *State Register* Vol. 2, issue No. 26, dated January 2, 1978, the Office of the State Register will be making the following enhancements in the *State Register* format:

- Highlights on the front cover will be arranged under section headings, as they appear within the *State Register*, and will include page numbers. The Highlights section will also include a notation directing readers to a more complete table of contents within the issue.
- An introductory statement will be included for each section of the *State Register*. These statements will give a brief explanation of the kinds of material contained in the section; effective lead times for notices of hearing, rules, or executive orders; and cites to applicable statutes.
- A new key using ~~strike outs~~ to indicate deleted language and underlining to indicate new language. Strike outs and underlining in proposed rules will indicate changes from original language to proposed new language. Strike outs and underlining in adopted rules will indicate changes from proposed to adopted language.
- Guide rule-numbers will be printed, when applicable, at the outside top of each page to indicate the beginning rule number on the left hand pages and the ending rule number on the right hand pages.
- Chapter and rule numbers that begin the text of an adopted or proposed rule will be printed in bold face.

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- (1) The rule or order was duly adopted, issued or promulgated;
- (2) The rule or order was duly filed with the Secretary of State and available for public inspection; and
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# EXECUTIVE ORDERS

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## Emergency Executive Order No. 166

### Providing for Assistance to Officials of the State of Minnesota

I, Rudy Perpich, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, hereby issue this Executive Order:

WHEREAS, Senator Hubert H. Humphrey will lie in state for public review at the Capitol in St. Paul, and;

WHEREAS, the funeral services will be held at House of Hope Presbyterian Church, St. Paul, and;

WHEREAS, the review and funeral services will be open to the public, and;

WHEREAS, the magnitude of the occasion will result in a concentration of huge throngs of persons, and;

WHEREAS, the assistance of local law enforcement agencies in crowd control and enforcement of traffic laws will become imperative:

NOW THEREFORE, I order:

1. The Adjutant General of Minnesota to order to active duty for the period 14 January to 16 January 1978, in the services of the state, such elements of the military forces of the state as required for public control and assistance during the services.

2. Cost of subsistence, transportation and fuel, and pay and allowances of said individuals will be defrayed from the general revenue of the state as provided for by Minnesota Statutes, Section 192.49: Subdivision 1, Section 192.51; and Section 192.52.

This order shall be effective immediately and shall be in force until January 16, 1978.

IN TESTIMONY WHEREOF, I hereunto set my hand on this 14th day of January, 1978.



# RULES

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Pursuant to the provisions of Minn. Stat. § 15.0411 to § 15.052, all rules, amendments to rules, or suspensions or repeals of rules become effective after all requirements described in Minn. Stat. § 15.0412, subd. 4 have been met and five working days after publication in the *State Register*, unless a later date is required or specified.

If the rule as adopted does not differ from the proposed rule as previously published in the *State Register*, a notice of adoption as proposed and a citation to the previous publication is considered sufficient as publication of the adopted rule, suspension or repeal.

If the rule as adopted differs from the proposed rule, the adopted rules or subdivisions thereof which differ from the proposed rule are published along with a citation to the *State Register* publication of the proposed rule.

Pursuant to Minn. Stat. § 15.0412, subd. 5, temporary rules take effect upon approval of the Attorney General. As soon as practicable, notice of the Attorney General's decision and the adopted temporary rule are published in the *State Register*, as provided for adopted rules. Temporary rules are effective for only 90 days and may be reissued for 90 days.

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## Department of Commerce Insurance Division

### Adopted Temporary Rules

#### Establishing the Type Face Style of Print for Matters Covered by Minn. Laws 1977, ch. 347

The temporary rules published at the *State Register*, volume 2, number 21, page 1051, November 28, 1977, (2 SR 1051) are adopted and are identical in every respect to their proposed form, with the following amendment:

150 C: Italics, bold face, and contrasting styles may be used to emphasize important or technical terms and for captions. When two or more type face styles are used they (should) shall be visually compatible.

These rules are effective on January 10, 1978, and for 90 days thereafter.

## Department of Personnel

### A Code of Ethics for all Executive Branch State Employees

These rules are printed here in their adopted form without

indication of changes from their proposed form. Readers are directed to consult 1 S.R. 92 for the proposed form of the rules.

