

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 728

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 9/11/81
DATE FOR REVIEW _____
DATE DUE 9/18

Adopted w/a hearing _____
Adopted w/o a hearing _____
Temporary rule X

Approved X Disapproved _____ Returned to Agency 9/18

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State 9/18 REVISOR

✓ Rule as Adopted

✓ Rule as Proposed see SR.

✓ Order Adopting 8.7.81

N/A Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking
N/A Date of Hearing

NA Certificate of Board's Authorizing Resolution

___ Notice of rulemaking
_____ Sufficiency

___ Affidavit of Mailing Notice or rulemaking
_____ At least 30 days prior to hearing/adoption

___ Mailing list Certificate

✓ Publication in State Register
8.23.81 At least ~~30~~/20 days prior to ~~hearing~~/adoption

NA Hearing Examiner's Report

___ Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

✓ Agency's Findings of Fact

NA LCRAR Report or agency Affidavit

___ Certificate of Board's Resolution Adopting Rules

___ Order Approving Incorporation by Reference

___ Statement of Need and Reasonableness

___ Petition for Adoption of a Rule

___ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

NA Affidavit of Mailing Notice of Submission to Attorney General

___ Notice of Submission to the Attorney General

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : MARK MASON
Director, Minnesota Energy Agency

DATE: September 18, 1981

ATTN : James Lackner
Special Assistant Attorney General

FROM : for H. Theodore Grindal HTG
Special Assistant
Attorney General

PHONE: 296-1288

SUBJECT: In the Matter of the Proposed Adoption of Rules of the State Energy Agency Governing Solar Collector Certification.

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register; this must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State to the last page of the rules;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages to the rules in the approved set.

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

HTG/cae

Enc.

cc: Kathy Burek
Duane Harves

RECEIVED
SEP 11 1981
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

STATE OF MINNESOTA
OFFICE OF THE ATTORNEY GENERAL
ST. PAUL 55155

WARREN SPANNAUS
ATTORNEY GENERAL

ADDRESS REPLY TO:
720 AMERICAN CENTER BLDG.
150 EAST KELLOGG BOULEVARD
ST. PAUL, MN 55101
TELEPHONE: (612) 296-6030

September 10, 1981

Special Assistant Attorneys General
Department of Administration
G-25 Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155

Re: Proposed Temporary Rule Governing
Certification of Solar Collectors to
Qualify Renewable Energy Source Expenditures
for the Minnesota Individual Income Tax
Residential Energy Credit

TO WHOM IT MAY CONCERN:

Enclosed for your approval is the proposed temporary rule of the Minnesota Energy Agency in the above-captioned matter. The temporary rule as adopted has not been changed from the rule initially proposed. The rule was noticed in the February 23, 1981, State Register. Due to anticipated changes in federal law which did not occur the adoption of this rule was held up until this time. If you have any questions, feel free to call me.

Very truly yours,

JAMES E. LACKNER
Special Assistant
Attorney General

JEL:cl
Enclosure

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ENERGY AGENCY

ALTERNATIVE ENERGY DEVELOPMENT DIVISION

Proposed Temporary Rule Governing Certification of Solar Collectors to Qualify Renewable Energy Source Expenditures for the Minnesota Individual Income Tax Residential Energy Credit

Rules as Adopted

6 MCAR § 2.1500 Solar Collector Certification.

Any solar collector included in a renewable energy source expenditure after December 31, 1980, shall be deemed certified by the Minnesota Energy Agency for purposes of Minn. Stat. § 290.06, subd. 14 (1980), so long as the expenditure qualifies for the federal renewable energy source residential credit of Section 44C of the Internal Revenue Code of 1954 (26 U.S.C. § 44C), as amended through December 31, 1978, and any regulation promulgated pursuant thereto.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:
Ann L. Bateson
by BLM

OFFICE OF THE REVISOR OF STATUTES

Certificate of Approval of Adopted Rules

Agency: Minnesota Energy Agency

Rule Numbers: 6 MCAR S 2.1500

Rule Title: Adopted Rule Governing Certification of Solar Collectors to Qualify Renewable Energy Source Expenditures for the Minnesota Individual Income Tax Residential Energy Credit

Type of Rules: Permanent_____

Temporary X

Documents Incorporated by Reference:

None

The attached Rules are approved as to form.

Steven C. Cross
Revisor of Statutes

APPROVED AS TO LEGALITY
Sept 18 1981
WARREN SPANNAUS, ATTORNEY GENERAL
BY H Theodore Trendel
SPECIAL ASSISTANT ATTORNEY GENERAL

Name: Ann L. Bateson
Ann L. Bateson

Title: Deputy Revisor

Phone: 296-1536

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
SEP 18 1981
Joan Anderson Growe
Secretary of State

2:15 p.m.

