

- (3) the expiration dates of the leases;
- (4) the historical significance of the boathouses;
- (5) recommendations on the inclusion of the land described in paragraph (d) within the park boundary; and
- (6) any other relevant information on the leases.

(d) The commissioner of natural resources shall contact U.S.X. Corporation and local units of government regarding the inclusion of the following lands within Soudan underground mine state park:

(1) all lands located South of Vermillion Lake shoreline in Section 13, Township 62 North, Range 15 West;

(2) all lands located South of Vermillion Lake shoreline in the S1/2-SE1/4 of Section 14, Township 62 North, Range 15 West;

(3) NE1/4-SE1/4 and E1/2-NE1/4 of Section 22, Township 62 North, Range 15 West;

(4) all lands located South of Vermillion Lake shoreline in Section 23, Township 62 North, Range 15 West;

(5) all of Section 24, Township 62 North, Range 15 West;

(6) all lands North of trunk highway No. 169 located in Section 25, Township 62 North, Range 15 West;

(7) all lands North of trunk highway No. 169 located in Section 26, Township 62 North, Range 15 West;

(8) NE1/4-SE1/4 and SE1/4-NE1/4 of Section 27, Township 62 North, Range 15 West; and

(9) NW1/4 of Section 19, Township 62 North, Range 14 West.

Presented to the governor May 11, 2000

Signed by the governor May 15, 2000, 10:46 a.m.

#### CHAPTER 487—S.F.No. 1048

*An act relating to utilities; regulating ex parte communications with commissioners; amending Minnesota Statutes 1998, section 216A.037.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1998, section 216A.037, is amended to read:

**New language is indicated by underline, deletions by ~~strikeout~~.**

**216A.037 RULES; EX PARTE COMMUNICATIONS; CODE OF CONDUCT; RULES.**

Subdivision 1. **EX PARTE COMMUNICATIONS PROHIBITIONS; RULES.** (a) The commission shall adopt rules under chapter 14 prescribing permissible and impermissible ex parte communications. The ex parte rules may prohibit only ex parte communications by commission members with a party, directly or indirectly, between a commissioner and a participant under the commission's rules of practice and procedure relating to:

- (1) a material issue during a pending contested case proceeding;
- (2) a material issue in a rulemaking proceeding after the beginning of commission deliberations;
- (3) a material issue in a disputed formal petition; and
- (4) any other communication impermissible by law.

(b) The commission may apply ex parte prohibitions, prospectively and after notice to affected parties, to other commission proceedings as the commission deems necessary.

(c) A contested case is pending from the time the commission refers the matter to the office of administrative hearings until the commission has issued its final order, and the time to petition for reconsideration has expired or the commission has issued an order finally disposing an application for reconsideration, whichever is later.

Subd. 2. **CONFLICT-OF-INTEREST COMMUNICATIONS PROHIBITED.** A commissioner shall not communicate, directly or indirectly, with a person or entity who is a party to a pending proceeding before the commission regarding past or future benefits or compensation to be received from that person or entity. The commission may dismiss a proceeding if an applicant, petitioner, or complainant violates this subdivision.

Subd. 3. **CODE OF CONDUCT RULES.** Except as limited by subdivision 1, the commission shall adopt rules prescribing a code of conduct for commissioners and employees of the commission. The code of conduct must include standards to preserve the quasi-judicial function of the commission.

Subd. 4. **COMPLAINT PROCEDURE; HEARING; SANCTIONS.** (a) Any person seeking sanctions for alleged violations of the rules adopted under this section may file a complaint with the commission.

(b) A complaint seeking sanctions must include the following information: the name and address of the complainant; the name and address of complainant's counsel, if any; the name and address of each person alleged to have violated the ex parte prohibition (respondents); the name and address of each respondent's counsel, if known; the facts constituting the alleged violation; and the sanctions sought by the complainant.

New language is indicated by underline, deletions by ~~strikeout~~.

(c) A complaint filed under this section must be filed with the commission and mailed to each respondent, the department, the office of the attorney general, and all persons on the commission's service list for the proceeding.

(d) Within seven days of service of the complaint, a respondent shall file an answer with the commission and serve it on the complainant, the department, the office of the attorney general, and all persons on the commission's service list for the proceeding.

(e) The commission shall refer the complaint and any reply to the office of administrative hearings.