## Rules as Adopted

### Chapter Nineteen: Code of Ethics

#### Persl. 275 Statement of purpose.

A. The observance of high ethical standards by State employees is essential to the conduct of free government. The employee holds his or her position as a public trust and any effort to realize personal gain through official conduct is a violation of that trust.

B. It is recognized that employees should have equal opportunity with all citizens to develop private, economic and social interests and that it is therefore necessary to distinguish between those minor and inconsequential conflicts which are unavoidable in a free society and those conflicts which are substantial and material and conflict with the employee's responsibility to the public.

C. It is further recognized that employees are granted certain rights to organize and participate in labor or employee organizations under Minn. Stat. §§ 179.61-179.77. These rules shall not be interpreted to apply to any activity which is protected by §§ 179.61-179.77 or agreements and practices thereunder nor to prevent a current or former employee from accepting employment with a labor or employee organization representing employees.

D. The standards of conduct for employees in the performance of their official duties set forth in this chapter are intended to identify potential conflicts of interest, eliminate actual conflicts of interest, improve standards of public service and promote and strengthen the faith and confidence of the people of the State in their government. It is further intended that these standards shall serve both as a guide for official conduct and as a basis for disciplinary action.

#### Persl. 276 Definitions.

A. "Agency" means a department, commission, board, institution or other entity in the executive branch in which all positions are under the same appointing authority.

B. "Appointing Authority" means a person or group of persons empowered by the constitution, by statute or by lawfully delegated authority to make appointments to positions in state service.

C. "Business" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual or any other legal en-

# RULES

tity which engages either in non-profit or profit-making activities.

D. "Confidential information" means any information obtained under government authority which has not become part of the body of public information and which, if released prematurely or in non-summary form, would provide unfair economic advantage or adversely affect the competitive position of an individual or a business.

E. "Employee" means any classified or unclassified employee of the executive branch. Where specific provisions of Minn. Stat. ch. 10A apply to employees and would conflict with any of these rules, the provisions of Minn. Stat. ch. 10A will apply to that specific instance.

F. "Private interest" means any interest, including but not limited to a financial interest, which pertains to a person or business whereby such person or business would gain a benefit, privilege, exemption or advantage from the action of a state agency or employee that is not available to the general public.

**Persl. 277 Acceptance of gifts or favors.** An employee shall not directly or indirectly receive or agree to receive any payment of expense, compensation, gift, reward, gratuity, favor, service or promise of future employment or other future benefit from any source except the State for any activity related to the duties of the employee unless otherwise provided by law. However, the acceptance of any of the following shall not be a violation of this rule;

1. Advertising gifts of nominal value having wide distribution.
2. Plaques or similar mementoes recognizing individual service in a field of specialty or to a charitable cause.
3. Payment or reimbursement of expenses for travel or meals, not to exceed actual expenses incurred, which are not reimbursed by the State and which have been approved in advance by the appointing authority as part of a work assignment.
4. Honoraria or expenses paid for papers, talks, demonstrations or appearances made by employees on their own time for which they are not compensated by the State.

**Persl. 278 Use of confidential information.** An employee shall not disclose confidential information, shall not use confidential information to further the employee's private interest, and shall not accept outside employment or in-

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volvement in a business or activity that will require him or her to disclose or use confidential information.

**Persl. 279 Use of state property.** An employee shall not use or allow the use of State time and supplies and state owned or leased property and equipment for his or her private interests or any other use not in the interest of the State, except as provided by law.

## Persl. 280 Conflicts of interest.

A. An employee shall not use or attempt to use his or her position to secure benefits, privileges, exemptions or advantages for the employee or others different from those available to the general public.

B. An employee shall not accept other employment which will affect his or her independence of judgment in the exercise of the employee's official duties.

C. An employee shall not act as agent or attorney in any action or matter pending before the agency by which he or she is employed except in the proper discharge of official duties or on the employee's own behalf.