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STATE OF MINNESOTA

ENERGY AGENCY

In the Matter of the Proposed Adoption of Rules of the State Energy Agency Governing Solar Collector Certification

ORDER ADOPTING TEMPORARY RULES

The above-entitled matter was published in the State Register on February 23, 1981, as a proposed temporary rule pursuant to Minnesota Statutes section 15.0412, subdivision 5. After affording interested and affected persons an opportunity to submit written data and views within 20 days of the publication date, reviewing and considering the data and views, and determining that the above-captioned rules are needed and reasonable,

NOW, THEREFORE, IT IS ORDERED that these rules identified as 6 MCAR section 2.1500 Solar Collector Certification, are adopted this 7th day of August, 1981, pursuant to authority vested in me by Minnesota Statutes section 296.06, subdivision 14 (1979), as amended in Minnesota Laws 1980, Chapter 607, Article I, Section 7.

STATE OF MINNESOTA

MARK MASON
DIRECTOR, MINNESOTA ENERGY AGENCY

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STATE OF MINNESOTA

MINNESOTA ENERGY AGENCY

In the Matter of the Proposed Adoption of A Temporary Rule of the Minnesota Energy Agency Governing Certification of Solar Collectors to Qualify Renewable Energy Source Expenditures for the Minnesota Individual Income Tax Residential Energy Credit, 6 MCAR § 2.1500

ORDER FOR PUBLICATION OF TEMPORARY RULE

IT IS ORDERED this 6th day of February, 1981, that the proposed temporary rule in the above entitled matter be published in the State Register.

MINNESOTA ENERGY AGENCY

MARK MASON
Director

teams in each sport, (e) the number of coaches assigned each sport, (f) the number of students by sex participating in each sport, (g) the dollar expenditure per sport and, (h) the total unduplicated count of student participation in the athletic program by sex.

5 MCAR § 1.0672 Duties of the Commissioner of Education. Upon receipt of an educational institution's athletic program report, the Commissioner of Education shall:

A. Evaluate the data contained in the report.

B. Forward reports requiring additional attention to the Commissioner of Human Rights, pursuant to Minn. Stat. § 124.15, subd. 2a.

Energy Agency
Alternative Energy Development Division

Proposed Temporary Rule Governing Certification of Solar Collectors to Qualify Renewable Energy Source Expenditures for the Minnesota Individual Income Tax Residential Energy Credit

Temporary Rule as Proposed

6 MCAR § 2.1500 Solar collector certification. Any solar collector included in a renewable energy source expenditure after December 31, 1980, shall be deemed certified by the Minnesota Energy Agency for purposes of Minn. Stat. § 290.06, subd. 14 (1980), so long as the expenditure qualifies for the federal renewable energy source residential credit of Section 44C of the Internal Revenue Code of 1954 (26 U.S.C. § 44C), as amended through December 31, 1978, and any regulation promulgated pursuant thereto. **[A Request for Public Comment on this proposed temporary rule appears in this issue, at page 1305.]**

Department of Public Welfare
Mental Health Bureau

Proposed Temporary Rule Governing Approval of Mental Health Centers and Clinics for Insurance Reimbursement

Request for Public Comment

Notice is hereby given that the Department of Public Welfare has proposed the following temporary rule for the purpose of implementing the provisions of Laws of Minnesota, 1980, Chapter 506, standards for approval of mental health agencies for insurance reimbursement; as authorized by Minn. Stat. § 15.0412, subd. 5 (1977), pending completion of a full hearing and adoption of a permanent rule.

All interested persons are hereby afforded the opportunity to submit their comments on the proposed rule for 20 days immediately following publication of this material in the State Register by writing to Trudy Dunham, Insurance Reimbursement Specialist, Mental Health Bureau, Department of Public Welfare, 4th Floor, Centennial Office Building, Saint Paul, Minnesota 55155. The temporary rule may be revised on the basis of comments received. Any written material received shall become part of the record in the final adoption of the temporary rule.

Arthur E. Noot
Commissioner of Public Welfare

Temporary Rule as Proposed (all new material)

DPW Temporary Rule 29

A. Statutory Citation

B. Purpose

C. Applicability

D. Definitions

E. Minimum Standards

1. Treatment

2. Quality Assurance

3. Staffing

(5) appeal documents;

(6) reports of agency changes in policy, staff and/or services;

(7) other related correspondence.

i. The commissioner may accept as documentation for a specific standard, evidence of licensure or accreditation through another regulating body when the required minimum standards are the same as or higher than that of a specific provision of the rule.

4. Appeals. If a mental health center or clinic is disapproved, a contested case hearing and judicial review may be requested by an applicant organization as provided in Minn. Stat. §§ 15.0418-15.0425. A mental health center or clinic which is disapproved, or whose approval is withdrawn due to noncompliance, may reapply with a new formal application not sooner than ninety (90) days after notification of disapproval.

