

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

WWOB-1(i) is amended as follows:

Schedule of Fees:

(1) Fees for certification shall be as follows:

Application for examination	~~$ 5.00~~	15.00
Issuance of certificate	~~5.00~~	15.00
Re-examination resulting from failure to pass an examination	~~5.00~~	15.00
Renewal of certificate	~~5.00~~	15.00
Reinstatement or reciprocity certificate	~~10.00~~	20.00

(2) Fees from applicants who are rejected for examination will be returned to them.

Fees from those failing to pass an examination will not be returned.

(3) Where fees are paid by check or money order they shall be made payable to the State Treasurer, State of Minnesota, and submitted to the Department in the case of the water supply system operators or the Agency in the case of wastewater treatment facility operators.

APPROVED AS TO FORM AND LEGALITY
MAR 20 1978 19
WARREN SPANNAUS, ATTORNEY GENERAL
By /s/ Michael B. Mills
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAR 20 1978
Joan Anderson Growe
Secretary of State

12:30 P.M.

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

RECEIVED
JAN 27 1978
OFFICE OF HEARING
EXAMINERS

FOR THE MINNESOTA COMMISSIONER OF HEALTH

In the Matter of Proposed Amendments to Rules Relating to Fees for Water and Wastewater Treatment Plant Operators	REPORT OF THE CHIEF HEARING EXAMINER

WHEREAS, a hearing was held on October 31, 1977 before Steve M. Mihalchik, a Hearing Examiner of the State Office of Hearing Examiners, on the above-entitled matter in compliance with Minn. Stat. §15.0412 subd. 4; and

WHEREAS, the Report of Hearing Examiner made pursuant to Minn. Stat. §15.052 subd. 3 was issued to the Water and Wastewater Operators Certification Council, hereafter Council, on December 6, 1977; and

WHEREAS, the Council has now determined to adopt rules pursuant to Minn. Stat. §15.0412 subd. 4; and

WHEREAS, the Council has submitted said rules to the Chief Hearing Examiner for review pursuant to Minn. Stat. §15.052 subd. 4 and Rule HE 107;

WHEREAS, the Chief Hearing Examiner finds that there are no substantial changes in said rules as originally proposed;

NOW, THEREFORE, upon receipt of this Report, the Council has the responsibility of submitting the complete hearing record and the rules as adopted by him to the Attorney General and to publish in the State Register, all pursuant to Minn. Stat. §15.0412 subd. 4.

Dated this 27th day of January, 1978.

/S/ Duane R. Harves

DUANE R. HARVES
Chief Hearing Examiner

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA

COMMISSIONER OF HEALTH

In the Matter of Proposed *
Amendments to Rules *
Relating to Fees for Water*
and Wastewater Treatment *
Plant Operators *

STATEMENT OF COMPLIANCE
WITH MANUAL OF
RULE MAKING PROCEDURES

I, Special Assistant Attorney General William G. Miller, do hereby declare that I have examined the above-referenced rules and all related documents thereto, and that, based upon them and my personal familiarity with the applicable procedures, the Manual of Rule Making Procedures and the provisions of the Administrative Procedure Act related thereto have been followed.

Dated: 1-26-84

WILLIAM G. MILLER
Special Assistant
Attorney General

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA WATER AND WASTEWATER OPERATORS CERTIFICATION COUNCIL

In the Matter of Proposed Amendments to Rules Relating to Fees for Certification of Water and Wastewater Treatment Plant Operators

CERTIFICATE OF RESOLUTION

I, Paul B. Johnson, Secretary of the Minnesota Water and Wastewater Operators Certification Council, hereafter the Council, first being duly sworn on oath, hereby certify that the following resolution was passed by unanimous vote of the Council at its duly constituted meeting of January 10, 1978, at which a quorum was present:

> WHEREAS persons subject to payment of fees imposed in WWOB-1 will be required to pay such fees at various times during the months of March and April of 1978,
>
> WHEREAS the imposition of increased fees at some time during those months would create much confusion as to which set of fees applies among those charged with payment of such fees,
>
> WHEREAS the adoption of a fixed date of effectiveness at some time after the month of April, 1978 would eliminate such confusion,
>
> THEREFORE, BE IT RESOLVED that the amendments to Minnesota Rule WWOB-1 relating to increased fees, which were considered at a public hearing held on the 31st day of October, 1977, are found to be reasonable, necessary, and supported by the evidence contained in the record, and are hereby adopted to take effect on June 1, 1978 pursuant to authority vested in the Council by Minn. Stats. § 115.77 Subd. 1 (1977), and that the Report of the Hearing Examiner relating to this matter be and hereby is expressly adopted by the Council as its own.
>
> BE IT FURTHER RESOLVED, that Paul B. Johnson, Secretary of the Council, is hereby authorized to sign all documents relating to the adoption of these amendments.

STATE OF MINNESOTA

WATER AND WASTEWATER OPERATORS CERTIFICATION COUNCIL

Paul B. Johnson

PAUL B. JOHNSON, SECRETARY

Subscribed and sworn before me

this 20th day of January, 1978.