D. When an employee believes the potential for a conflict of interest exists, it is his or her duty to take action to avoid the situation. The employee shall:

1. Cease the performance of duties that could create a conflict of interest and notify the appointing authority within one working day of such cessation.

and

2. Prepare a written statement describing the matter requiring action or decision and the nature of the possible conflict of interest.

and

3. Take either of the following courses of action:

- a. Deliver the statement to his or her appointing authority and request a clarification of the possibility of a conflict of interest. The appointing authority may request an advisory opinion from the Commissioner of Personnel or legal counsel. A copy of any advisory opinion issued by an appointing authority shall be sent to the Commissioner of Personnel.

**KEY: PROPOSED RULES SECTION:** Underlining indicates additions to pre-existing rule language. ~~Strike outs~~ indicate deletions from pre-existing rule language. If all proposed rules in a set are totally new (i.e. non-amendatory) the entire set is printed in standard type face. **RULES SECTION:** Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

## RULES

### Persl 280

b. Request an advisory opinion directly from the Commissioner of Personnel by delivering the statement to the Commissioner. The Commissioner shall issue an advisory opinion within seven days and provide a copy to the employee and appointing authority.

4. If the employee, appointing authority or Commissioner determine that a conflict of interest exists, the employee shall, if possible, be relieved of the assignment, and the appointing authority shall assign the matter to another qualified employee who does not have a conflict of interest. If it is not possible to assign the matter to an employee who does not have a conflict of interest, interested persons shall be notified of the conflict and the employee may proceed with the assignment.

5. A conflict of interest shall be deemed to exist when a review of the situation by the employee, the appointing authority or the commissioner determines any one of the following conditions to be present:

a. The use for private gain or advantage of State time, facilities, equipment or supplies or the badge, uniform, prestige or influence of State office or employment;

b. Receipt or acceptance by the employee of any money or other thing of value from anyone other than the State for the performance of an act which the employee would be required or expected to perform in the regular course or hours of State employment or as part of his or her duties as an employee;

c. Employment by a business which is subject to the direct or indirect control, inspection, review, audit or enforcement by the employees;

d. The performance of an act in other than his or her capacity as an employee which may later be subject directly or indirectly to the control, inspection, review, audit or enforcement by the employee.

**Persl. 281 Disciplinary action.** The rules of conduct set forth in this chapter shall be deemed conditions of employment in the State service. Violation of these rules of conduct shall constitute just cause for disciplinary action.

**Persl. 282 Copy to employees.** Each appointing authority shall provide a copy of this chapter and any subsequent amendments to all current employees, and to new employees at the time of appointment.

# Department of Public Welfare

## Adopted Rules Regarding Merit System Classification Specifications and Related Salaries

The following rules are adopted and are identical in every respect to their proposed form as published in the *State Register* Vol. 2, No. 11, September 19, 1977, (2 S.R. 633) and are published here by reference only as provided in Laws of 1977, ch. 443, subd. 4.

**DPW 125 O.** Director of Assessment Systems

**DPW 125 W.** Policy/Program Analyst

**DPW 126 H.** Human Services Supervisor I

**DPW 126 N.** Developmental Achievement Center Director

**DPW 126 U.** Transportation Coordinator

**DPW 128 I.** Residential Facility Operator(s)

**DPW 128 R.** Assistant Residential Facility Operator(s)

**DPW 128 W.** Psychologist III

**DPW 128 X.** Psychologist IV

**DPW 128 Y.** Senior Citizen's Aide

**DPW 128 A.A.** Developmental Achievement Center Teacher

**DPW 128 B.B.** Developmental Achievement Center Instructor

**DPW 128 D.D.** Mental Health Worker

**DPW 130 A.** Physical Therapist

**DPW 130 F.** Home Health Aide

**DPW 131 H.** Director of Business Management II

**DPW 131 I.** Director of Business Management I

**DPW 132 N.** Information System Specialist

**DPW 135 G.** Bus Driver

**DPW 140 A.** Professional Personnel Plan (all classes except Community Health Services Supvr.)

# RULES

## DPW 140 B. Support Personnel Plan

## DPW 140 C. Clerical Personnel Plan

## DPW 140 D. Maintenance and Trades Personnel Plan

The following rules published in *State Register* Vol. 2, No. 11, September 19, 1977 (SR 633) are adopted and are identical in every respect to their proposed form, with the following amendments. Only the section containing the changes has been printed. These changes are not considered to be substantial in nature.