G. Application fee. An application fee, not to exceed $1,000, shall be established by the commissioner. The fee shall be based on the estimated cost of the application procedure and number of applicants; it shall be revised periodically as the commissioner deems necessary to ensure related expenditures are not in excess of fees collected.

H. Duration of approval.

1. Initial approval by the commissioner shall be valid for twelve (12) months from the effective date. Subsequent approvals may be valid for up to twenty-four (24) months. If an approved mental health center or clinic has met the conditions of this rule, including reapplication when required, its status as an approved mental health center or clinic shall continue in effect pending department processing of the reapplication.

2. The approval shall be issued only for the location(s) and mental health center or clinic named in the application, and shall not be transferable or assignable to another location or center or clinic.

3. Changes in mental health center or clinic staffing, treatment or quality assurance procedures that may effect the ability of the center or clinic to comply with the minimum standards of this rule shall be reported in writing to the commissioner within two weeks of occurrence. Review of the change shall be conducted within two weeks of notification. Organizations with changes resulting in deficiencies in minimum standards for approval shall be notified, and may have up to six months to correct deficiencies before losing approval status. Interim procedures to resolve the deficiency on a temporary basis shall be developed and submitted in writing to the commissioner for his approval. Nonreporting of change that results in deficiency, failure to develop an approved interim procedure, or nonresolution of the deficiency within six months, shall result in loss of approved status.

Energy Agency
Alternative Energy Development Division

Proposed Temporary Rule Governing Certification of Solar Collectors to Qualify Renewable Energy Source Expenditures for the Minnesota Individual Income Tax Residential Energy Credit

Request for Public Comment

The Minnesota Energy Agency proposes to adopt a temporary rule for the certification of solar collectors for income tax credit, pursuant to Minn. Stat. § 290.06, subd. 14 (1980). The proposed temporary rule provides that, until the agency promulgates permanent rules for the certification of solar collectors, solar collector expenditures which qualify for the federal renewable energy source residential tax credit shall be deemed certified by the agency for purposes of the Minnesota tax credit. Written comment, data and views will be accepted through March 16, 1981, and should be directed to John R. Dunlop, Manager, State Solar Office, Minnesota Energy Agency, 980 American Center Building, 150 East Kellogg Boulevard, Saint Paul MN 55101. The proposed temporary rule may be modified if the modifications are supported by the data and views submitted to the agency. **[The text of the above-referenced proposed temporary rule appears in this issue at S.R. 1298.]**

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.

minnesota energy agency
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1981 August 07

SOLAR COLLECTOR CERTIFICATION

TEMPORARY RULE

6 MCAR §2.1500

FINDING OF FACT AND CONCLUSION

The Director of the Minnesota Energy Agency was authorized to promulgate temporary rules for the certification of solar collectors pursuant to Minnesota Statutes §296.06, Subdivision 14 (1979), as amended in Minnesota Laws 1980, Chapter 607, Article 1, Subd. 7.

The Minnesota Energy Agency is in the process of promulgating permanent rules governing the certification of solar collectors. In accordance with the law, the formal certification procedure will include the evaluation of solar collectors based on standardized tests. It is expected that the permanent rule will not be adopted until 1982 January, and that a six month grace period will be granted to allow time to complete the required testing.

It is the intent of the state to promote use of solar energy through tax credits for solar collectors. In order to assure that solar collectors sold in Minnesota between 1981 January 01 and the effective date of the permanent rules are eligible for the state tax credit, the Energy Agency is promulgating this temporary rule. The temporary rule simply extends the criteria for qualification for the Minnesota residential tax credit that had been in effect prior to 1981, namely that the collector must qualify for the Federal Renewable Energy Source Residential Credit. Any collector meeting that criteria will be deemed certified.

The proposed temporary rule was published in the 1981 February 23 State Register. On 1981 February 24 and 1981 March 03, packets of information on solar collector certification, including the copy of the proposed temporary rule, were distributed to all persons in the solar industry that: a) had expressed to the Minnesota State Solar Office an interest in solar collector certification, or b) are listed with the Solar Office as solar dealers or others directly involved in promoting the use of solar energy.

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No written or oral comments were received during or subsequent to the comment period. In addition, the Energy Agency proposes no change to the proposed temporary rule.

The conclusion of these findings is that the proposed solar collector certification temporary rule be adopted as it appeared in the State Register on 1981 February 23.

MARK MASON
DIRECTOR, MINNESOTA ENERGY AGENCY

STATEMENT OF COMPLIANCE WITH

RULEMAKING PROCEDURES

I, Special Assistant Attorney General James E. Lackner, do hereby declare that I have examined the proposed rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

James E. Lackner

Special Assistant
Attorney General
6-0151

Dated: September 10, 1981