Christine Grinsteinner

CHRISTINE GRINSTEINNER
Notary Public, Dakota Co., Minn.
My Commission Expires
Dec. 5, 1981

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA WATER AND WASTEWATER OPERATORS CERTIFICATION COUNCIL

In the Matter of Proposed Amendments to Rules Relating to Fees for Certification of Water and Wastewater Treatment Plant Operators *

FINDINGS AND CONCLUSIONS

The above-entitled matter came on for hearing before the Council on the 31st day of October, 1977 at 9:00 a.m. in the Board Room of the Minnesota Department of Health building, after proper notice as required by Minn. Stats. § 15.0412 Subd. 4 (1976) had been served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards and criteria, and having confirmed the need for the above-captioned amendments, the Council hereby adopts as its own the Findings and Conclusions contained in the report submitted by the Hearing Examiner on December 6, 1977, a copy of which is attached heretc and made a part hereof.

The Council further finds that although no effective date was included in the proposed amendment as published and as heard, it would be desirable at this time to specify a date on which the amendment will go into effect. This finding is based on the following facts:

The variable times prescribed in the statutes and rules for pre-adoption review of rules by the chief hearing examiner and the attorney general, for filing with the secretary of state, and for subsequent publication in the state register preclude an agency from being able to predict exactly when a rule will go into effect. For example, in the case at hand, if the proposed fee increase is submitted for final, extra-agency review on January 23, 1978 and thereafter is allowed to go into effect of its own accord, the fee increase could go into effect as early as February 27, 1978. But if every step takes the maximum permissible amount of time, the increase could go into effect

as late as March 20, 1978. Each agency involved with administering the certification program (Minnesota Department of Health and Minnesota Pollution Control Agency) holds a number of training schools which are followed by examinations during the spring of each year. The prescribed fee must accompany each application for examination. If the administrative procedures act and rules are allowed to take their course and no effective date is specified, neither the two agencies involved nor those who will be paying examination fees during the months of March and April will know which set of fees will apply until the new fees have actually gone into effect. If the new fees went into effect at the end of March, those who might be required to pay higher fees in April might argue that they were treated unequally and that they did not have adequate notice of the fact that new fees had gone into effect. It would be preferable for both the agencies involved and for those who apply to take the examination if a single set of fees were to apply to all the applicants who take examinations in March and April. This can be assured if the increased fees are made to take effect at some time after all the examinations have been given and the fees therefor have been collected.

If an effective date is imposed at some date after the majority of examination fees have been collected, no one will be harmed. It is unlikely that applicants for examination will complain that they were made to pay a lower fee. No applicants will be able to complain of inequality of treatment and all will have had adequate notice of the increases long before they do go into effect. Since fairness, predictability and equality of treatment will be promoted, and since no one will be harmed if an effective date is fixed at some time in the future, the imposition of such a date should be upheld. For the same reasons, the imposition of such a date should not be viewed as being a substantial change which would require a re-opening of the hearing record. A fair consideration of all the above factors leads the Council to find that the amendment to WWOB-1 regarding increased fees should be made to take effect on June 1, 1978.

STATE OF MINNESOTA

WATER AND WASTEWATER OPERATORS CERTIFICATION COUNCIL

DATED: January 30, 1978

BY: Paul B. Johnson

PAUL B. JOHNSON, SECRETARY

STATE OF MINNESOTA

COUNTY OF HENNEPIN

BEFORE THE MINNESOTA WATER AND WASTEWATER OPERATORS CERTIFICATION COUNCIL

In the Matter of Proposed Amendments to Rules Relating to Fees for Certification of Water and Wastewater Treatment Plant Operators *

ORDER ADOPTING AMENDMENTS

The above-entitled matter came on for hearing before the Council on the 31st day of October, 1977 at 9:00 a.m. in the Board Room of the Minnesota Department of Health building, after proper notice as required by Minn. Stats. § 15.0412 Subd. 4 (1976) had been served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards and criteria, and having confirmed the need for the above-captioned amendments,

NOW, THEREFORE, IT IS ORDERED that Minnesota Rule WWOB-1(i) be amended to read as follows:

"Schedule of Fees:

(1) Fees for certification shall be as follows:

Application for examination	$15.00
Issuance of certificate	$15.00
Re-examination resulting from failure to pass an examination	$15.00
Renewal of certificate	$15.00
Reinstatement or reciprocity certificate	$20.00

(2) Fees from applicants who are rejected for examination will be returned to them.

Fees from those failing to pass an examination will not be returned.

(3) Where fees are paid by check or money order they shall be made payable to the State Treasurer, State of Minnesota, and submitted to the Department in the case of the water supply system operators or the Agency in the case of wastewater treatment facility operators. The above-stated fees shall be effective on June 1, 1978."

this 20th day of January, 1978, pursuant to authority vested in me by the Council.

STATE OF MINNESOTA

WATER AND WASTEWATER OPERATORS
CERTIFICATION COUNCIL

Paul B. Johnson

PAUL B. JOHNSON, SECRETARY

ADOPTED

WWOB-1(i) is amended as follows:

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(1) Fees for certification shall be as follows:

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