## DPW 125 S. Human Services Director I

### 3. Knowledges and abilities required:

a. Knowledge of state and federal laws and regulations relating to human services. Knowledge of principles and practices of public administration. Knowledge of principles, methods and procedures of human services administration. Knowledge of organizational theory and effective management practices. Knowledge of organization and functions of federal, state and local agencies in the human services fields. Knowledge of social and health conditions in rural areas and small urban centers. Knowledge of community structure and resources including those aspects of political, economic and social activities capable of lending support to human services programs. Knowledge of public budgeting and accounting.

4. Minimum qualifications of education and experience:

b. A bachelor's degree from an accredited four-year college in public administration, business administration, social work, public health, psychology, or a closely related field and two years of experience as a Social Service Supervisor I, Human Services Supervisor I, Administrative Assistant I, Welfare Director I, Senior Public Health Nurse, or equivalent level of experience in a supervisory or administrative position.

## DPW 125 T. Human Services Director II

### 3. Knowledges, skills and abilities required:

a. Knowledge of state and federal laws and regulations relating to human services. Knowledge of principles and practices of public administration. Knowledge of principles, methods and procedures of human services administration. Knowledge of organizational theory and effective

## DPW 125

management practices. Knowledge of organization and functions of federal, state and local agencies in the human services fields. Knowledge of social and health conditions in rural areas and small urban centers. Knowledge of community structure and resources including those aspects of political, economic and social activities capable of lending support to human services programs. Knowledge of public budgeting and accounting.

4. Minimum qualifications of education and experience:

a. A master's degree from a recognized school in Human Services Administration, Public Administration, Business Administration, Social Work, Sociology, Public Health, Psychology or a closely related field and two years of experience as a Human Services Director I, Welfare Director II, Administrative Assistant II, Social Service Supervisor II, Director of Public Health Nursing II or the equivalent level of experience in a supervisory or administrative position.

b. A bachelor's degree from an accredited four-year college in Public Administration, Business Administration, Social Work, Sociology, Public Health, Psychology or a closely related field and three years of experience as a Welfare Director II, Human Services Director I, Administrative Assistant II, Social Service Supervisor II, Director of Public Health Nursing II or equivalent level of experience in a supervisory or administrative position.

c. A bachelor's degree from an accredited four-year college in Public Administration, Business Administration, Social Work, Sociology, Public Health, Psychology or a closely related field and four years of experience as an Administrative Assistant I, Social Service Supervisor I, Welfare Director I, Director of Public Health Nursing I or equivalent level of experience in a supervisory or administrative capacity. One year of pertinent graduate training in a recognized school of social work the fields listed above may be substituted for one year of the required supervisory or administrative experience.

## DPW 125 U. Human Services Director III

4. Minimum qualifications of education and experience:

a. A master's degree from a recognized school in human services administration, public administration, busi-

**KEY: PROPOSED RULES SECTION:** Underlining indicates additions to pre-existing rule language. ~~Strike outs~~ indicate deletions from pre-existing rule language. If all proposed rules in a set are totally new (i.e. non-amendatory) the entire set is printed in standard type face. **RULES SECTION:** Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

# RULES

## DPW 125

ness administration, social work, sociology, public health, psychology, or a closely related field and three years of experience as an Assistant Human Services Director, Welfare Director III, Human Services Director II, Administrative Assistant III, Social Services Supervisor III or equivalent level of experience in a supervisory or administrative position.

c. A bachelor's degree from an accredited four-year college in public administration, business administration, social work, sociology, public health, psychology or a closely related field and six years of full-time experience as an Administrative Assistant II, Social Service Supervisor II, Human Services Director I, Welfare Director II, Director of Public Health Nursing II, or equivalent level of experience in a supervisory or administrative position. One year of pertinent graduate training in a recognized school of social work the fields listed above may be substituted for one year of the required supervisory or administrative experience.

## DPW 125 V. Assistant Human Service Director

4. Minimum qualifications of education and experience:

c. A bachelor's degree from an accredited four-year college in public administration, business administration, social work, sociology, public health, psychology, or a closely related field and five years of full-time experience as an Administrative Assistant I, Social Service Supervisor I, Welfare Director I, Director of Public Health Nursing I or equivalent level of experience in a supervisory or administrative position. One year of pertinent graduate training in a recognized school of social work the fields listed above may be substituted for one year of the required supervisory or administrative experience.