(f) The administrative law judge assigned to the ex parte complaint proceeding by the office of administrative hearings shall conduct a hearing investigation and shall issue a report within 30 days after the matter is referred. If the administrative law judge determines that the report cannot be properly completed within that time period, the judge shall report that fact to the commission within the 30-day period and shall file a final report within a reasonable time thereafter, no later than 60 days after the referral to the office of administrative hearings.

(g) The report of the administrative law judge shall describe the relevant facts of the case and shall set forth the judge's findings as to whether ex parte violations occurred. The findings and decisions of the judge as to whether ex parte violations have occurred are binding on the commission. The judge shall also discuss and make recommendations regarding the imposition of sanctions in accordance with paragraph (h). The judge shall include in the report a discussion of the recusal of any commissioner or the removal of decision-making personnel from this case.

(h) In the report under paragraph (g), the administrative law judge may only recommend that the commission impose one of the following sanctions if the judge finds that the condition specified for the sanction is met:

(1) dismiss the proceeding if the prohibited ex parte communication has so prejudiced the proceeding that the commission cannot consider it impartially;

(2) issue an adverse ruling on a pending issue that is the subject of the prohibited ex parte communication if other parties are prejudiced by the prohibited ex parte communication;

(3) strike evidence or pleadings if the evidence or pleadings are tainted by the prohibited ex parte communication; or

(4) issue a public statement of censure, if the prohibited ex parte communication is determined to be part of a continuing pattern of improper ex parte communication or if the prohibited ex parte violation consists of a single prohibited communication and mitigating circumstances exist that:

(i) negate the need for a more severe sanction;

(ii) do not prejudice the proceeding to the extent that the commission is unable to consider it impartially;

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(iii) do not prejudice other parties; or

(iv) do not taint the evidence or pleadings.

(i) If the administrative law judge finds the complainant's allegation of an ex parte violation was interposed for any improper purpose, such as to harass or cause unnecessary delay or needless increase in the cost of the proceeding, the judge may recommend that the commission issue an appropriate sanction against the complainant.

Presented to the governor May 11, 2000

Signed by the governor May 15, 2000, 10:46 a.m.

#### CHAPTER 488—H.F.No. 2699

*An act relating to state government; appropriating money for jobs and economic development, environment, natural resources, agriculture, criminal justice, state government, health, and human services; modifying term limit provisions for the rehabilitation advisory council for the blind; modifying a match requirement for the Judy Garland museum; exempting certain individuals from certain unemployment insurance additional benefits requirements; authorizing certain school food service workers to use wage credits earned for benefit purposes; exempting the jobs skills partnership board from certain state contracting requirements; modifying certain fees; providing for the expiration of securities filings; providing for a refund of certain excess securities fees; authorizing the rural policy and development center board to appoint additional members; authorizing the job skills partnership board to make certain grants; authorizing the Minnesota state colleges and universities board to make certain investments; increasing certain penalties; providing certain rights to next of kin of a deceased employee; extending the expiration date of the legislative electric energy task force; modifying provisions relating to renewable energy incentive payments; setting a goal for the department of economic security; increasing grant limits; modifying unemployment benefit eligibility; modifying a dislocated worker grant provision; codifying electrical inspection fee provisions; extending sunset date for board of boxing; transferring boxing regulation to the board of health; authorizing a study; modifying unclaimed property provisions; extending the time a grant is available; canceling certain appropriations; reducing appropriations to the department of commerce; modifying agricultural licensing fees; changing certain agricultural chemical reimbursement and ethanol producer payment provisions; modifying provisions relating to rural finance authority; creating the agroforestry loan program; creating certain recreation areas; modifying natural resources funding formulas; modifying state trail and park provisions; modifying drainage authority funding sources; modifying storage tank provisions; modifying certain resource recovery facility provisions; modifying provisions relating to state land transfers; creating an agricultural land set-aside program; increasing criminal penalty fines; requiring a study on issues related to providing shelter for victims of domestic violence; authorizing local road authorities to provide by ordinance for designation of pedestrian safety crossings on highways under certain circumstances; establishing a capitol complex oversight committee consisting of legislative and executive agency members to plan and oversee security in the capitol complex area; requiring the Minnesota safety council to enhance its crosswalk safety awareness program; authorizing the council to make grants to local units of government for enhancing enforcement of pedestrian safety laws; establishing a joint domestic abuse prosecution unit to be administered*

New language is indicated by underline, deletions by ~~strikeout~~.