

DATE: November 25, 2014

TO:

Governor Mark Dayton
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20 W. 12th Street
St. Paul, Minnesota 55155

Michele Timmons, Revisor
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Senator Katie Sieben, Chair
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Representative Steve Simon, Chair
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Mr. Greg Hubinger, Director
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FROM: Gary Goldsmith, Executive Director

SUBJECT: Obsolete rules report pursuant to Minnesota Statutes section 14.05, subdivision 5.

Pursuant to Minnesota Statutes section 14.05, subdivision 5, the Campaign Finance and Public Disclosure Board hereby informs you that the following rules are obsolete, unnecessary, or duplicative.

1. Minnesota Rules 4501.0500, subpart 2(A) is unnecessary because the Board has concluded that the rule imposes a filing requirement more stringent than that imposed by statute.
2. Minnesota Rules 4503.0200, subpart 6, which requires depositories for political committees, is a redundant and overly broad restatement of the requirements found in Minnesota Statutes sections 10A.14 and 10A.15.
3. Minnesota Rules 4503.0500, subpart 8, which requires the use of an automobile to be classified as either an expenditure to be reimbursed or an in-kind contribution, is obsolete because of the provisions of Minnesota Statutes section 10A.01, subdivision 9.

4. Minnesota Rules 4503.1400, subpart 8, contains filing deadlines for the submission of affidavits of contributions for special elections that have been rendered obsolete by the provisions of Minnesota Statutes section 10A.323.
5. Minnesota Rules 4503.1450, subpart 3, which regulates notification given to candidates of the general account portion of the public subsidy payment, has been rendered obsolete because of changes in Minnesota Statutes section 10A.321.
6. Minnesota Rules 4503.1700, which requires reporting of certain contributions to the Board within 48 hours, is obsolete because of an amendment to the filing period and method found in Minnesota Statutes section 10A.20, subdivision 5.
7. Minnesota Rules 4512.0100, subparts 2 and 4, which define the terms “individual services” and “field of specialty” as they relate to plaques given as gifts, are obsolete because of amendments to Minnesota Statutes section 10A.071, subdivision 3 (a) (4).
8. Minnesota 4503.1500, subpart 2, which provides that the unpaid year-end balance of a loan may not exceed the contribution limit, contradicts the contribution limits in Minnesota Statutes section 10A.27, subdivision 8.
9. References in the rules to the threshold at which itemization of a contribution or an expenditure is required must be changed from \$100 to \$200 because the legislature increased this threshold in Chapter 10A.
10. References to election year contribution and expenditure limits must be changed to election cycle or election segment limits due to a statutory terminology change.

The rules in items one through seven were identified in last year’s obsolete rules report. The Board planned to repeal these rules as part of a regular rulemaking proceeding. In 2014, however, the legislature directed the Board to promulgate expedited rules related to investigations and complaints. Because the Board did not have the resources to pursue both an expedited rulemaking and a regular rulemaking, the regular rulemaking was postponed.

The expedited rulemaking now is finished and the Board plans to pursue a regular rulemaking that would include the repeal or amendment of the obsolete provisions. In addition, the Board plans to ask the legislature to repeal Minnesota Rules 4503.1500, subpart 2, as part of its legislative recommendations. Therefore, the Board **does not** request that any of the rules identified in this report be included in the Revisor of Statutes bill on obsolete rules.

Cc: Legislative Reference Library