## DPW 126 E. Community Health Services Supervisor (Human Services)

4. Minimum qualifications of education and experience:

b. A baccalaureate degree from a school of nursing accredited by the National League for Nursing, certification as a public health nurse in Minnesota, ~~six~~ four years of full-time public-health nursing experience, including two years of successful, supervisory, consultative and/or administrative experience in an agency offering generalized public-health nursing services, certification as a public-health nurse in Minnesota.

## DPW 128 H. Chemical Dependency Counselor

2. Examples of work: (Illustrative only)

Confers with the professional staff about the general approach to individual treatment plans. Establishes an understanding and cooperative relationship with clients. Meets with clients individually and in groups to work out ways to combat reversion tendencies. Provides information to clients concerning local Alcoholics Anonymous chapters, treatment centers, and half way houses, and makes referrals as client needs dictate. Provides counseling to the chemically dependent and chemical abusers, as well as to their families. Provides follow-up and emergency services. Maintains records on clients and prepares reports on the program. Establishes and maintains liaison and good relations with other local agencies and groups in the community. Participates in educational presentations to community groups and makes public speaking presentations for interpretation and understanding of the chemically chemical dependent, chemical abusers and their families. Refers to clients to appropriate financial, legal and marital counseling as required.

4. Minimum qualifications of education and experience:

Three consecutive years of sobriety, if chemically dependent, and successful completion of an six month chemical dependency training program approved chemical dependency training program accredited by the Department of Public Welfare.

## DPW 128 Z. Chemical Dependency Coordinator

1. Kind of work:

Under general supervision develops, maintains, coordinates and evaluates the full continuum of care programs for the chemically dependent; trains and provides coordination for chemically chemical dependency counselors and staff; works in areas of alcohol/drug rehabilitation programs with groups or individuals in assisting them to recover from alcohol or drug-related problems. Specialized direction is available from social work, medical and psychological staff personnel. Considerable latitude is permitted in working out relations with clients and methods to be employed in anticipating and avoiding the use of chemical dependent substances. Works unusual hours as required by client and/or community. Performs related work as required.

4. Minimum qualifications of education and experience:

a. Master's degree from a recognized school in social work or the behavioral sciences, three years of sobriety if chemically dependent, and equivalent of completion of the chemical dependency training program accredited by the

# RULES

Department of Public Welfare a six month chemical dependency training program.

DPW 140

b. Graduation from an accredited four-year college in social work or the behavioral sciences, three consecutive years of sobriety if chemically dependent, successful completion of a ~~chemical dependency training program accredited by the Department of Public Welfare six month chemical dependency training program~~, and two years of experience in chemical dependency field.

## DPW 128 C.C. Developmental Disabilities Coordinator

### 1. Kind of work:

An employee in this class is responsible for planning, coordinating and service delivery of the mental retardation/development disabilities program in an assigned area or district. The work includes assessing the needs of mentally retarded/developmentally disabled population, involving those interested in or associated with the mental retardation/developmental disabilities fields in problem solving and coordinating these efforts with related agencies and organizations. Work is performed under the supervision of a Human Services Supervisor or Assistant Human Services Director and administrative direction of the Human Services Director, but considerable latitude is allowed for the exercise of independent judgment. Work is reviewed through conferences, written reports and results obtained. Performs related work as required.

## DPW 130 D. Homemaker/Home Health Aide

### 2. Examples of work: (Illustrative only)

Plans menus, purchases food, and prepares and serves meals including special diets as required. Assists in budgeting and expense planning. Provides personal care to children and/or disabled household members including bathing, dressing, feeding, personal hygiene, medication, and therapy as prescribed by the health staff. Teaches and instructs clients/patients in homemaking, child care, and personal care skills. Performs light housekeeping services including cleaning, washing, ironing, and mending of clothes and linens. Transports and escorts children and adults to schools, clinics, libraries, doctor's offices, and recreational facilities. Reports any changes in patient's or family's condition and ~~prepares monthly progress~~ reports on patient/family activities.

## DPW 140 A. Professional Personnel Plan

### Plan A

~~1079 1126 1177 1232 1290 1348 1409 1472 1538~~  
1102 1150 1203 1261 1319 1377 1440 1503 1572 1646

### Plan B

~~1126 1177 1231 1290 1348 1409 1472 1538 1609~~  
1150 1203 1261 1319 1377 1440 1503 1572 1646 1720

### Plan C

~~1177 1232 1290 1348 1409 1472 1538 1609 1683~~  
1203 1261 1319 1377 1440 1503 1572 1646 1720 1799

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# PROPOSED RULES

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Pursuant to the provisions of Minn. Stat. § 15.0411 to 15.052, the *State Register* publishes notices of hearing on proposed new or amended rules, including the full text of the new or amended rules, including the full text of the new or amended rule proposed for adoption, at least 30 days before the date set for the hearing.

Pursuant to Minn. Stat. § 15.0412, subd. 4, an agency may, with approval of the chief hearing examiner, incorporate by reference into the text of a rule, provisions of federal law, or rule, or other material which are 3000 words or more in length or would require five or more pages of print in the *State Register* and which are conveniently available to interested persons.

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend, or repeal a rule does not allow for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

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## Office of the State Treasurer Division of Unclaimed Property Proposed Rules of Unclaimed Property Act

### Order for Hearing

It is hereby ordered that a public hearing on the above-captioned rules be held at Conference Room D, Veterans Service Building, Ramsey County, St. Paul, Minnesota on March 20, 1978 commencing at 9:00 a.m. and continuing until all persons have had an opportunity to be heard.

It is further ordered that a notice of hearing be mailed to all persons or representatives of associations or other interested groups who have registered their names with the Secretary of State for that purpose.

It is further ordered that the notice of hearing be published in the *State Register*.

Jim Lord, State Treasurer

### Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held at Conference Room D, Veterans Service Building, Ramsey County, St. Paul, Minnesota on March 20, 1978 commencing at 9:00 a.m. and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Peter C. Erickson, 1745 University Ave., St. Paul, Minnesota, 1-(612)-296-8118 either before the hearing or within 20 days after the close of the hearing.

The proposed rules, if adopted, would have the effect of implementing and interpreting the Uniform Disposition of Unclaimed Property Act by defining "service charges," "property," "inactivity," and "deducted" as those terms are used in the Act; by explaining when service charges may be lawfully or contractually deducted, the authority for discontinuance of interest or dividends, when the holder may not discontinue the payment of interest or dividends, when the holder must substantiate any deductions, when the provision "excluding contracted service charges which may be deducted for a period not to exceed 1 year" shall take effect, and the waiver or non-enforcement of the right to service charges. It also defines the "reporting period," a "receipt of a statement," and a "negative property report" as those terms are used in the Act.

Copies of the proposed rules are now available and one free copy may be obtained by writing to the Minnesota State Treasurer, Division of Unclaimed Property, 303 Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota, 55155. Additional copies will be available at the door on the day of the hearing. The agency's authority to promulgate the proposed rules is contained in Minn. Stat. § 345.56. A "statement of need" explaining why the agency feels the proposed rules are necessary and a "statement of evidence" outlining the testimony they will be introducing will be filed with the Hearing Examiners Office at least 25 days prior to the hearing and will be available there for public inspection.

Please be advised that pursuant to Minn. Stat. § 10A.01, Subd. 11 (1974) any individual engaged to pay or other consideration for the purpose of representing persons or associations attempting to influence administrative action, such as the promulgation of these rules, must register with the State Ethics Commission as a lobbyist within five days of the commencement of such activity by the individual.

Jim Lord, State Treasurer

**Proposed Rules Governing Unclaimed Property Act**

**Chapter One: General**

**TRE 1 Purpose.** The rules and regulations contained in this subchapter are for the purpose of implementing provisions of the Unclaimed Property Law.

**TRE 2 Service charges.** The term "service charges" means any type of charge deducted by a holder (as defined in subdivision 5 of Minn. Stat. § 345.31) from property subject to the Uniform Disposition of Unclaimed Property Act (Minn. Stat. §§ 345.31-345.60 inclusive, Laws of 1977, ch. 137), including, but not limited to charges imposed by virtue of the inactivity, dormancy, or abandonment of property such as service charges, handling charges, and administrative costs.

**TRE 3 Property.** The term "property" means any property that is reportable to the State Treasurer under the Uniform Disposition of Unclaimed Property Act, or would be reportable if service charges had not been deducted therefrom.

**TRE 4 Inactivity.** The term "inactivity" means non-occurrence of any of the events or acts described in (1), (2), (3), (4) or (5) of Minn. Stat. § 345.32(a) or (1), (2), (3), or (4) of Minn. Stat. § 345.32(b).

**TRE 5 Deducted.** The term "deducted" shall also be deemed to mean "excluding"

**Chapter Two: Service Charges Lawfully Withheld**

**TRE 6 Authority for service charges.** Service charges shall not be deducted from property unless:

- A. Expressly permitted by provisions of the Uniform Disposition of Unclaimed Property Act; and
- B. Authorized by a statute other than the Uniform Disposition of Unclaimed Property Act or by a valid, enforceable contract which expressly provides for such charges and the terms of which are not inconsistent with the provisions of the Uniform Disposition of Unclaimed Property Act.

**TRE 7 Contracted service charges.** For purposes of Minn. Stat. §§ 345.32(a), (b), and (c), 345.34, 345.39 and rule TRE 6 B. hereof, an agreement in order to constitute a "contracted service charge", "charges that may lawfully

be withheld", or "valid enforceable contract" must satisfy the following conditions:

- A. The agreement must be in writing and executed by the customer.
- B. The agreement shall expressly provide on the face thereof the specific amount or method by which such service charges shall be calculated and in no event shall the terms thereof be unreasonable or unconscionable.
- C. Any modification or supplement, or amendment to an agreement otherwise satisfying these regulations must be assented to in writing by the customer.
- D. Such agreement shall otherwise comply with all Minnesota Statutes and Federal Statutes and regulations to which holders are subject.

**TRE 8** The provision "excluding contracted service charges which may be deducted for a period not to exceed one year" set forth in § 345.32(a), (b) and (c) shall apply to all contracts entered into on or after July 1, 1977 and to all contracts entered into prior to July 1, 1977, the service charge provisions of which are amended subsequent to July 1, 1977.

**TRE 9 Substantiation of deductions.** If service charges are deducted from property, a holder shall include or attach as part of the report filed pursuant to Minn. Stat. § 345.41:

- A. The citation of the statute or a copy of the form of contract authorizing such service charges.
- B. The value or amount of each item of property, before any service charges are deducted therefrom.
- C. The total amount of service charges deducted from each item and the date or dates on which such service charges were deducted.
- D. Such other information or documentation as the State Treasurer may reasonably require to substantiate the deduction of service charges. Such documentation may include correspondence with customer, passbook provisions, signature card, rules and regulations, by-laws, and any other documentations concerning any agreement between the bank and the customer.

**KEY: PROPOSED RULES SECTION:** Underlining indicates additions to pre-existing rule language. ~~Strike outs~~ indicate deletions from pre-existing rule language. If all proposed rules in a set are totally new (i.e. non-amendatory) the entire set is printed in standard type face. **RULES SECTION:** Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

# PROPOSED RULES

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## TRE 15

**TRE 10 Waiver or non-enforcement of right.** Service charges may not be deducted from property pursuant to a contract or statute if the holder would not have deducted such charges in the event the property had been claimed by the owner prior to being reported or remitted to the State Treasurer.

### Chapter Three: Interest or Dividends

**TRE 11 Authority for discontinuance.** If payment of interest or dividends on property subject to Minn. Stat. §§ 345.32 (a) and (b) is discontinued at any time during the period of inactivity, the holder shall include or attach as part of the report filed pursuant to Minn. Stat. § 345.41:

A. A copy of the form of a valid, enforceable contract which authorized such discontinuance of payment of interest or dividends; or

B. The citation of the statute which authorized such discontinuance of payment of interest or dividends.

**TRE 12 Non-Enforcement of right.** A contract or statute

shall not be considered as authorizing discontinuance of payment of interest or dividends if such payment would not have been discontinued, or would otherwise have accrued to the benefit of the owner, in the event the property had been claimed by the owner prior to being reported or remitted to the State Treasurer.

### Chapter Four: Miscellaneous

**TRE 13 Reporting period.** The provisions of Minn. Stat. §§ 345.32 (a) (4) and (5) and (b) (4) are effective as of July 1, 1977. Unless such sections are satisfied subsequent to said date the property shall be reportable to the State Treasurer.

**TRE 14 Receipt of statement.** For purposes of Minn. Stat. §§ 345.32 (a) (4) and (b) (4), a tax report or regular statement of deposit shall be deemed to be "the statement" referred to in said sections.

**TRE 15 Negative property report.** A person who has no property which is reportable pursuant to the Uniform Disposition of Unclaimed Property Act shall report that fact if so requested in writing by the State Treasurer.

# OFFICIAL NOTICES

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December 22, 1977

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, when, in preparing to propose rules, an agency seeks to obtain information or opinion from sources outside of the agency, a notice of intent to solicit such information or opinion is published in the *State Register* and interested persons are afforded an opportunity to submit data and views on the subject.

The *State Register* also contains any other official notice requested to be published by an agency, pursuant to Laws of 1977, ch. 305 § 3.

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## Department of Personnel

### Notice of Intent to Solicit Outside Opinions on Rules Governing the Taking of Official Action by State Employees in Matters Involving Businesses in Which They Have an Interest

Notice is hereby given that the Department of Personnel is drafting rules amending the code of ethics for employees in the executive branch of the State of Minnesota. The rules governing a code of ethics are authorized by Minn. Stat. § 43.05 subd. 2 (13) 1976. It is the intent of these new rules to define significant financial interest in outside businesses, and to specify the conditions when employees should not be involved in official actions involving businesses in which they have a significant financial interest.

The department invites all interested persons or groups to provide information or comment on the above subject in writing to:

Richard R. Cottrell  
Department of Personnel  
Third Floor Space Center  
444 Lafayette Road  
St. Paul, MN 55101

All statements of information or comment must be received by March 31, 1978. Any written material received by the department on or before this date will become part of the hearing record.

## Ethical Practices Board

The Ethical Practices Board answered the request for an advisory opinion (published 11/11/77 in the *State Register*) from Gene Lourey with the following letter in lieu of an advisory opinion:

Gene Lourey  
Star Route Box 100  
Kerrick, Minnesota 55756

Dear Mr. Lourey,

As you are probably aware, the U.S. Federal District Court in St. Paul recently declared certain sections of the Minnesota Ethics in Government Act unconstitutional. As a result, your request for an advisory opinion from the Board cannot now be answered. Your request involves sections of the law which are now unconstitutional. The Board, however, would entertain an advisory opinion at a later date after the legislature has amended the chapter to make it constitutional. Currently, in the statute, there are no contribution limitations or expenditure limitations, however, the Board has by resolution requested candidates during 1978 to abide by the spirit of the old contribution and expenditure limitations until such time as the legislature amends the law.

If after reviewing my letter, you should have any questions, please feel free to contact me.

Sincerely yours,  
B. Allen Clutter, Executive Director

## Advisory Opinion #41

Approved by the Ethical Practices Board on February 3, 1978

Issued to:

Ms. Ethel Schaen  
Advocate for the Blind  
1745 University Avenue  
St. Paul, Minnesota 55104

### SUMMARY

41. A lobbyist is not required to disclose salary payments paid to a substitute worker for the lobbyist.

The full text of the opinion is available upon request from the office of the

Ethical Practices Board  
41 State Office Building  
St. Paul, Minnesota 55155  
612-296-5148

**Public Service Commission  
Minimum Truck Grain Rates Increased**

By order served January 31, 1978, the Minnesota Public Service Commission adopted, except for certain typographical corrections, the report of the hearing examiner in the matter of the complaint-petition of the Minnesota Permit

Truckers Association for the investigation and order by the commission relating to rates for grain and general commodity products, Docket No. T-9000/GR-77-214, increasing minimum truck grain rates by 8% to 13% through 200 miles. An increase in current minimum charge per shipment from \$5.25 to \$6.00 was also approved. Effective date for the prescribed minimum rates is February 20, 1978. For further information, call 612/296-2349.

STATE OF MINNESOTA  
OFFICE OF THE STATE REGISTER

95 Sherburne, Suite 203  
St. Paul, Minnesota 55103  
(612) 296-8239

## ORDER FORM

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St. Paul, Minnesota 55155

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